

SUMMARY: An ordinance amending Washoe County Code at chapter 110 Article 302, Allowed Uses, Article 304, Use Classification System, Article 306, Accessory Uses and Structures, and Article 902, Definitions. The amendments will include revisions to the table of allowed uses to eliminate code inconsistencies and amend permit requirements. The proposed amendments would revise the majority of Article 306 (Accessory Uses and Structures) including but not limited to: buildable area regulations, existing restrictions on 2-story accessory structures, connection of a detached accessory structure to water and sewer, permit requirements for structures larger than the main dwelling, the definition and size standards for attached accessory dwellings, the definition, size, and minimum lot standards for detached accessory dwellings, permitting procedures for detached accessory dwellings, definitions and standards for hallways and breezeways, definitions and standards for Outdoor Storage/Outdoor Display, changes necessitated by approval of the Nuisance Code, and other matters properly related thereto.

BILL NO. 1631

ORDINANCE NO. 1451

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE AT CHAPTER 110 TO AMEND THE USE TABLE FOR DETACHED ACCESSORY DWELLINGS WITHIN ARTICLE 302 (ALLOWED USES) BY ELIMINATING INCONSISTENCIES REGARDING REQUIRED MINIMUM LOT SIZE AND USES ALLOWED BY REGULATORY ZONE, ALLOWING BY RIGHT A DETACHED ACCESSORY DWELLING IN THE GENERAL RURAL REGULATORY ZONE, AND INTRODUCING A NEW ADMINISTRATIVE REVIEW PROCEDURE FOR ESTABLISHING A DETACHED ACCESSORY DWELLING IN CERTAIN REGULATORY ZONES; TO AMEND THE RESIDENTIAL USE TYPE DEFINITIONS AND STANDARDS WITHIN ARTICLE 304 (USE CLASSIFICATION SYSTEM) FOR ATTACHED AND DETACHED ACCESSORY DWELLING UNITS AND DETACHED ACCESSORY STRUCTURES; TO AMEND ARTICLE 902 (DEFINITIONS) TO REFLECT THE ABOVE AMENDMENTS TO ARTICLE 304 AND TO ADD NEW DEFINITIONS RELATING TO THE BELOW AMENDMENTS TO ARTICLE 306 (ACCESSORY USES AND STRUCTURES); AND TO INCORPORATE VARIOUS AMENDMENTS IDENTIFIED BY STAFF AND THE PLANNING COMMISSION TO THE FOLLOWING SECTIONS OF ARTICLE 306 (ACCESSORY USES AND STRUCTURES): SECTION 306.05, APPLICABILITY TO ADD CLARIFYING LANGUAGE THAT A MAIN USE MUST EXIST; SECTION 306.10, DETACHED ACCESSORY STRUCTURES TO AMEND BUILDABLE AREA

REGULATIONS AND CREATE LOT COVERAGE THRESHOLDS BY REGULATORY ZONE, ELIMINATE RESTRICTIONS ON 2-STORY ACCESSORY STRUCTURES, REQUIRE A DEED RESTRICTION FOR CONNECTION TO WATER AND SEWER, AND TO REQUIRE AN ADMINISTRATIVE PERMIT (PURSUANT TO ARTICLE 808) FOR ACCESSORY STRUCTURES LARGER THAN THE MAIN DWELLING; SECTION 306.15, MAIN STRUCTURES REQUIRED TO CLARIFY A MAIN STRUCTURE OR USE MUST EXIST PRIOR TO ESTABLISHING ACCESSORY USES; SECTION 306.20, ATTACHED ACCESSORY DWELLINGS TO AMEND THE DEFINITION AND SIZE STANDARDS OF ATTACHED ACCESSORY DWELLINGS; SECTION 306.25, DETACHED ACCESSORY DWELLINGS TO AMEND THE DEFINITION AND SIZE STANDARDS OF DETACHED ACCESSORY DWELLINGS, REDUCE THE MINIMUM LOT SIZE REQUIRED, AND CREATE A NEW STAFF LEVEL ADMINISTRATIVE REVIEW PERMIT PROCESS; A NEW SECTION TITLED SECTION 306.30, HALLWAYS, BREEZEWAYS AND OTHER SIMILAR CONNECTIONS TO ESTABLISH DEFINITIONS AND STANDARDS FOR SUCH CONNECTIONS; SECTION 306.35, OUTDOOR STORAGE/OUTDOOR DISPLAY TO DEFINE AND REGULATE COMMERCIAL VEHICLES, CLARIFY LANGUAGE DEFINING OUTDOOR STORAGE VERSUS TEMPORARY STORAGE, AND TO INCORPORATE CHANGES NECESSITATED BY APPROVAL OF THE PUBLIC NUISANCE CODE (ORDINANCE #1426, WCC 50.300 TO 50.310); AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE HEREBY ORDAINS:

