



Planning Commission Staff Report

Meeting Date: September 1, 2015

Subject: Development Code Amendment Case Number DCA 15-001

Applicant: Planning and Development Division

Agenda Item Number: 8C

Summary: To amend Washoe County Code, Chapter 110, Development Code, at Articles 306 and 310 to clarify when a building permit is required for the accessory use of a cargo container; to modify the definition of and exceptions for a commercial vehicle; to change the name of storage containers to cargo containers; to refine regulations on temporary containers; and to update sections of these articles to reflect the current organization of the Community Services Department and the Health District's name

Recommendation: Recommend approval and authorize the Chair to sign the attached resolution

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Washoe County
Commission District: All Commission Districts

Description

Development Code Amendment Case Number DCA 15-001 – Hearing, discussion, and possible action to amend Washoe County Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*, to clarify when a building permit is required for a cargo container; at Section 110.306.35, *Outdoor Storage/Outdoor Display*, for the definition of a commercial vehicle and for exceptions to commercial vehicle storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35, *Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles*, to change the name of storage containers to cargo containers to match regulations within Article 306 and to refine regulations concerning temporary contractor or owner-builder portable containers; and, to update these sections within both Article 306 and Article 310 to reflect the current organization of the Community Services Department and the Health District's name; and, providing for matters properly related thereto.

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Development Code Amendments

The Washoe County Development Code is Chapter 110 of the Washoe County Code (WCC). The Development Code broadly regulates allowable and permitted land uses, subdivision of land, planning permit requirements and procedures, signage, infrastructure availability, land use development standards, and other related matters. Because the Development Code covers so many varying aspects of land use and development standards, it is expected that from time to time it may be necessary to change or amend one or more portions of the Development Code to keep it up to date with the most current and desirable trends in planning and development.

The Development Code amendment process provides a method of review and analysis for such proposed changes. Development Code amendments may be initiated by the Washoe County Commission, the Washoe County Planning Commission, or an owner of real property. Development Code amendments are initiated by resolution of the Washoe County Commission or the Planning Commission. Real property owners may submit an application to initiate a Development Code amendment.

After initiation, the Planning Commission considers the proposed amendment in a public hearing. The Planning Commission may recommend approval, approval with modifications or denial of the proposed amendment. The Planning Commission records its recommendation by resolution.

The Washoe County Commission hears all amendments recommended for approval, and amendments recommended for denial upon appeal. The County Commission will hold a first reading and introduction of the ordinance (proposed amendment), followed by a second reading and possible ordinance adoption in a public hearing at a second meeting at least two weeks after the first reading. Unless otherwise specified, ordinances are effective 10 days after adoption.

Background and Proposed Amendments

BACKGROUND ON PROPOSED CODE CHANGES

Staff's was directed to address concerns dealing with certain aspects of the Development Code as it applies to cargo containers and commercial vehicles. The concerns centered on the permanent and temporary storage of cargo containers and commercial vehicles on residential properties.

The proposed code amendments (DCA 15-001) will update Article 306, *Accessory Uses and Structures*, to clarify when a building permit is required for a cargo container to be placed on a property as an accessory use, to slightly modify the definition of a commercial vehicle, and to provide for exceptions to commercial vehicle storage. The proposed amendments will also update Article 310, *Temporary Uses and Structures*, to change the name of storage containers to cargo containers and to refine regulations concerning temporary contractor or owner-builder portable containers. Finally, the proposed amendments will update sections of both articles to reflect the current organization of the Community Services Department and the Health District's name.

This staff report outlines the specific changes proposed with the code amendments. The proposed amendments are attached as Exhibit A to the resolution (Attachment A) included with this staff report.

These amendments were initiated by the Washoe County Planning Commission (PC) on August 4, 2015 under Resolution 15-12 and were assigned Development Code Case Number DCA 15-001.

PROPOSED AMENDMENTS

The following outlines the specific changes proposed within each ordinance section. The first item describes the organization and name changes which occur in all of the ordinance sections which are part of DCA 15-001.

