

DRAFT: May 6, 2025

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~~STRIKEOUT TEXT:~~ DELETE LANGUAGE

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040
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Summary: Amends Washoe County Code Chapter 110 (Development Code), Article 904 Nonconformance, to revise and clarify provisions relating to nonconforming uses of land, nonconforming uses of structures, and nonconforming structures.

BILL NO. _____

ORDINANCE NO. _____

Title:

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE), ARTICLE 904 NONCONFORMANCE, TO REVISE THE TIMEFRAME TO OBTAIN BUILDING PERMITS FOR NONCONFORMING USES OF A STRUCTURE AND NONCONFORMING STRUCTURES THAT HAVE BEEN PARTIALLY OR TOTALLY DESTROYED; AND TO CLARIFY THE REQUIREMENT FOR BRINGING A NONCONFORMING USE OF LAND OR NONCONFORMING USE OF A STRUCTURE INTO COMPLIANCE WITH CURRENT DEVELOPMENT CODE PROVISIONS; AND ALL MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

WHEREAS:

- A. This Commission desires to amend the Washoe County Development Code (Chapter 110 of the Washoe County Code) at Article 904 Nonconformance, in order to revise the required timeframe to obtain building permits for nonconforming uses of a structure and nonconforming structures that have been destroyed or partially destroyed; and to clarify requirements for bringing a nonconforming use of land or nonconforming use of a structure into compliance with the development code, as set forth in this Ordinance; and

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- B. The Washoe County Planning Commission held a duly noticed public hearing for WDCA25-0002 and initiated the proposed amendments to Washoe County Code Chapter 110, Article 904 Nonconformance, by Resolution Number 25-04 on May 6, 2025; and
- C. The amendments and this ordinance were drafted in concert with the District Attorney's Office; 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 NRS Chapter 278; and 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 110.904.10 of the Washoe County Code is hereby amended to read as follows:

Section 110.904.10 Types of Nonconformance. This article regulates the categories of nonconformance listed below in this section. If a nonconforming use falls into two (2) or more categories, it shall be subject to the regulations of each category.

- (a) Nonconforming Lot. A lot which was legal when brought into existence but does not conform to the current lot size or shape requirements of the regulatory zone where it is located. A nonconforming lot is subject to the provisions of Section 110.904.15.
- (b) Nonconforming Use of Land. A use which does not involve a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A nonconforming use of land is subject to the provisions of Section 110.904.20.
- (c) Nonconforming Use of a Structure. A use which is conducted at least partially within a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A nonconforming use of a structure is subject to the provisions of Section 110.904.25.
- (d) Nonconforming Structure. A building or structure which was legal when brought into existence but does not conform to the current height, setback or coverage requirements of the regulatory zone where it is located. A nonconforming structure is subject to the provisions of Section 110.904.30.

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- (e) Nonconforming Development. A development which was legal when brought into existence but does not conform to the current parking, loading, or landscaping requirements of the ~~regulatory zone~~ **property** where it is located. A nonconforming development is subject to the provisions of Section 110.904.35.

SECTION 2. Section 110.904.25 of the Washoe County Code is hereby amended to read as follows:

Section 110.904.25 Nonconforming Use of a Structure. The nonconforming use of a structure shall be subject to the provisions of ~~theis~~ section.

- (a) Continuation. A nonconforming use of a structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (1) A structure devoted to a nonconforming use shall not be enlarged more than ten (10) percent, extended, constructed, reconstructed, moved or structurally altered;
 - (2) Any structure in which a nonconforming use is superseded by an allowed use shall thereafter conform to the regulations for the regulatory zone in which such structure is located, and the nonconforming use may not thereafter be resumed;
 - (3) Any nonconforming use may be extended throughout such parts of a structure as were manifestly arranged or designed for such use at the time of adoption of this article, but no such use shall be extended to occupy any land outside such structure;
 - (4) **Except as otherwise provided in subsection (5) below, W**hen a nonconforming use of a structure is discontinued or abandoned for twelve (12) consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the regulatory zone in which it is located; and
 - (5) When a nonconforming **use of a structure is occurring in a structure that** has been partially or totally destroyed, the nonconforming use **will not lapse and** ~~of~~ the structure may be rebuilt, provided **that** a building permit **to replace the structure** is acquired within ~~six (6)~~ **twenty-four (24)** months of the damaging event.
- (b) Adding New Structures. When a nonconforming use exists in any structure, no new use or structure shall be established or built on the lot where the structure is located unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

SECTION 3. Section 110.904.30 of the Washoe County Code is hereby amended to read as follows:

Section 110.904.30 Nonconforming Structure. A nonconforming structure shall be subject to the provisions of this section.

- (a) Continuation. Any nonconforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

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- (1) Such structure may not be enlarged more than ten (10) percent or altered except as specifically provided for by this section;
 - (2) ~~If the use ceases for any reason for more than twelve (12) consecutive months, any subsequent use of the structure shall conform to the requirements of the Development Code for the regulatory zone in which it is located;~~
 - (32) If a structure is partially or totally destroyed, the nonconforming ~~use of the~~ structure may be rebuilt, provided **that** a building permit **to replace the structure** is acquired within ~~six (6)~~ **twenty-four (24)** months of the damaging event;
 - (43) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the regulatory zone in which it is located;
 - (54) Such structure may be remodeled or repaired provided that the cost of such remodeling or repair is not more ~~than~~ **fifty (50)** percent of its replacement cost and that the structure is not enlarged more than ten (10) percent, as it existed at the time of adoption or amendment of this Development Code;
 - (65) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or state official charged with protecting the public health or safety, upon order of such official; and
 - (76) On any property whose boundary was adjusted on or before June 13, 1981, a nonconforming structure which exists and is in nonconformance when this ~~ordinance~~ **section** is adopted, and which is subsequently destroyed or removed from the property may be replaced by a structure appropriate to the same use within ~~six~~ **twenty-four (24)** months.
- (b) Adding New Uses or Structures. When a nonconforming structure exists on any lot, no new use or structure shall be established or built on such land unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

SECTION 4. Section 110.904.60 of the Washoe County Code is hereby amended to read as follows:

Section 110.904.60 Requirement for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with the Provisions of the Development Code. Except as provided for in this article, a nonconforming use of land or a nonconforming use of a structure **that expands by more than 10%** shall be brought into conformance with the provisions of this Development Code, **as follows:**

- (a) ~~a~~At the time ~~that a ministerial permit (e.g. a building permit)~~ is issued, or
- (b) ~~a~~At the time that an approved discretionary **use** permit (**per section 110.302.15**) for **expansion of the nonconforming use** (e.g. special use permit) becomes effective.

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SECTION 5. 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 Chair 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.

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2025.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2025.

Vote:

Ayes:

Nays:

Absent:

Alexis Hill, Chair
Washoe County Commission

ATTEST:

Jan Galassini, County Clerk

This ordinance shall be in force and effect from and after the 29th day of the month of August of the year 2025.