SECTION 1. Section 110.302.05.4 of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.1
TABLE OF USES (Residential Use Types)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRR**
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Detached Accessory Dwelling	AR	AR	AR	AR	S ₂	--	--	--	--	--	--	--	--	--	--	--	A	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A
Duplex	--	--	--	P	P	P	P	P	A	--	S ₂	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S ₂	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S ₂	--	--	--	P	--	--	--
Single Family, Detached	A	A	A	A	A	A	A	S ₂	S ₂	--	S ₂	--	--	--	P	--	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Personal Landing Field (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Manufactured Home Parks	*	*	*	*	*	S ₂	S ₂	*	*	--	--	--	--	--	--	--	*	--

Residential Group Home	A	A	A	A	A	A	A	A	A	A	-	S ₂	-	-	-	-	-	-
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Key: -- = Not allowed; A = Allowed; AR = Administrative Review pursuant to 110.306.25(i), P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

SECTION 2. Section 110.304.15 of the Washoe County Code is hereby amended to read as follows:

Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

(a) Family Residential. The family residential use type refers to the occupancy of living quarters by one (1) or more families. The following are family residential use types:

(1) Attached Accessory Dwelling Unit. An attached accessory dwelling unit is a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceilings and accessed through a lockable exterior or interior door. The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or 1,000 square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. Typical uses include guest rooms, guest apartments and "granny flats."

(2) Detached Accessory Dwelling Unit. A detached accessory dwelling unit refers to a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities. Except in the Medium Density Suburban Regulatory Zone, a detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. In the Medium Density Suburban Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred

(800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. Typical uses include guest houses, second units, "granny flats" and caretaker's quarters.

- (3) **Detached Accessory Structure.** A detached accessory structure refers to a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit provisions. Typical uses include storage buildings and sheds, barns and detached garages.

SECTION 3. Section 110.306.05 of the Washoe County Code is hereby amended to read as follows:

Section 110.306.05 Applicability. Accessory uses and structures that are incidental and subordinate to existing principal uses and established main structures are allowed in all regulatory zones except as otherwise provided herein. This is not to be construed as permitting any commercial uses, including the outdoor storage of commercial vehicles, in residential regulatory zones unless specifically allowed by this Development Code or other applicable chapters of the Washoe County Code.

SECTION 4. Section 110.306.10 of the Washoe County Code is hereby amended to read as follows:

Section 110.306.10 Detached Accessory Structures. Detached Accessory Structures are defined in Article 304, "Use Classification System" under Section 110.304.15, "Residential Use Types." The following development requirements shall apply to detached accessory structures:

- (a) **Lot Coverage.** The establishment of detached accessory structures shall not exceed the following lot coverage limitations:
 - (1) On lots in the High Density Suburban (HDS) and Medium Density Suburban (MDS) regulatory zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 50% of the total lot acreage;
 - (2) On lots in the Low Density Suburban (LDS) regulatory zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 25% of the total lot acreage;
 - (3) On lots in the High Density Rural (HDR) regulatory zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 20% of the total lot acreage;

- (4) On lots in the Medium Density Rural (MDR) regulatory zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 15% of the total lot acreage;
 - (5) On lots in the Low Density Rural (LDR) regulatory zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 10% of the total lot acreage or 80,000 square feet, whichever is less;
 - (6) Exemptions to lot coverage limitations. Parcels 40-acres in size or larger in the General Rural and General Rural Residential regulatory zones, and all parcels in the Commercial, Industrial, and Urban regulatory zones, are exempt from the lot coverage limitations of this section.
- (b) Setbacks.
- (1) Accessory structures twelve (12) feet in height or less may be located within the required rear and side yard setbacks provided they are five (5) feet or more from the rear and side property line. Accessory structures are prohibited within the required front yard setback.
 - (2) Accessory structures more than twelve (12) feet in height shall comply with the yard setbacks for the main dwelling units stipulated in Article 406, Building Placement Standards. The height of a structure is determined by using the building code currently adopted by Washoe County.
- (c) Height Limits. The height of an accessory structure shall not exceed twelve (12) feet when the structure is erected within the required yard setbacks. The height of an accessory structure shall not exceed thirty-five (35) feet when the structure is erected outside the required yard setbacks.
- (d) Size. A proposal to establish a detached accessory structure that is larger (i.e. has more square footage or a larger building footprint) than the existing main structure shall require the approval of an administrative permit (pursuant to section 110.808), to include review of building height and architectural compatibility with surrounding dwellings, prior to the issuance of a building permit. Parcels 40-acres in size or larger in the General Rural and General Rural Residential regulatory zones, and all parcels in the Commercial and Industrial regulatory zones, are exempt from this requirement.
- (e) Location / Slopes. A detached accessory structure used as a private garage on any interior 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 may be built to the property line, provided such structure shall not exceed fifteen (15) feet in interior height when measured from parking surface and providing the Engineering Division has been 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 the County's snow removal operations;

- (2) 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
 - (3) 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 Master Plan.
- (f) Building Setback. A detached accessory structure shall not be located closer than ten (10) feet to any main building on an adjoining parcel.
- (g) Cargo Containers, to include Sea-land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use. Cargo containers designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship may be established as a detached accessory structure for the sole purpose of storage with the following restrictions:
- (1) Must meet all Washoe County placement standards for a detached accessory structure;
 - (2) Only one cargo container shall be allowed on a parcel of land having less than five (5) acres in size, and shall not exceed a maximum size of ten (10) feet wide by nine (9) feet high by forty (40) feet in length;
 - (3) In the "suburban" and "urban" regulatory zones, the cargo container shall be located within an area fenced by either a six (6) foot high slatted chain link fence, wooden fence or other acceptable fencing, or by existing solid vegetation having a minimum height of six (6) feet. If existing landscaping is used as screening, it shall be indicated on the building plans and photos shall be submitted as evidence;
 - (4) All cargo containers shall be free from damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal;
 - (5) Shall not include plumbing fixtures;
 - (6) Shall not be stacked; except in the Commercial and Industrial land use designations, and then not stacked above two (2) high. Setback requirements shall be determined by the total height of the stacked structure;
 - (7) Shall not display off-premise advertising, company logos, names, or other markings painted on, or otherwise attached to, the exterior of the cargo container;
 - (8) Shall not occupy any required off-street parking spaces for the site;
 - (9) Shall not be placed between a residence and any adjoining street or road right-of-way;

- (10) Shall be separated from any other structure, storage shed or other cargo containers by a minimum of ten (10) feet, when located within one hundred (100) feet of any property line;
 - (11) A cargo container may be allowed in a Commercial or Industrial land use regulatory zone for storage purposes if there is a lawful, principal established use on the property where it is located, is located to the rear of any principal use, is not located adjacent to a street, does not impact required parking, and is located behind a slatted chain link fence, wooden fence or other acceptable fencing having a minimum height of eight (8) feet, or existing solid vegetation having a minimum height of eight (8) feet;
 - (12) Shall obtain an appropriate permit from the Department of Building and Safety if the unit is over one-hundred twenty (120) square feet; and
 - (13) The Department of Building and Safety may additionally require foundations, tie-downs or other safety apparatus to assure compliance with wind load and other safety standards. Any electrical wiring shall require a building permit from the Department of Building and Safety.
- (h) Deed Restriction Required for Connection to Water or Wastewater Facilities. Any detached accessory structure proposed to be connected to a potable water supply line or a septic system or community sewer system (i.e. sanitary sewer) as part of a building permit application shall require a deed restriction to be filed with the County Recorder's office stipulating that the structure will not be converted to an accessory dwelling unit as defined in Section 110.304.15. Said deed restriction shall make the County a party to the restriction and shall be obtained through the Department of Community Development. A copy of the recorded deed restriction shall be required prior to the issuance of the building permit. The Department of Community Development shall agree in writing to the removal of the deed restriction if the owner legally converts the accessory structure to an accessory dwelling unit (pursuant to the provisions of this article and applicable building codes) or if the structure has been permanently disconnected from the potable water supply and sanitary sewer system. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure shall render the structure as a dwelling unit subject to the provisions of this Article.
- (i) Use of Mobile / Manufactured Homes as Detached Accessory Structures. A detached accessory structure shall not be comprised of a mobile or manufactured home due to Federal Housing and Urban Development (HUD) standards prohibiting the removal or modification of any interior structural components, such as plumbing fixtures (see HUD 24 CFR Part 3280).

SECTION 5. Section 110.306.15 of the Washoe County Code is hereby amended to read as follows:

Section 110.306.15 Main Structure Required. Except as otherwise provided in Section 110.330.55 (*Agricultural Buildings*), it is unlawful to construct, erect or locate private garages or other accessory structures and uses in any "Rural," "Suburban" or "Urban" Residential Regulatory Zone, including the General Rural Residential Regulatory Zone, without an existing main structure and/or existing principal use as provided for under Article 302.

SECTION 6. Section 110.306.20 of the Washoe County Code is hereby amended to read as follows:

Section 110.306.20 Attached Accessory Dwellings. Attached Accessory Dwellings are defined in Article 304, "Use Classification System" under Section 110.304.15, "Residential Use Types." Attached accessory dwellings are permitted in the General Rural and the Residential Regulatory Zones, pursuant to all of the following regulations:

- (a) A main residential unit exists and no other accessory dwelling unit has been established.
- (b) A minimum lot area of 5,000 square feet exists.
- (c) Compliance with the setback and height standards of the regulatory zone and the lot coverage standards enumerated in section 110.306.10 (a).
- (d) The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or 1,000 square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space.
- (e) An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling unit. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. Any exterior entrance to the attached accessory dwelling shall not be located along the same wall as the main entrance to the main unit.
- (f) A minimum of one (1) off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking beyond the one (1) off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading.
- (g) Only one (1) accessory dwelling unit is allowed per parcel.

SECTION 7. Section 110.306.25 of the Washoe County Code is hereby amended to read as follows:

Section 110.306.25 Detached Accessory Dwellings. Detached accessory dwellings are defined in Article 304, "Use Classification System" under Section 110.304.15, "Residential Use Types." Detached accessory dwellings are allowed in the General Rural and General Rural Residential Regulatory Zones, and are permitted in the, Low Density Rural, Medium Density Rural, High Density Rural, and Low Density Suburban Regulatory Zones pursuant to the administrative review process and requirements of this section. A detached accessory dwelling is permitted in the Medium Density Suburban Regulatory Zone subject to a special use permit

reviewed by the Board of Adjustment. Any detached accessory dwelling unit must adhere to the following requirements:

- (a) A main residential unit exists and no other accessory dwelling unit has been established.
- (b) A minimum lot area of twelve thousand (12,000) square feet exists.
- (c) Compliance with the setback and height standards of the regulatory zone and the lot coverage standards enumerated in section 110.306.10 (a).
- (d) Except for in the Medium Density Suburban Regulatory Zone, the detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. In the Medium Density Suburban Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. The maximum permitted square footage of a detached accessory dwelling unit shall not be increased by use of the variance process contained in Article 804, Variances, except for conversion of a guest house that was legally constructed prior to May 26, 1993 to a detached accessory dwelling unit.
- (e) A manufactured or modular home constructed within six (6) years of the date of its placement is permitted as a detached accessory dwelling unit, subject to the size and regulatory zone requirements in (d) above and the provisions of Article 312, provided that the unit is permanently affixed to the property, its foundation system is masked and the unit is converted to real property pursuant to the provisions of Article 312, Fabricated Housing, at the time of the final inspection date. Fabricated homes are permitted as detached accessory dwelling units in a manufactured home subdivision.
- (f) A minimum of one (1) off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking beyond the one (1) off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading.
- (g) Only one (1) accessory dwelling unit is allowed per parcel.
- (h) A detached accessory dwelling unit may be converted to a main dwelling unit by subdividing the original parcel. The newly subdivided parcels (and any structures thereon) must meet all provisions of the development code, including the setback, height, and minimum lot area standards of the applicable regulatory zone.
- (i) Administrative Review Process: Proposals to establish a detached accessory dwelling unit in the Low Density Rural, Medium Density Rural, High Density Rural, and Low Density Suburban Regulatory Zones shall be reviewed pursuant to the following process and requirements:

- (1) Review. The Director, or his designee, shall review a development application request for a detached accessory dwelling unit for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant. The Director, or his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed to the Board of Adjustment per the procedures set forth below.
- (2) Affected Property Owners. Upon receipt of a complete application to establish a Detached Accessory Dwelling Unit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or Architectural Control Committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902 that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.
- (3) Processing. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.
 - (i) Notice. Notice will be mailed to affected property owners within three working days of receipt of a complete application. An application must be deemed complete or incomplete within three working days of receipt of the application.
 - (ii) Affected property owner comment period. Written testimony from affected property owners must be received by the department within 15 calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
 - (iii) Applicant responses to affected property owner comments. Written responses from the applicant must be received by the department within seven calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
 - (iv) Issuance of written decision on the application. A written decision shall be issued and mailed by the Director, or his designee, within ten working days of the department receiving the applicant responses. The applicant may choose not to respond and begin this ten working day period immediately following the affected property owner comment period. The written decision shall be

mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in sub-section 2 above).

- (v) Public hearing not required. No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.
- (4) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.
- (5) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.
- (6) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.
- (7) Appeals. An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the following provisions:
 - (i) An appeal of the administrative decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
 - (ii) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in sub-section (2) above).
 - (iii) An Appeal of Decision application shall be filed with the Department of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.
 - (iv) Appeals shall be heard by the Board of Adjustment. The Department of Community Development shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment.

- (v) The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the final decision on the request; and note other pertinent information.
- (vi) The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.
- (10) Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.
- (11) A certificate of occupancy for the detached accessory dwelling unit shall be obtained by the time specified in the administrative decision, or if not specified, within two (2) years from the final date of administrative approval. Failure to obtain a certificate of occupancy within the specified timeframe shall render the approval null and void. The time specified in the administrative decision may be extended in writing by the Director, or his designee, for a period of no more than two (2) years. Requests for time extensions shall be in writing and shall be submitted at least two (2) weeks prior to the expiration date. The request shall state the reason for the extension. No more than one (1) extension of time shall be granted.
- (12) The Board of Adjustment may initiate an action to revoke an administrative approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing upon the revocation of the administrative approval and provide notice as set forth in Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of Adjustment may take action to revoke the administrative approval based upon a finding of any one (1) or more of the following grounds:
- (i) That the administrative approval was fraudulently obtained or extended;
 - (ii) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
 - (iii) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- (j) Conditions of approval for a detached accessory dwelling unit shall include the requirement of the installation of a water meter if the detached accessory

dwelling unit proposes to use a domestic well as its source of water.

SECTION 8. Section 110.306.30 of the Washoe County Code is hereby created to read as follows:

Section 110.306.30 Hallways, Breezeways, and other Similar Connections.

- (a) Hallways. For the purposes of this Article, a Hallway is defined as a completely enclosed corridor, passageway, or other similar enclosed space that connects two separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two separate dwelling units.
- (b) Breezeways. For the purposes of this Article, a breezeway is defined as a covered walkway, passageway, or corridor that has at least one side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.
 - (1) A breezeway, as defined above, shall not exceed a length or width of fifteen (15) feet.
 - (2) A covered breezeway with at least one solid wall shall be calculated as a structure (i.e. footprint) when determining lot coverage on a given lot.

SECTION 9. Section 110.306.35 of the Washoe County Code is hereby amended to read as follows:

Section 110.306.35 Outdoor Storage/Outdoor Display.

- (a) Outdoor storage, as defined in Section 110.902.15 and as further regulated in the Washoe County Nuisance Code (WCC sections 50.300 to 50.310, inclusive), is the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for herein under subsection (d), for a period of more than seventy-two (72) consecutive hours.
- (b) Outdoor Storage on Vacant Lots. No outdoor storage shall occur on a vacant parcel without an existing principal use. No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location.
- (c) Outdoor Storage of Commercial Vehicles. No storage of commercial vehicles shall be allowed on any residentially zoned parcel, unless specifically regulated in another section of this Code.
 - (1) Commercial Vehicles Defined. A commercial vehicle is defined as any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two axles on the road; or, any vehicle in excess of 8,000 pounds unladen weight. Commercial vehicles includes, but is not limited to: a cement truck,

commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial or industrial purposes.

(2) Exceptions. The following exceptions to the storage of commercial vehicles shall be allowed in residential regulatory zones:

- (i) A vehicle used in a licensed, home-based business may involve one (1) vehicle for delivery of materials to or from the property, not to exceed eight-thousand (8,000) pounds gross unladen weight and no larger than two (2) axles.
- (ii) A single vehicle limousine service.
- (iii) An accessory utility trailer used in a licensed home-based business, provided such trailer does not exceed a maximum length of twenty-four (24) feet, is parked off the street (including any right of way), is regularly used off-site in the conduct of the home-based business, and is not used solely for storage or advertising.

(d) General Exceptions to Outdoor Storage Provisions. The following exceptions to the outdoor storage provisions of this section shall be allowed:

- (1) When being temporarily stored for the purpose of construction pursuant to and during the time permitted by a valid building permit, provided the items are specifically related to the implementation of the building permit;
- (2) When in conjunction with a yard/garage sale with a duration of no more than five (5) consecutive days or three (3) weekends in a given calendar year.
- (3) When the covered trash containers are approved by the disposal company for weekly or other regularly scheduled domestic disposal.
- (4) Registered recreational vehicles and campers and items typically associated with and used for personal outdoor recreation. Examples of recreational vehicles and items include, but are not limited to, motorized campers, fifth wheel campers and camper trailers, boats and personal watercraft, and motorcycles.

(e) Trash Storage Method and Location. The provisions of this subsection shall apply to all developments except single-family dwellings and duplexes.

- (1) Trash enclosure locations shall be located in the side or rear yard unless the Director of Community Development can make a finding that the location of the enclosure in one of these yards would prevent accessibility by a refuse-collecting vehicle.
- (2) Trash enclosures shall be constructed in accordance with the following standards:

- (i) They shall be fully constructed prior to occupancy of the development;
 - (ii) They shall be screened on three (3) sides by a solid masonry or wood wall of six (6) feet in height and on one (1) side by a slatted fenced gate (with wheels) of equal height;
 - (iii) They shall be screened from view from public rights-of-way; and
 - (iv) Their enclosure locations shall be accessible to refuse-collecting vehicles.
- (f) Electrical Cage Enclosures and Storage Tanks. All exterior electrical cage enclosures and storage tanks are to be screened from view from access ways, adjacent streets and residential neighborhoods by a solid fence, wall or mature landscape materials. Any solid fence or wall shall be screened by landscaping.
- (g) General Requirements, Outdoor Display. A use in a Commercial or Industrial Regulatory Zone may display products sold or manufactured on-site in the area between the property line and the face of the main building, except that the display shall not be closer than fifteen (15) feet to the front property line.
- (h) Outdoor Display for Merchandise in a Commercial or Industrial Regulatory Zone. The outdoor display of merchandise in the area between the front and side property lines and the front and side faces of the main building shall not cover more than fifty (50) percent of this area.
- (i) Outdoor Display for Automobiles, Boats, Recreational Vehicles and Heavy Equipment in a Commercial or Industrial Regulatory Zone. The outdoor display of automobiles, boats, recreational vehicles and heavy equipment shall not cover more than eighty-five (85) percent of the area between the front and side property lines and the front and side faces of the main building.
- (j) Mobile Home Set Up Permit Required. A valid mobile home set up permit issued by the Department of Building and Safety is required before any fabricated home may be occupied. The placement of a fabricated home on a parcel without a valid mobile home set up permit is classified as outdoor storage of the home and is prohibited in all regulatory zones. This provision does not apply to Fabricated Housing Sales use type pursuant to Articles 302 and 304 or to manufactured homes stored as a wholesaling, storage, and distribution industrial use type pursuant to Articles 302 and 304.