1. Organization and name changes, and format changes:
 - a. Director of Community Development to Director of the Planning and Development Division.
 - b. Department of Community Development to Planning and Development Division.
 - c. Building and Safety Department to Building and Safety Division.
 - d. District Health Department to Health District.
 - e. Listing only the number or figure rather than both [e.g., 11 instead of eleven (11)].
2. Section 1, WCC Section 110.306.10, *Detached Accessory Structures* (subsection g, Cargo Containers):
 - a. Modified subsection 13 to require a building permit when the cargo container is more than the allowable exempted square footage in WCC Chapter 100, rather than citing 120 square feet. The 120 square feet was changed to 200 square feet with amendments to WCC Chapter 110 in 2014; however, this Development Code section was not updated. Using the term "allowable" rather than a specific square footage will minimize future required Development Code amendments.

3. Section 2, WCC Section 110.306.35, *Outdoor Storage/Outdoor Display*:
 - a. Subsection (c)(1), *Commercial Vehicles Defined*. Modify the definition of Commercial Vehicles to change the term “cement truck” to “concrete truck”, which is a more comprehensive definition for such vehicles.
 - b. Subsection (c)(2), *Exceptions*. Add subsection iv to exempt commercial vehicles used in conjunction with on-going construction activities having a valid building permit. This new subsection extends the current general exceptions to outdoor storage in subsection (d)(1) (exception if temporarily stored for the purpose of construction and during the time permitted by a valid building permit) to the outdoor storage of commercial vehicles.
4. Section 3, WCC Section 110.310.35, *Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles*:
 - a. Subsection (h), *Temporary Contractor or Owner-builder’s Materials or Equipment Trailers and/or Portable Storage Containers*. Replace the terms “trailers”, “portable storage containers”, and “temporary factory built units” with “cargo containers”. Cargo containers are defined in WCC Section 110.306.10(g) as follows:
 - (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:

The current codes refer to “trailers” and “portable storage containers”. Neither term is defined in the Development Code nor are these terms used elsewhere in the Development Code. Replacing both of these terms with “cargo containers” will allow the public and staff to refer to WCC Section 110.306.10(g) for a definition of “cargo container”. The term “cargo containers” includes portable storage containers as currently written within this subsection (allowing a person to temporarily use a portable on-demand storage container with a valid building permit as currently authorized in Code). Using a defined term makes it easier for the public and staff to understand and conform to this subsection’s regulations.

Added text within the subsection (“allowed by the permit”) will make it clear that any temporary cargo containers containing contractor or owner-builder materials or equipment must support the development authorized by the valid building permit.

Findings

WCC Section 110.818.15(e) requires the Planning Commission to make at least one of the following findings of fact. Staff provides the following evaluation for each of the findings of fact and recommends that the Planning Commission make all four findings in support of the proposed Development Code amendment.

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan.

Staff comment: The Master Plan establishes policies governing uses on residential properties, which are then regulated through the Development Code. These specific amendments will clarify and refine regulations addressing the permanent and temporary storage (use) of cargo container and commercial vehicles on residential properties in alignment with appropriate Master Plan policies.

2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code.

Staff comment: One of the purposes of the Development Code as expressed in Article 918 is to promote the public health, safety, morals, convenience and general welfare. Cargo containers and commercial vehicles are inherently incompatible with residential uses and existing regulations provide restrictions and constraints on both the permanent and temporary storage of cargo containers and commercial vehicles on residential properties. The proposed amendments clarify and update these existing regulations. This clarification and updates will not adversely impact the public health, safety or welfare; and, it promotes the general welfare of residential areas.

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones.

Staff comment: The amendments address concerns raised by citizens in various areas of the County dealing with the permanent and temporary storage of cargo containers and commercial vehicles on residential properties. These concerns surfaced in the past year, and reflect the on-going changing conditions of transitions of rural residential areas to more suburban residential areas.

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Staff comment: The amendments relate to temporary and permanent storage on residential lots and do not affect the policies and action programs of the Conservation or Population Elements of the Washoe County Master Plan.

