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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: *(Text to be determined)*

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 110.306.15, *Main Structures Required* to allow an accessory structure or use on a parcel that does not have an established principal use when adjacent to a parcel with an established principal use and when both parcels are under the same ownership, subject to the recordation of a deed restriction; within Article 410, *Parking and Loading* at Section 110.410.20(c), *Location of Required Parking Spaces* to clarify that a garage on an adjacent lot may only be used to satisfy a dwelling's parking requirements if it is also in compliance with Section 110.306.15; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to update the definitions of "Detached Accessory Structure," "Lot" and "Parcel of Land" to better reflect the clarifications identified above.

WHEREAS:

- A. *(Text to be determined)*; and,
- B. *(Text to be determined)*; and
- C. *(Text to be determined)*.

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

SECTION 1. Section 110.306.15 is hereby amended to read as follows:

Section 110.306.15 Main Structures 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 Agricultural (GRA) Regulatory Zone, on any lot without an existing main structure and/or existing principal use as provided for under Article 302, Allowed Uses, except under the following circumstances:-~~

- (a) The structure complies with the provisions of Section 110.330.55, Agricultural Buildings; or
- (b) The proposed accessory structure is located on a lot adjacent to another lot that contains an existing main structure or principal use, is under the same ownership, has the same regulatory zone and

A deed restriction has been filed with the Washoe County Recorder's Office stipulating that neither lot can be sold until the accessory structure or use otherwise allowed under this section is removed, terminated, or any nonconformance resulting from such a sale has been resolved. The deed restriction shall be executed on a form provided by the County through the Planning and Development Division, and the deed restriction shall make the County an intended third party beneficiary with the right, but not the obligation, to enforce its provisions. No accessory structure otherwise allowed under this section is allowed until the required deed restriction is executed and recorded against the property that will contain the accessory structure or use and against any other adjacent parcel under the same ownership that is used to satisfy the provisions of this paragraph, as well as any adjacent parcel under the same ownership that will be served by the accessory use or structure. For the purposes of this section, a parcel is under the same ownership if at least one of the owners of each parcel involved is the same.

SECTION 2. Section 110.410.20 is hereby amended to read as follows:

Section 110.410.20 Location of Required Parking Spaces. Required parking spaces shall be located as set forth in this section.

- (a) On Same or Adjacent Lot. For dwellings, motels, automobile-oriented services, and elementary, junior high, and high schools, required parking spaces shall be provided on the same lot as the main building(s) or on an adjoining lot or lots zoned for the main use of the property.
- (b) Other Uses. For uses not listed in Subsection (a) above, required parking spaces shall be located within three hundred (300) feet of the lot on which the main building is located.
- (c) Adjacent and Off-site Lots. If an adjacent or off-site lot is used to satisfy the parking requirements, the lot(s) shall be secured in such a manner that will provide parking for the life of the project. This Requirement does not preclude the use of reciprocal parking agreements, so long as the agreement is in a form acceptable to Washoe County. **A garage on an adjacent lot may only be used to satisfy a dwelling's parking requirements if it also complies with the provisions of Section 110.306.15.**

SECTION 3. The definitions of "Detached Accessory Structure," "Lot" and "Parcel of Land" as found in Section 110.902.15 are hereby amended to read as follows:

Detached Accessory Structure. **Except as provided for under Section 110.306.15,** "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, Accessory Uses and Structures. Typical uses include storage buildings, sheds, barns, and detached garages.

Lot. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes, ~~and~~ which abuts upon a permanent means of access **and is assigned a single parcel number by the Washoe County Assessor's Office.**

Parcel of Land. "Parcel of land" means any unit or contiguous units of land ~~in the possession of or recorded as the property of one person~~ **assigned a single parcel number by the Washoe County Assessor's Office.**

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: May 4, 2016

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.

Kitty Jung, Chair
Washoe County Commission

ATTEST:

Nancy Parent, County Clerk