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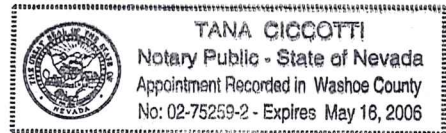
**STATE OF NEVADA  
COUNTY OF WASHOE**

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **06/11/04 - 06/18/04**, for exact publication dates please see last line of Proof of Publication below.

Subscribed and sworn to before me

Signed: Julia Ketcham



Tana Cicotti

**JUN 22 2004**

**Proof of Publication**

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1241 NOTICE IS HEREBY GIVEN THAT: Bill No. 1421, Ordinance No. 1241 entitled AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 220, TAHOE AREA, TO PRESERVE BUILDINGS AND SITES WHICH HAVE BEEN LISTED ON A NATIONAL OR STATE REGISTRY OF HISTORIC PLACES AND TO PROVIDE FOR APPROPRIATE USES OTHER THAN THOSE PERMITTED IN THE UNDERLYING REGULATORY ZONE AS AN AID TO THE OWNERS EFFORTS TO PRESERVE THE HISTORIC OR LANDMARK VALUE OF THE PROPERTY, TO PROVIDE FOR AN OPERATIONS PLAN THAT ASSURES APPROPRIATE PARKING IS PROVIDED, THAT ALLOW USES ON THE PROPERTY WHICH ARE COMPATIBLE WITH THE ADJACENT NEIGHBORHOODS AND WHICH ASSURES THAT MODIFICATIONS MADE TO THE STRUCTURE(S) OR SITE DO NOT COMPROMISE THE HISTORIC SIGNIFICANCE OF THE PROPERTY'S STRUCTURES OR SITE, PROVIDING NOTICE AND APPEAL OF THE DIRECTOR'S DETERMINATION, AND OTHER MATTERS PROPERLY RELATING THERETO. was adopted on June 8, 2004 by Commissioners Galloway, Humke, Sferrazza, Shaw and Weber. This ordinance shall be in full force and effect

from and after June 18, 2004. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 350 South Center Street, Suite 100, Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No.304741 June 11, 18, 2004

SUMMARY: Amends Washoe County Code to include a Historic Site Overlay within the Tahoe Area modifiers. The purpose of the Historic Site Overlay is to preserve buildings which have been listed on a national or state registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners' efforts to preserve the historic or landmark value, and other matters related thereto.

BILL NO. 1421

ORDINANCE NO. 1241

AN ORDINANCE AMENDING PROVISIONS RELATING TO WASHOE COUNTY CODE CHAPTER 110, ARTICLE 220, TAHOE AREA, TO PRESERVE BUILDINGS AND SITES WHICH HAVE BEEN LISTED ON A NATIONAL OR STATE REGISTRY OF HISTORIC PLACES AND TO PROVIDE FOR APPROPRIATE USES OTHER THAN THOSE PERMITTED IN THE UNDERLYING REGULATORY ZONE AS AN AID TO THE OWNERS' EFFORTS TO PRESERVE THE HISTORIC OR LANDMARK VALUE OF THE PROPERTY, TO PROVIDE FOR AN OPERATIONS PLAN THAT ASSURES APPROPRIATE PARKING IS PROVIDED, THAT ALLOW USES ON THE PROPERTY WHICH ARE COMPATIBLE WITH THE ADJACENT NEIGHBORHOODS AND WHICH ASSURES THAT MODIFICATIONS MADE TO THE STRUCTURE(S) OR SITE DO NOT COMPROMISE THE HISTORIC SIGNIFICANCE OF THE PROPERTY'S STRUCTURES OR SITE, TO PROVIDE NOTICE AND APPEAL OF THE DIRECTOR'S DETERMINATION, AND OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1.

Article 220, "Tahoe Area" of Chapter 110 of the Washoe County Code is hereby added as set forth in Exhibit A which is attached and incorporated by reference.

Proposed on the 25th day of MAY, 2004.

Proposed by Commissioner HUMKE

Passed on the 8th day of JUNE, 2004.

Vote:

Ayes: SHAW, WEBER, GALLOWAY, HUMKE & SFERAZZA

Nays: (NONE)

Absent: (NONE)

James M. Shaw  
James M. Shaw, Chairman  
Washoe County Commission

ATTEST:

Amy Harvey  
County Clerk

This ordinance shall be in force and effect from and after the 18th day of JUNE, 2004

## Article 220

# TAHOE AREA

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### Sections:

110.220.00	Purpose
110.220.05	Development Standards
110.220.10	Removal of Abandoned Foundation or Structure
110.220.15	Height of Structures
110.220.20	Detached Accessory Structures
110.220.25	Requirements for the Construction of a Garage
110.220.30	At or Below Grade Parking Decks, Walkways and Decks
110.220.35	Construction Below a Parking Deck
110.220.40	Conformance of Setbacks on Existing Residences
110.220.45	Historic Site Overview

**Section 110.220.00 Purpose.** The purpose of this article, Article 220, Tahoe Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Tahoe Area Plan contained in Volume Two of the Comprehensive Plan and the other applicable plan elements contained in Volume One of the Comprehensive Plan.

**Section 110.220.05 Development Standards.** The standards for development in the Tahoe planning area shall be the development standards of either the Tahoe Regional Planning Agency or Washoe County, whichever is more restrictive.

*[Amended by Ord. 1017, provisions eff. 6/1/98.]*

**Section 110.220.10 Removal of Abandoned Foundation or Structure.** Prior to the issuance of a building permit for a new structure, any existing abandoned or unfinished foundation or structure, not being incorporated into the new structure, shall be removed. Any portion of an existing foundation incorporated into the new structure shall be certified for structural integrity by a civil or structural engineer registered in the State of Nevada.

*[Amended by Ord. 982, provisions eff. 6/1/97.]*

**Section 110.220.15 Height of Structures.** The maximum building height for any structure shall be calculated by the Tahoe Regional Planning Agency Ordinance, Chapter 22, Height Standards, in effect at the time of issuance of a building permit.

*[Added by Ord. 1017, provisions eff. 6/1/98.]*

**Section 110.220.20 Detached Accessory Structures.** The following development requirements shall apply to detached accessory structures:

- (a) **Property Line Setback.** Accessory structures one (1) story in height, with maximum ten (10) feet high walls (measured from grade level to top plate) and a maximum roof pitch of 7/12, shall maintain a five (5) foot minimum setback from the rear and side property line. When the height of an accessory structure

exceeds this height limitation, the structure shall maintain the yard setbacks for the main dwelling units stipulated in Article 406, Building Placement Standards.

- (b) Height and Story Limit.
- (1) The maximum building height for any accessory structure erected outside the required yard setbacks shall be calculated by the Tahoe Regional Planning Agency Ordinance, Chapter 22, Height Standards, in effect at the time of issuance of a building permit.
  - (2) An accessory structure within the front yard shall not exceed one (1) story.
  - (3) An accessory structure may be two (2) stories in height when the main dwelling unit is two (2) stories, the structure is erected outside the required yard setbacks, and the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade.
    - (i) Plumbing shall be limited to one (1) sink unit and one (1) toilet; and
    - (ii) A deed restriction must be recorded on the property declaring the space shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The area shall not be leased, rented or used separate from the primary residence on the property.
- (c) Below Grade Story. When the structure is at or below street grade, a first story may be constructed below grade providing the ceiling height is no greater than nine-and-one-half (9.5) feet.
- (1) Plumbing shall be limited to one (1) sink unit and one (1) toilet; and
  - (2) A deed restriction must be recorded on the property declaring the space shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The area shall not be leased, rented or used separate from the primary residence on the property.
- (d) Siting. Any accessory structure shall comply with the following siting requirements:
- (1) In the case of a corner lot abutting two (2) streets, no detached accessory structure shall be erected so as to encroach upon the front yard setbacks; and
  - (2) A detached accessory structure, used as a private garage, may be built to the front property line on any corner lot when built no closer than sixty (60) feet from the corner, and on any interior or through lot where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade. The structure shall conform to the height and story limits provided within this section. The Engineering Division must be able to determine that:

- (i) County snow removal operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County snow removal operations and/or the County has been held harmless from liability resulting from its snow removal operations;
  - (ii) The speed of traffic and the volume of traffic on the street is such that the placing of the garage at the property line will not cause a safety problem for vehicles using the street; and
  - (iii) The placement of the garage at the property line will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Comprehensive Plan.
- (e) **Building Setback.** A detached accessory structure shall be located not closer than ten (10) feet to any main building on an adjoining parcel.

*[Added by Ord. 982, provisions eff. 6/1/97. Renumbered from 110.220.15 and amended by Ord. 1017, provisions eff. 6/1/98.]*

**Section 110.220.25 Requirements for the Construction of a Garage.** An enclosed garage shall not be required to be constructed in accordance with Article 410, Parking and Loading, when an existing dwelling unit is enlarged and one (1) of the following conditions exist:

- (a) There is no Tahoe Regional Planning Agency land coverage available for purchase within the land capability necessary for transfer;
- (b) Within a common open space subdivision or multi-family project, there is no new coverage or no relocation of coverage; or
- (c) Within a single family dwelling, there is no new coverage or no relocation of coverage.

*[Added by Ord. 1017, provisions eff. 6/1/98.]*

**Section 110.220.30 At or Below Grade Parking Decks, Walkways and Decks.** On any downslope lot, a parking deck, walkway or deck with handrails may be constructed within the front setback provided:

- (a) A parking deck, not utilized as a driveway to a garage, begins at the edge of pavement and has no greater upslope than one (1) percent;
- (b) A parking deck, utilized as a driveway to a garage, may begin at the edge of pavement and have no greater upslope than fourteen (14) percent; or
- (c) A walkway or entry deck is no higher than eighteen (18) inches above grade at the edge of pavement.

*[Added by Ord. 1017, provisions eff. 6/1/98.]*

**Section 110.220.35 Construction Below a Parking Deck.** On a downslope lot, the area below an allowed parking deck may be utilized for habitable space within the front setback provided:

- (a) The Engineering Division is able to determine that:
  - (1) County snow removal operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County snow removal operations and/or the County has been held harmless from liability resulting from its snow removal operations; and
  - (2) Construction of the habitable space below the parking deck in the front yard will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Comprehensive Plan.
- (b) Electrical and mechanical rooms as accessory to the main dwelling unit may be established.
- (c) The habitable space contains no plumbing fixtures.

*[Added by Ord. 1017, provisions eff. 6/1/98.]*

**Section 110.220.40 Conformance of Setbacks on Existing Residences.** The existing setbacks for a home constructed prior to 1990 shall be legal and conforming when:

- (a) The building pad is not delineated on the final subdivision map;
- (b) The home was constructed with all required permits prior to 1990;
- (c) No further intrusion into the setback is requested; and
- (d) The Engineering Division is able to determine that County snow removal operations will not be impeded and/or the County has been held harmless from liability resulting from its snow removal operations.

*[Added by Ord. 1017, provisions eff. 6/1/98.]*

**Section 110.220.45 Historic Site Overview.** The purpose of the Historic Site Overview is to preserve buildings and sites which have been listed on a national or state registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners' efforts to preserve the historic or landmark value.

- (a) The owner shall provide documentation that the structure(s) or site(s) has been listed on a National or State of Nevada historic registry. If the documentation supporting the designation on the historic registry does not enumerate the specific significance and location of historic importance, the applicant shall submit supplemental information to identify the significance (e.g. architecture, site of a historic event, and location).
- (b) An operations plan must be submitted to the Department of Community Development prior to the issuance of a general business license.
  - (1) The plan shall indicate proposed uses and the days and hours of operation.

- (2) The plan shall include a sketch, to scale, of the exterior grounds and/or interior space to be used for the proposed uses.
  - (3) The plan shall include a parking plan indicating the maximum number of vehicles to be parked on and off the site, projected needs for parking at the site and means to satisfy the projected needs. If parking is proposed off-site, the parking plan shall identify how visitors will access the site (e.g. bus or shuttle route including pickup location, hours and frequency of operation). In no case shall a parking plan be approved which obstructs public and/or emergency vehicles or relies on street parking either on state highways or local streets adjacent to neighboring residential properties.
  - (4) The plan shall include a written statement from the applicants agreeing to adhere to the provisions of Section 110.220.45 and the conditions placed on the business license.
  - (5) The operations plan shall be reviewed and may be approved, modified or approved with conditions by the Director of Community Development or his/her authorized representative. The final operations plan will serve as the conditions placed on the business license.
  - (6) The Director shall find that the proposed uses shall not be detrimental to the neighborhood and shall contribute to the protection and preservation of the historic significance of the structure(s) or site(s).
- (c) No modifications may be made to historic structure(s) or site(s) which would have the effect of compromising the historical significance of the property's structure(s) or site(s).
  - (d) Notwithstanding the provisions of this section, the proposed operations and uses of the structures within the Historic Site Overlay shall meet all applicable building safety and building code requirements, fire regulations and Washoe County District Health Department regulations applicable to the operations plan submitted under subsection (b) of this section.
  - (e) Prior to the issuance of a business license, the approved operations plan shall be mailed to all property owners pursuant to Section 110.810.25 (Special Use Permits) Notice. An appeal may be filed within ten (10) days of the mailing of notice pursuant to Section 110.810.50 (Special Use Permit) Appeals.

*[Added by Ord. \_\_\_\_\_, provisions eff. \_\_\_/\_\_\_/04.]*

*[Previous Section 110.220.20 entitled "Additions" added by Ord. 982, provisions eff. 6/1/97 and repealed by Ord. 1017, provisions eff. 6/1/98.]*