Public Notice

The Development Services Forum (DSF) discussed the proposed amendments at their August 13, 2015 meeting. Four members of the DSF were present at the meeting. Bill Whitney, Planning and Development Division Director, presented the proposed code amendments. There were no comments from DSF members on the proposed code amendments.

Staff arranged for a public workshop to discuss the proposed amendments held on August 18, 2015 from 5:00 p.m. to 6:00 p.m. in the Community Services Department conference rooms. All active CAB members were notified by e-mail of the public workshop on August 12, 2015. No members of the public or CAB members attended the workshop.

Pursuant to Washoe County Code Section 110.818.20, notice of this public hearing was published in the newspaper at least 10 days prior to this meeting, and the Chair and membership of all Citizen Advisory Boards were likewise notified of the public hearing. Such notification was accomplished and staff can provide proof of notification if requested.

Recommendation

It is recommended that the Washoe County Planning Commission recommend approval of DCA 15-001, to amend Washoe County Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*, to clarify when a building permit is required for a cargo container; at Section 110.306.35, *Outdoor Storage/Outdoor Display*, for the definition of a commercial vehicle and for exceptions to commercial vehicle storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35, *Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles*, to change the name of storage containers to cargo containers to match regulations within Article 306 and to refine regulations concerning temporary contractor or owner-builder portable containers; and, to update these sections within both Article 306 and Article 310 to reflect the current organization of the Community Services Department and the Health District's name. The following motion is provided for your consideration:

Motion

I move that after giving reasoned consideration to the information contained in the staff report and information received during the public hearing, the Washoe County Planning Commission recommend approval of DCA 15-001, to amend Washoe County Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*; at Section 110.306.35, *Outdoor Storage/Outdoor Display*; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35, *Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles*; and, to update these sections within both Article 306 and Article 310 to reflect the current organization of the Community Services Department and the Health District's name. I further move to authorize the Chair to sign the resolution contained in Attachment A on behalf of the Washoe County Planning Commission and to direct staff to present a report of this Commission's recommendation to the Washoe County Board of County Commissioners within 60 days of today's date. This recommendation for approval is based on all of the following four findings in accordance with Washoe County Code Section 110.818.15(e):

1. Consistency with Master Plan. The proposed Development Code amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

Appeal Process

An appeal of the Planning Commission's denial of a Development Code amendment may be made to the Washoe County Board of County Commissioners within 10 calendar from the date that the Planning Commission's decision is filed with the Secretary to the Planning Commission, pursuant to WCC Section 110.818.25 and WCC Section 110.912.20.

Staff Report and Action Order xc: Dave Solaro, Director, CSD
 Nate Edwards, Deputy District Attorney



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

RECOMMENDING APPROVAL OF AMENDMENTS (DCA 15-001) TO THE WASHOE COUNTY CODE AT CHAPTER 110, DEVELOPMENT CODE, AT ARTICLE 306, ACCESSORY USES AND STRUCTURES, TO CLARIFY WHEN A BUILDING PERMIT IS REQUIRED FOR THE ACCESSORY USE OF A CARGO CONTAINER AND TO MODIFY THE DEFINITION OF AND EXCEPTIONS FOR A COMMERCIAL VEHICLE; AT ARTICLE 310, TEMPORARY USES AND STRUCTURES TO REFINE REGULATIONS, TO CHANGE THE NAME OF STORAGE CONTAINERS TO CARGO CONTAINERS AND TO REFINE REGULATIONS ON TEMPORARY CONTAINERS; AND, TO UPDATE SECTIONS OF THESE ARTICLES TO REFLECT THE CURRENT ORGANIZATION OF THE COMMUNITY SERVICES DEPARTMENT AND THE HEALTH DISTRICT'S NAME

Resolution Number 15-16

WHEREAS

- A. Development Code Amendment Case Number DCA 15-001, came before the Washoe County Planning Commission for a duly noticed public hearing on September 1, 2015; and
- B. The Washoe County Planning Commission heard public comment and input from both staff and the public regarding the proposed Development Code amendment; and
- C. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- D. Pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment, Case Number DCA 15-001:
 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;
 3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the

Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,

4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

NOW, THEREFORE, BE IT RESOLVED that pursuant to Washoe County Code Section 110.818.15(d) and (g):