SECTION 10. Section 110.902.15 of the Washoe County Code is hereby amended to read as follows:

Section 110.902.15 General Definitions. Unless otherwise specified, the following definitions shall be applicable throughout the Development Code:

Accessory Structure. "Accessory structure" means a subordinate structure, the use of which is incidental to that of the main structure, potential main structure, or main dwelling.

Attached Accessory Dwelling Unit. "Attached accessory dwelling unit" means a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a

separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceilings and accessed through a lockable exterior or interior door. The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or 1,000 square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. Typical uses include guest rooms, guest apartments and "granny flats."

Breezeways. A "breezeway" means a covered walkway, passageway, or corridor that has at least one side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.

Commercial Vehicle. "Commercial vehicle" means any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two axles on the road; or, any vehicle in excess of 8,000 pounds unladen weight. Commercial vehicles includes, but is not limited to: a cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial purposes.

Detached Accessory Dwelling Unit. "Detached accessory dwelling unit" means a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities. Except in the Medium Density Suburban Regulatory Zone, a detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main unit, whichever is smaller. In the Medium Density Suburban Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. Detached accessory dwelling units are also commonly referred to as guest houses, second units, detached "granny flats" and caretaker's quarters.

Detached Accessory Structure. "Detached accessory structure" means a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit

provisions contained in Article 306. Typical uses include storage buildings, sheds, barns, and detached garages.

Dwelling Unit. "Dwelling unit" means any building or portion thereof, including a fabricated home or portion thereof, which contains at a minimum permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities as required by the Development Code, the International Building Code, and/or the National Manufactured Home and Safety Standards Act.

Hallways. "Hallway" means a completely enclosed corridor, passageway, or other similar enclosed space that connects two separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two separate dwelling units.

Kitchen. "Kitchen" means a room or space within a room equipped with such electrical or gas hook up that would enable the installation of a range, oven, or like appliance using 220/40 volts or natural gas (or similar fuels, such as propane) for the preparation of food, and also containing either or both a refrigerator and sink for the washing and/or disposal of food.

Lot, Interior. "Interior lot" means either:

- (a) a lot bounded by a street on only one (1) side; or,
- (b) a lot situated at the intersection of (2) streets having an interior angle of 135 degrees or more; or,
- (c) A lot that has continuous street frontage on only one street and when the curvature of the lot along the street frontage exceeds 135 degrees or more.

Outdoor Storage. "Outdoor Storage" means the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for under Section 110.306.35(d), for a period of more than seventy-two (72) consecutive hours. Outdoor storage is further defined and regulated in the Washoe County Nuisance Code (WCC sections 50.300 to 50.310, inclusive).

Plumbing Fixtures. A plumbing fixture is a receptacle, device, or appliance that is supplied with water or which receives liquid or liquid-borne wastes, and which discharges into a drainage system to which it may be directly or indirectly connected.

Screen. "Screen" means to provide physical separation and complete visual obscuration of one area from another on all sides and in all seasons. Such separation must be at least 6 feet high and includes, but is not limited to, the combination or individual use of a fence, decorative wall, structure, earth berm or dense landscaping.

Yard, Front. "Front yard" means a yard lying between the setback line and the front lot line and extending across the full width of the lot or parcel. In the case of either a corner lot or an interior lot with multiple street frontages, all yards abutting streets, other than collectors or arterials, shall be considered as front yards.

Yard, Rear. "Rear yard" means a yard between the setback line and the rear lot line and extending across the full width of the lot or parcel. On a corner lot, the side opposite the shortest front yard width is considered the rear yard of the lot.

Proposed 9-14-10
Proposed by Commissioner BRETERNITZ
Passed 9-28-10

Vote:

Ayes: Commissioners Hunke, Weber, Larkin,
Jung, Breternitz

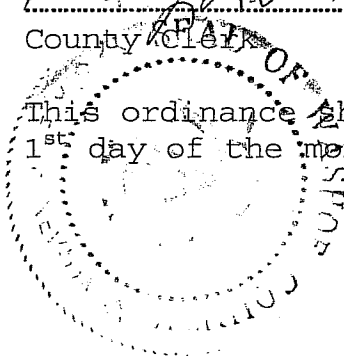
Nays: Commissioners None

Absent: Commissioners None

Chairman
Washoe County Commission

ATTEST:

Dancy D. F. Chief Deputy Jim [Signature]
County Clerk Chairman of the Board



This ordinance shall be in force and effect from and after the
1st day of the month of JANUARY of the year 2011.

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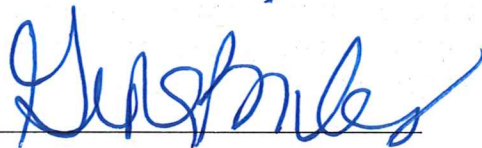
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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation 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: **10/01/2010 - 10/08/2010**, for exact publication dates please see last line of Proof of Publication below.

Signed: 

OCT 08 2010

Subscribed and sworn to before me





Proof of Publication

AMENDED NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1451 BILL NO. 1631 An ordinance amending the Washoe County Code at Chapter 110 to amend the use table for detached accessory dwellings within Article 302 (allowed uses) by eliminating inconsistencies regarding required minimum lot size and uses allowed by regulatory zone, allowing by right a detached accessory dwelling in the general rural regulatory zone and introducing a new administrative review procedure for establishing a detached accessory dwelling in certain regulatory zones; to amend the residential use type definitions and standards within Article 304 (use classification system) for attached and detached accessory dwelling units and detached accessory structures; to amend Article 902 (definitions) to reflect the above amendments to Article 304 and to add new definitions relating to the below amendments to Article 306 (accessory uses and structures); and to incorporate various amendments identified by staff and the planning commission to the following sections of Article 306 (accessory uses and structures): Section 306.05, applicability to add clarifying language that a main use must exist; Section 306.10, detached accessory structures to amend buildable area regulations and create lot coverage thresholds by regulatory zone, eliminate restrictions on 2-story accessory structures, require a deed restriction for connection to water and sewer, and to require an administrative

1451 ✓

permit (pursuant to Article 808) for accessory structures larger than the main dwelling; Section 306.15, main structures required to clarify a main structure or use must exist prior to establishing accessory uses; Section 306.20, attached accessory dwellings to amend the definition and size standards of attached accessory dwellings; Section 306.25, detached accessory dwellings to amend the definition and size standards of detached accessory dwellings, reduce the minimum lot size required, and create a new staff level administrative review permit process; a new Section titled Section 306.30, hallways, breezeways and other similar connections to establish definitions and standards for such connections; Section 306.35, outdoor storage/outdoor display to define and regulate commercial vehicles, clarify Language defining outdoor storage versus temporary storage, and to incorporate changes necessitated by approval of the nuisance code (ordinance #1426, WCC 50.300 to 50.310); and other matters properly relating thereto.

PUBLIC NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office at the County Courthouse, 75 Court Street, Reno, Nevada; and that said ordinance was proposed by Commissioner Breternitz on September 14, 2010, and following a public hearing, was passed and adopted without amendment at a regular meeting on September 28, 2010, by the following vote of the Board of County Commissioners: Those Voting Aye: David Humke, Bob Larkin, John Breternitz, Bonnie Weber, Kitty Jung Those Voting Nay: None Those Absent: None This Ordinance shall be in full force and effect from and after January 1, 2011. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED: September 29, 2010 AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 725862 Oct. 1, 8, 2010