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**BOLD TEXT: NEW LANGUAGE**

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

**Summary: Amends the Washoe County Code, Chapter 110 (Development Code) updating and adding to Section 110.406, regarding fencing.**

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code, Chapter 110 (Development Code), Article 406, to update and add new fencing requirements for internal lots, for fencing adjacent to emergency access easements or cul-de-sacs and allowing specialty fencing higher than 10 feet with a director's modification permit; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

A. This Commission desires to amend Article 406 of the Washoe County Development Code (Chapter 110) in order to add new fencing requirements for internal lots, for emergency access easements or cul-de-sacs and allowing higher specialty fencing with a director's modification permit and,

B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number XX-XX on October 6, 2020; and,

- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA20-0001 on October 6, 2020, and adopted Resolution Number 20-XX recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Article 406 of the Development Code, Chapter 110 of the Washoe County Code, is hereby amended by adding the following section there:

**Section 110.406.50 Fences, Walls or Perimeter Planting.**

(a) Residential Use Types. ~~Residential Use Types.~~ The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback except as noted by Section 110.406.30, Front Yards. The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet. Where two (2) or more of a property's frontages constitute front yards on a corner lot, one (1) of the yards shall be deemed to be the main entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line. Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.

1. **Front yards.** The maximum height for fences, walls or perimeter planting is limited to four-and-one-half (4.5) feet in the required front yard setback; except as noted by Section 110.406.30, Front Yards.
2. **Other Rear and side yards.** The maximum height for fences, walls or perimeter planting for the remainder of the residential property is six (6) feet.
3. **Corner lots.** Where two (2) or more of a property lines front a street the front yard shall be deemed as the property address and a property entrance and all other yards with street frontage shall be considered modified side yards where fences, walls or perimeter planting can have a maximum height of six (6) feet

as long as such fences, walls or perimeter planting are located at least ten (10) feet from the modified side yard property line.

4. **Barbed wire or razor wire livestock.** Barbed wire or razor wire livestock fencing in front yards is allowed only on lots with a size greater than one (1) acre.
  5. **Internal Lots.** Internal lots are lots that do not front a street and are located in the internal area of a block and are accessed solely by an easement that terminates on the front lot line. Any fencing at the entrance of the property shall be four-and-one-half (4.5) feet high. Six (6) foot high fences may be constructed along all other property lines. Entry gates or entry columns shall not exceed above six (6) feet high when the lot line constitutes a rear or side lot line of the abutting property.
  6. **Emergency access easements or cul-de-sacs.** Fences shall not block emergency access easements or cul-de-sacs. A six (6) foot high fence may be constructed along property lines adjacent to emergency access easement or cul-de-sacs when it is 10 feet from the emergency access easement or cul-de-sac. Entry gates and entry columns shall not exceed six (6) feet in height.
- (b) Commercial and Industrial Use Types. The fences, walls or perimeter planting in commercial and industrial development adjoining residential uses shall be at least six (6) feet but not more than eight (8) feet in height, in accordance with Article 412, Landscaping. **The fences, walls or perimeter planting in industrial development adjacent to residential uses shall meet Section 110.406.12, Industrial Standards for Residential Adjacency.** The fences, walls or perimeter planting adjoining a street may be a maximum of six (6) feet in height. The fences, walls or perimeter planting adjoining non-residential uses may be a maximum of eight (8) feet in height.
- (c) Specialty Fences. Specialty fences are permitted in all regulatory zones with the following provisions:
- (1) A specialty fence shall only be for the purposes of enclosing a tennis court, racquetball court, basketball court or other court-type recreational activity, and for exotic animals when a fence is pursuant to the issuance of a permit from the Washoe County Exotic Animal Board.
  - (2) A specialty fence shall comply with the following provisions:
    - (i) The court or enclosure for which the fence is erected shall be located entirely to the side or rear of the main structure permitted on the property.
    - (ii) The fence may not be greater than ten (10) feet in height **without approval of a Director's Modification by the Director of Planning and Building.**
    - (iii) The fence may not prevent viewing through the fence. It may not be solid.
    - (iv) The fence must be of a color that blends with the background and in no instance may it be of a reflective material.

- (v) The fence shall not be located closer than five (5) feet to the side or rear property lines.
- (d) Entry Gate and Entry Columns. An entry gate and entry columns are permitted in all regulatory zones and are subject to the following provision:
  - (a) An entry gate and entry columns may exceed the allowable height of the fencing on adjacent fence panels by a maximum of eighteen (18) inches. Lighting fixtures may be placed on top of the entry column in excess of the height limitation.

SECTION 2. 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 officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2020.

**DRAFT: September 2, 2020**

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2020.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Bob Lucey, Chair  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the  
\_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.