1. The Washoe County Planning Commission does hereby recommend APPROVAL of DCA 15-001, an amendment to the Washoe County Code at Chapter 110, Development Code, at Article 306, *Accessory Uses and Structures*, to clarify when a building permit is required for the accessory use of a cargo container and to modify the definition of and exceptions for a commercial vehicle; at Article 310, *Temporary Uses and Structures*, to refine Regulations, to change the name of storage containers to cargo containers and to refine regulations on temporary containers; and, to update sections of these articles to reflect the current organization of the Community Services Department and the Health District's name as set forth in Exhibit A; and,
2. A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on September 1, 2015.

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

Carl R. Webb, Jr., AICP, Secretary

James Barnes, Chair

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETED LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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

Summary: *Clarifies when a building permit is required for the accessory use of a cargo container; modifies the definition of and exceptions for a commercial vehicle; changes the name of storage containers to cargo containers; refines regulations on temporary containers; and updates sections of specific articles within the code to reflect the current organization of the Community Services Department and the Health District's name.*

BILL NO. _____

ORDINANCE NO. _____

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.10, *Detached Accessory Structures*, to clarify when a building permit is required for a cargo container; at Section 110.306.35, *Outdoor Storage/Outdoor Display*, for the definition of a commercial vehicle and for exceptions to commercial vehicle storage; within Article 310, *Temporary Uses and Structures*, at Section 110.310.35, *Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles*, to change the name of storage containers to cargo containers to match regulations within Article 306 and to refine regulations concerning temporary contractor or owner-builder portable containers; and, to update these sections within both Article 306 and Article 310 to reflect the current organization of the Community Services Department and the Health District's name. Recommendations include other matters properly relating thereto.

WHEREAS :

- A. This Board of County Commissioners desires to update regulations pertaining to the permanent and temporary storage of cargo containers and commercial vehicles on residential properties within the unincorporated County; and,
- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 15-12 on August 4, 2015; the amendments and this ordinance were drafted by the District Attorney; the Planning Commission held a duly noticed public hearing for DCA 15-001 on September 1, 2015, and adopted Resolution Number 15-~~XX~~ recommending adoption of this ordinance.; and,
- C. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- D. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore 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 110.306.10 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 ~~fifty~~(50) percent 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 ~~twenty five (25)~~ percent 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 ~~twenty (20)~~ percent 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 ~~fifteen (15)~~ percent 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 ten ~~(10)~~ percent of the total lot acreage or ~~eighty thousand (80,000)~~ square feet, whichever is less;
 - (6) Exemptions to lot coverage limitations. Parcels ~~forty (40)~~ acres in size or larger in the General Rural (GR) and General Rural Agricultural (GRA) 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 Article 808), to include review of building height and architectural compatibility with surrounding dwellings, prior to the issuance of a building permit. Parcels ~~forty (40)~~ acres in size or larger in the General Rural (GR) and General Rural Agricultural (GRA) 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 ~~(1)~~ 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:
 - (i) Located within an area fenced by either a six ~~(6)~~ foot high slatted chain link fence, wooden fence or other durable and opaque fencing; or
 - (ii) Located within an area screened 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; or
 - (iii) Painted one, solid, muted color that blends with the surrounding vegetation, or structures or topography.
 - (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 the adjoining street or road right-of-way that provides primary access to the residence;
 - (i) On a parcel fronted by two ~~(2)~~ or more street or road right-of-ways, the Director of ~~Community Development~~ **the Planning and Development Division** shall have the authority to determine the primary access to the residence.
- (10) When placed on a parcel fronted by two ~~(2)~~ or more street or road right-of-ways, shall be placed at least ~~seventy-five (75)~~ feet from all street or road right-of-ways, excepts as provided for in (9), above.
 - (i) The Director of ~~Community Development~~ **the Planning and Development Division** shall have the authority to allow a minor deviation in setbacks of up to ~~twenty-five (25)~~ feet to the standards in (10) above, when the Director is presented with sufficient evidence that the proposed cargo container will be aesthetically enhanced to blend with the surrounding residences.
 - (ii) Aesthetic enhancements, as required in (i) above shall consist of one ~~(1)~~ or more of the following: siding and/or painting to match the residence on the parcel; landscaping to obscure the cargo container from view from off-site; placement of the cargo container to obscure view from off-site; other techniques as proposed by the applicant and acceptable to the Director.
 - (iii) Approval of a minor deviation to setback standards in (10) above shall be by means of application for a Director's Modification of Standards.
- (11) 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;
- (12) 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;
- (13) Shall obtain an appropriate permit from the ~~Department of Building and Safety~~ **Division** if the unit **cargo container** is over ~~one hundred twenty (120) square feet outlined in Washoe County Code chapter 100 article 105 Permits~~ **the allowable exempted square footage as established in Article 105, Permits, of Chapter 100 of this Code**; and
- (14) The ~~Department of Building and Safety~~ **Division** 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~~ **Division**.

