

DRAFT: September 1, 2017

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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

Summary: *Amends the Development Code by updating Section 110.804.35 to allow the Director of the Planning and Building Division to grant minor deviations of standards within Chapter 110 of the Washoe County Code for deviations less than 10 percent of the applicable Development Code Standard.*

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 Development Code), of the Washoe County Code within Article 804 (Variances), Section 804.35 to allow the Director of the Planning and Building Division to grant minor deviations of standards within chapter 110 of the Washoe County Code for deviations less than 10 percent of the applicable Development Code Standard and to establish an application process for minor deviations.

WHEREAS:

A. This Commission desires to amend Article 804 of the Washoe County Code Chapter 110 (Development Code) in order to allow the Director of the Planning and Building Division to grant minor deviations of standards within chapter 110 of the Washoe County Code for deviations less than 10 percent of the applicable Development Code Standard and to establish an application process for minor deviations and,

- B. This Commission adopted Ordinance No. XXXX and,
- C. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110 (Development Code) by Resolution Number 17-10 on October 3, 2017; and,
- D. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA17-0006 on October 3, 2017, and adopted Resolution Number 17-10 recommending adoption of this ordinance; and,
- E. 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,
- F. 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. Section 110.804.35 is hereby added to the Washoe County Code as follows:

Section 110.804.35 Minor Deviations. The Director of the Planning and Building Division may grant a minor deviation of standards to this chapter for deviations less than 10 percent of the applicable Development Code standard pursuant NRS 278.319.

- (a) **Application.** The applicant must file a Director's Modification of Standards application with the Planning and Building Division, and must clearly describe the extenuating circumstances or unique physical conditions on the project site to justify the need for the requested deviation. The applicant must provide a description of the requested deviation, and how the request will remedy the circumstances and/or conditions. As part of the application submittal, the applicant must provide written consent from the

owner(s) of real property immediately abutting the proposed deviation that would be affected by the request. The Director may require the written consent from additional owner(s) of real property if deemed appropriate by the Director.

- (b) Director's Decision. The Director shall provide a written decision on the application for a minor deviation within 15 working days of receipt of a completed application. The Director may grant or deny the application, or may determine that the application exceeds the less than 10% threshold and require submission of a Variance application pursuant to this Article. The findings specified in section 804.25 of this Code are not required for minor deviations but the Director must find that the requested minor deviation does not result in a substantial detriment to the public good and does not impair the purpose of the zoning district or any regulations adopted by Washoe County. The Director's decision may be appealed following the provisions of section 804.40 of this Code.

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.

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Passage and Effective Date

Proposed on _____ (month) _____ (day), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

Robert Lucey, Chair
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 _____.