- (15) Shall not be established as an Agricultural Building as a Main Use pursuant to Article 330, Domestic Pets and Livestock, of this Development Code.
- (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~~ **Planning and Development Division**. A copy of the recorded deed restriction shall be required prior to the issuance of the building permit. The ~~Department of Community Development~~ **Planning and Development Division** 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 2. Section 110.306.35 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 ~~eight thousand (8,000)~~ pounds unladen weight. Commercial vehicles includes, but is not limited to: a ~~ement~~ **concrete** 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 ~~(4)~~ 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.

(iv) Commercial vehicles used in conjunction with on-going construction activities having a valid building permit from the Building and Safety Division.

(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~~ **the Planning and Development Division** 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~~ **Division** 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, Allowed Uses, and 304, Use Classification System, or to manufactured homes stored as a wholesaling, storage, and distribution industrial use type pursuant to Articles 302 and 304.

SECTION 3. Section 110.310.35 is hereby amended to read as follows:

Section 110.310.35 Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles.

- (a) Temporary Occupancy. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be occupied as a legal use pending construction of a permanent single-family dwelling in any regulatory zone allowing agricultural or residential uses, provided that a building permit is issued at the same time for the permanent residence. The permanent residence shall be completed and the mobile home, manufactured home, or commercial coach will be removed from the property within ~~eighteen (18)~~ months from the original date of issuance of the building permit, or within ~~thirty (30)~~ days of issuance of a Certificate of Occupancy, whichever is sooner. A

~~two thousand dollar (\$2,000)~~ bond to cover the cost of removal of the mobile home, manufactured home or commercial coach, or satisfactory proof of removal, will be placed on file with the Building and Safety Division prior to the issuance of the Certificate of Occupancy. The use of a travel trailer or recreational vehicle as a temporary occupancy will cease with the disconnection of all on-site utility services. One ~~(4)~~ extension for an additional ~~eighteen (18)~~ month period may be granted with a building permit extension or renewal, but in no case will the temporary occupancy be permitted after ~~thirty-seven (37)~~ months from the original date of issuance of the building permit. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle located within a flood hazard area or limited flooding area may be subject to the requirements of Article 416, Flood Hazards.

- (b) Temporary Contractor's Offices. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used as a contractor's office to manage the construction of a permanent use, provided that a building permit, to include a grading permit, is issued at the same time for the permanent use.
- (c) Temporary Commercial Use Types and Offices. Any commercial use type and office may be established in commercial coaches, or other temporary structures rated for human occupancy during the construction, major remodel, or reconstruction of a permanent structure on a parcel provided that a building permit, to include a grading permit, is issued at the same time for the permanent use. The permanent structure shall be completed and the commercial coach will be removed from the property within ~~eighteen (18)~~ months from the original date of issuance of the building permit, or within ~~thirty (30)~~ days of issuance of a Certificate of Occupancy, whichever is sooner. A ~~two thousand dollar (\$2,000)~~ bond to cover the cost of removal of the commercial coach, or satisfactory proof of removal, will be placed on file with the Building and Safety Division prior to the issuance of the Certificate of Occupancy. One ~~(4)~~ extension for an additional ~~eighteen (18)~~ month period may be granted with a building permit extension or renewal, but in no case will the temporary occupancy be permitted after ~~thirty-seven (37)~~ months from the original date of issuance of the building permit.
- (d) Temporary Watchman's Quarters. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used for security purposes, including watchman's quarters, for a permitted mining operation or permitted earth products excavations/processing activity, public park, recreational area, or other commercial or industrial use which by its nature is temporary or is located in a remote area where security is necessary outside of normal business hours. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied.
- (e) Temporary Mining Office. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used for an office or scale house for a permitted mining operation or a permitted earth products excavation/processing activity. Parking shall be required as provided by the permit authorizing the mining operation or earth products excavation/processing activity. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied.
- (f) Temporary Camping. A self-contained travel trailer or recreational vehicle may be used by nonpaying guests or relatives on any private ownership parcel within the Residential Regulatory Zones; General Rural, Parks and Recreation, and Open Space Regulatory Zones subject to the following provisions:
 - (1) The temporary camping visit does not extend beyond ~~fourteen (14)~~ consecutive days, with no more than four ~~(4)~~ visits per calendar year.

- (2) The property owner provides written permission that the visit is authorized without any form of compensation.
 - (3) No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material.
 - (4) No water or sanitary sewer connections are allowed to any buildings on the property during the temporary camping visit.
- (g) Temporary Occupancy for the Care of the Infirm. One ~~(4)~~ self-contained travel trailer or recreational vehicle may be occupied as a legal use for person(s) responsible for the care of an infirm resident of a permanent single-family dwelling. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied. The administrative permit application shall include a signed affidavit from a Nevada licensed physician identifying the need for such on-premise care. The administrative permit must be renewed on an annual basis to ensure that the need for such on-premise care still exists. The travel trailer or recreational vehicle shall be located on the parcel to provide as much screening as practical from being viewed from the street. No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material. Any temporary utility connections shall be to the satisfaction of the Building and Safety Division.
- (h) Temporary Contractor or Owner-builder's Materials or Equipment Trailers and/or Portable Storage Cargo Containers. Upon issuance of a valid building permit from the Building and Safety ~~Department~~ **Division**, a contractor or owner-builder may ~~establish temporary factory built units~~ **place temporary cargo containers on a property** to support the development of the project **allowed by the permit**. ~~A site development permit for the trailers/containers is required to assure compliance with all applicable health, engineering and planning codes.~~ The temporary units **storage cargo containers** must be located immediately adjacent to the site of the construction activity. All ~~storage cargo~~ **storage 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. Such ~~units and/or cargo~~ **units and/or cargo** containers shall be removed within ~~thirty (30)~~ **thirty (30)** days of the final building inspection or Certificate of Occupancy by the Building and Safety ~~Department~~ **Division**, or upon the expiration or revocation of the building permit.
- (i) Portable Sanitation Huts. Upon approval by the **Health** District ~~Health Department~~, portable sanitation huts may be allowed on a construction site, a special event or other temporary public or private event or activity, a mining or aggregate facility, or other use approved by the **Health** District ~~Health Department~~ subject to the following conditions:
- (1) All units shall be maintained, hauled, and the effluent disposed of, in strict accordance with **Health** District ~~Health Department~~ requirements governing sewage, wastewater, and sanitation.
 - (2) Units placed on private property shall be set outside the required setbacks for the regulatory zone for the particular parcel. No easement, drainage, or right-of-way shall be encroached upon by a portable sanitation hut.
 - (3) All portable sanitation huts must be removed from the property within seven ~~(7)~~ days after construction, or the event, activity, mining, or other approved use is completed.

SECTION 4. 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 the 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 it 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: August 17, 2015

Passage and Effective Date

This ordinance was proposed on _____ by Commissioner _____.

This ordinance was passed on _____.

Those voting "aye" were _____.

Those voting "nay" were _____.

Those absent were _____.

Those abstaining were _____.

This ordinance shall be published and shall be in force and effect immediately upon the date of the second publication as set forth in NRS 244.100.

Marsha Berkbigler, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk