

### Affidavit of Publication

STATE OF NEVADA,  
County of Washoe—SS.

.....Mary Hefling.....  
being duly sworn, deposes and says that he is the

.....Record Clerk.....  
of The SPARKS TRIBUNE, a weekly newspaper,  
published in Sparks, Washoe County, Nevada; that  
he has charge of and knows the advertising ap-  
pearing in said newspaper, and the .....

..... Notice of County Ordinance.....  
..... Bill No. 531, Ordinance No. 362

.....  
.....  
.....  
.....  
of which a copy is hereunto attached, was first  
published in said newspaper in its issue dated  
..... January 11....., 19 78  
and was published in each of the following issues  
thereafter: .....

.....  
.....  
.....  
.....  
of....., 19 ..  
.....  
.....  
Subscribed and sworn to before me this, the

11th day of ..... January....., 19 78

*Loretta Dickerson*  
.....  
Notary Public in and for the County of ~~Washoe~~ <sup>Douglas,</sup>  
State of Nevada.

My Commission expires: October 25, 1980

 LORETTA DICKERSON  
Notary Public — State of Nevada  
Douglas County  
My Commission Expires Oct. 25, 1980

#### NOTICE OF COUNTY ORDINANCE

Notice is hereby given that Bill No. 531, Ordinance No. 362, an ordinance amending Washoe County Ordinance No. 57 entitled "AN ORDINANCE AMENDING 'AN ORDINANCE AMENDING, REPEALING IN PART AND RE-ESTABLISHING A LAND USE PLAN WITHIN THE UNINCORPORATED AREA OF WASHOE COUNTY, REGULATING AND RESTRICTING THE USE OF LAND; THE LOCATION, USE, BULK, HEIGHT, AND NUMBER OF STORIES OF STRUCTURES; THE DENSITY OF POPULATION; THE PROPORTION OF LAND TO BE COVERED BY STRUCTURES; ESTABLISHING SETBACK LINES PROVIDING FOR ADJUSTMENT, ENFORCEMENT AND AMENDMENT OF SAID LAND USE PLAN AND ITS ORDINANCE; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND OTHER MATTERS RELATING THERETO' BY CREATING AN O-S OPEN SPACE OVERLAY DISTRICT", was adopted on December 27, 1977 by Commissioners Gaunt, Nelson, Farr and Stoess with Commissioner Rusk being absent. Typewritten copies of the Ordinance are available for inspection by all interested persons at the office of the County Clerk.  
(s) ALEX COON  
Washoe County Clerk

Publish: January 4, 11, 1978  
Sparks Tribune No. 76842

77-2256

SUMMARY: Amends Washoe County Ordinance No. 57 to create an O-S Open Space Overlay District.

BILL NO. 531

ORDINANCE NO. 362

AN ORDINANCE AMENDING "AN ORDINANCE AMENDING, REPEALING IN PART AND RE-ESTABLISHING A LAND USE PLAN WITHIN THE UNINCORPORATED AREA OF WASHOE COUNTY, REGULATING AND RESTRICTING THE USE OF LAND; THE LOCATION, USE, BULK, HEIGHT, AND NUMBER OF STORIES OF STRUCTURES; THE DENSITY OF POPULATION; THE PROPORTION OF LAND TO BE COVERED BY STRUCTURES; ESTABLISHING SETBACK LINES; PROVIDING FOR ADJUSTMENT, ENFORCEMENT AND AMENDMENT OF SAID LAND USE PLAN AND ITS ORDINANCES; PRESCRIBING PENALTIES FOR THE VIOLATION THEREOF AND OTHER MATTERS RELATING THERETO" BY CREATING AN O-S OPEN SPACE OVERLAY DISTRICT.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

SECTION 1.

Article 3 of Washoe County Ordinance No. 57 is hereby amended to read as follows:

ARTICLE 3 DEFINITIONS

A. Certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning. All words used in the present tense include the singular; all words in the singular include the plural; the word "building" includes the word "structure", the word "shall" is mandatory; the word "person" includes a "firm", "association", "corporation", "partnership", and "natural person"; the word "used" includes the words "arranged", "designed" or "intended to be used", the word "construct" includes the words "erect", "reconstruct", "alter", "move in" and "move upon".

B. The following definitions shall apply:

Administrator: The Planning Director or other agent of the Planning Commission acting in a capacity as Zoning Administrator.

Alley: A public thoroughfare or way less than 30 feet wide, or a secondary means of access to abutting property.

Apartment House: Same as multiple dwelling.

Attic Story: Is any story situated wholly or partly in the roof, so designated, arranged, or built as to be used for business, storage, or habitation.

Auto Service Station: An area used exclusively for retail sales of fuels or oils, having storage tanks and pumps located thereon and including minor automotive repairs and washing, but not including body repairs or battery rebuilding.

Basement: Is that portion of a building between

77-2252

floor and ceiling, which is partly below and partly above grade (as defined in this Article), but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Billboard: An outdoor advertisement making a material or service known, such advertisement being remote from point of sale of such material or service.

Boarding (or rooming) House: A building or portion thereof (not a motel) where, for compensation, meals and/or lodging are provided for more than three guests.

Building: Any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home), or tent.

Building, main: A building devoted to the principal use of the lot on which it is situated.

Building, accessory: A detached subordinate building, the use of which is incidental to that of the main building, or a potential main building.

Building, Accessory, Attached: An accessory building attached to the main building by a breezeway and/or common wall and which is designed and constructed in harmony with said main building. To be considered attached by a breezeway, the accessory building shall not be located more than 20 feet from the main building and the roof of the breezeway shall cover an area not less than 10 feet wide. The breezeway shall have a roof and be attached to and be a part of the accessory and main building.

Building Height: The vertical distance from the "Grade" to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. Maximum heights are stated under the individual districts.

Building, setback: Distance between the property line and the nearest portion of a structure on the property.

Cellar: That portion of a building between floor and ceiling which is wholly or partly below grade (as defined in this Article) and so located that the vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

Child Care Facility: Any place, home, institution or establishment in which more than three children are received, cared for, or maintained for any period of time with or without compensation.

County: The unincorporated area of Washoe County, Nevada.

Club: A non-profit association of persons organized solely or primarily to render a service which is usually a commercial enterprise.

Dwelling:

- (1) Any building or portion thereof, used exclusively for residential purposes but shall not include hotels, clubs, boarding or rooming houses, fraternity or sorority houses, institutions or mobile homes.
- (2) Single Family - a building containing one kitchen, designed and/or used to house not more than one family, including necessary employees of such family.
- (3) Two-family - a building containing not more than two kitchens, designed and/or used to house not more than two families, living independently of each other, including necessary employees of each such family.
- (4) Multiple - a building designed and/or used to house three or more families, living independently of each other, including necessary employees of each such family.
- (5) Living unit - a building or portion thereof containing one kitchen designed and/or used to house not more than one family, including necessary employees of such family.

Family: One person living alone, or two or more persons related by blood, marriage, or legal adoption, or a group not exceeding four persons living as a single housekeeping unit.

Gaming: Any legally constituted gambling enterprise authorized under the Nevada State Law, other than slot machines when such machines are operated incidental to the conduct of a licensed retail business.

Garage:

- (1) Private - a space intended for or used by the private automobiles of families resident upon the lot.
- (2) Public - a building for the repair or storage or hire of motor vehicles.

Grade: (Adjacent Ground Elevation) is the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and a point five feet (5') distant from said wall, or the lowest point of elevation of the finished surface of the ground between the exterior wall of a building and the property line if it is less than five feet (5') distance from said wall. In case walls are parallel to and within five feet (5') of a public sidewalk, alley or other public way, the grade shall be the elevation of the sidewalk, alley or public way.

77-2252

Guest Building: A structure occupying an accessory position on a lot, which contains no cooking facilities, and is used exclusively for housing members of a single family or their non-paying guests. No reduction of side yards shall be allowed for this use regardless of other provisions of this ordinance.

Heliport: An area used by helicopter or by other steep gradient aircraft which area includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangers and other accessory buildings and open spaces.

Helistops: An area on a roof or on the ground used by helicopters or steep gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fueling service, maintenance or overhaul.

Hospital: A building used for accommodation of sick, injured or infirm persons, including clinics, sanitarium, convalescent and rest homes.

Hotel: A building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with interior hall and lobby, and with access to each room from such interior hall or lobby, and with accessible parking spaces on the premises or adjacent premises under the same ownership, for each unit, as provided in this ordinance.

Hotel, Resort: Same as "Hotel" with a minimum of 100 rooms.

Junk Yard: Any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts.

Kitchen: A room used for cooking or the preparation of food.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles while handling merchandise or materials.

Lot: 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.

- (1) Front line - narrowest lot dimension fronting on a street.
- (2) Width - distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line.
- (3) Depth - distance between the front and rear

77-2252

lot lines measured in the mean direction of the side lines.

Mobile Home: A structure, intended for use as a dwelling, eight feet or greater in width and twenty-eight feet or greater in length, designed to be moveable but not self-motive.

Mobile Home Park: A parcel or tract of land having as its principal use the rental, leasing or occupancy of space by two or more mobile homes on a permanent or semi-permanent basis, including accessory buildings, or uses customarily incidental thereto.

Mobile Home Subdivision: A subdivision of land, platted in conformance to NRS 278 and applicable county ordinances for the purpose of providing mobile home lots.

Motel: A building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material) and with accessible parking spaces on the premises or adjacent premises under the same ownership, for each unit, as provided in this ordinance.

Open Space Use: The current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies or preserve sites designated as historic pursuant to law, provided said land has a greater value for another use than for open space use.

Parcel of Land: Any unit or contiguous units of land in the possession of or recorded as the property of one person.

Parking Space: A permanently maintained space on a lot or parcel, suitable for the parking of one automobile; not less than 20 feet long by 8 feet wide and including necessary maneuvering space.

Required Area: The net minimum area, exclusive of roadway easements, of a lot or parcel necessary to permit its use under the provisions of this ordinance and shall mean for the purpose of this ordinance:

- (1) Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law, or
- (2) Any parcel of land separated as a lot prior to the adoption and effective date of the original Washoe County Land Use Ordinance, or the adoption of additional zoning districts.
- (3) Any lot or parcel of land which has a net minimum area not less than that required in the respective Land Use District.

77-2252

Required Width: Shall mean:

- (1) The average width of a lot which is shown as a part of a subdivision recorded as a final map; or
- (2) An average width of:
  - (a) One hundred and fifty feet in Land Use Zones A-2, A-4, E-5 and ME.
  - (b) One hundred and twenty feet in Land Use Zones A-1 and E-4.
  - (c) One hundred feet in Land Use Zones A-3, E-2 and E-3.
  - (d) Eighty feet in Land Use Zones E-1 and R-1b.
  - (e) Seventy feet in Land Use Zone R-1a.
  - (f) Fifty feet in any other Land Use Zones set forth in this ordinance.
- (3) The average width of a parcel of land which is not part of a recorded subdivision, provided that the person having the right of possession of said parcel neither owns nor has right of possession of any contiguous parcel of property, and further provided that the deed or contract of sale, by which such property was defined, is dated prior to the effective date of the original Washoe County Land Use Ordinance.

Room: An unsubdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways and porches.

School: An institution of learning which offers instruction in the several branches of learning required to be taught in the public schools of the State of Nevada.

Sign: Any advertisement making a material or service known, and located at the place of sale.

Story: Is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six feet (6') above grade as defined herein for more than 50 percent of the total perimeter or is more than twelve feet (12') above grade as defined herein at any point, such basement, cellar or unused underfloor space shall be considered as a story.

Street: A public thoroughfare 30 feet or more in width which affords a primary means of access to abutting property.

Structure: Any construction except a tent, trailer (mobile home) or vehicle.

Trailer Coach (mobile home): Any mobile home facility on wheels, so designed and contrived as to permit occupancy thereof for living or sleeping purposes.

Trailer Camp (park): Any lot or parcel used for parking of two or more trailers used for house-keeping, sleeping or living purposes as more particularly described in Washoe County Ordinance No. 177.

Yards: An open space on the same lot or parcel used with the building, extending from the building to the nearest lot line, to be unoccupied and unobstructed except as provided in Article 5.

- (1) Front - a yard lying between the main building and the front line and extending across the full width of the lot or parcel.
- (2) Side - a yard lying between the side lot line and the main building and extending from the front yard line to the rear yard line.
- (3) Rear - a yard between the main building and the rear line and extending across the full width of the lot or parcel.

SECTION 2.

Article 4 of Washoe County Ordinance No. 57 is hereby amended to read as follows:

ARTICLE 4 ESTABLISHMENT OF DISTRICTS

A. Districts: In order to classify, regulate, restrict, and segregate the use of land; the location, use, bulk, height of structures; and to carry out the purposes of this ordinance, Land Use Districts are hereby established as follows:

<u>AGRICULTURAL DISTRICTS</u>	<u>RESIDENTIAL DISTRICTS</u>	<u>NON-RESIDENTIAL DISTRICTS</u>
A-1 First Agricultural	E-1 First Estates	L-R Limited Recreation
A-2 Second Agricultural	E-2 Second Estates	A-R Active Recreation
A-3 Suburban Farm	E-3 Third Estates	R-H Resort Hotel
A-4 Farm & Forestry	E-4 Fourth Estates	T-C Tourist Commercial
A-5 First Rural Conservation	E-5 Fifth Estates	G-0 Gaming Overlay
A-6 Second Rural Conservation	R-1 Single Family	C-1 Limited Commercial
A-7 Third Rural Conservation	R-1a Single Family	C-2 General Commercial
A-8 Fourth Rural Conservation	R-1b Single Family	M-1 Industrial
A-9 Fifth Rural Conservation	R-2 Limited Multiple	M-E Industrial Estates

77-2252



- |                                 |                                  |                          |
|---------------------------------|----------------------------------|--------------------------|
| A-10 Sixth Rural Conservation   | R-2a Limited Multiple Town House | M-W Warehouse            |
| A-11 Seventh Rural Conservation | R-3 Multiple                     | M-S Space Industrial     |
|                                 | TR Trailer                       | M-3 Open Use             |
|                                 |                                  | H-L Historic or Landmark |
|                                 |                                  | O-S Open Space           |

B. Adoption of Districts: The several districts and boundaries thereof are hereby established and adopted as shown on those maps entitled "Land Use Plan Districts Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, a part of the Master Plan of Washoe County, Nevada" which maps are on file in the office of the Regional Planning Commission and are hereby adopted by reference, incorporated herein and made a part hereof as if set forth in full together with all notations, references, data and other information thereon, and all subsequent changes and amendments thereto.

C. Determination of Districts: It is hereby declared that in the creation of this ordinance and inclusion of the Land Use Plan, the Board of County Commissioners has given due and careful consideration to the suitability of each District for the regulations applied thereto, and the location and extent of each District and the comprehensive grouping and arrangement of the various uses and densities of population in accordance with a well considered plan for the development of the County of Washoe and its desirable relationship to adjoining jurisdiction.

D. Interpretation of District Boundaries: Where uncertainty exists as to the boundaries of Land Use Districts, as shown, the following shall apply:

1. Boundaries are intended to parallel street lines or to follow lot or property lines as they exist at the time of passage of this ordinance or amendments hereto, unless specifically shown otherwise. Where a zone boundary line divides a lot in a single ownership the regulations of the least restrictive portion of such lot shall prevail for an extension of not more than fifty feet into the most restrictive portion.
2. In the event of further uncertainty, the Planning Commission shall interpret intent as to the boundary location.

E. Vacated Rights of Way: In the event a dedicated street or alley is hereafter abandoned, the regulations applicable to abutting properties shall apply to that portion of such right of way vacated.

F. Annotating District Boundary Changes: When a change to the Land Use Plan shall be approved by the Board of County Commissioners, each change

77-2252

shall incorporate a map clearly delineating the area or areas affected thereby and the land use classification to which such area or areas are thereby changed. Each map shall be certified by the Clerk of the Board of County Commissioners and delivered to the Regional Planning Commission who shall attach a true copy thereof to the appropriate district map which is a part of the Master Plan of Washoe County.

SECTION 3.

Washoe County Ordinance No. 57 is hereby amended by the addition of the following article, to be numbered Article 35A:

ARTICLE 35A O-S OPEN SPACE OVERLAY DISTRICT

A. Purposes of District:

- 1. To provide for open space in the community.
- 2. To aid in the prevention of damage to sensitive environmental areas.
- 3. To provide a basis for the determination of areas eligible for open-space use assessment.

B. Uses permitted:

- 1. Any use permitted in the underlying zone, on a lot or parcel having the required area and required width.
- 2. Open space use, on a lot or parcel meeting the area and width requirements of the underlying zone.

C. Standards required for open space use:

- 1. The lot or parcel shall not contain any structures or other man-made improvements except those required for the public health, education, convenience or necessity; any such structures shall be designed for public health, education, convenience or necessity based upon value to the public of the open space or educational qualities of the lot or parcel. Such structures shall include, but not be limited to parks, sidewalks, parking areas, fences, restrooms, bath houses, underground utilities, historic buildings and other similar structures.
- 2. The lot or parcel shall be landscaped and/or maintained in a natural or parklike state.
- 3. The Board of County Commissioners may require that the lot or parcel shall be accessible to the public during a certain number of days of each calendar year.

D. Criteria for establishment of Open Space District. Open space lots or parcels must qualify as one or more of the following:

- 1. The area is landscaped, developed, and open

77-2282

for use by the public at no charge as a park or recreational facility.

- 2. The area is within a geologic hazard area.
- 3. The area is within a key fish or wildlife habitat or part thereof.
- 4. The area is within an exposed aquifer recharge area.
- 5. The area is a designated but not as yet acquired site for public park or open space use.
- 6. The area is within a perennial stream or wetland area, or within those related setback areas required by ordinance.
- 7. The area contains a documented archaeological find of historic, scientific, scenic or educational value.
- 8. The area consists of a land form or forms having unique historic, scientific or social value.

E. Compliance with any or all of the above standards or criteria shall not bind the Board of County Commissioners to approve an O-S Open Space classification.

F. Denial by the Board of County Commissioners of an application for open-space use assessment shall automatically remove an O-S Open Space classification from a lot or parcel unless a written request to retain said O-S Open Space classification is filed by the owner with the Clerk of the Board of County Commissioners within ten (10) days following such denial. The Clerk of the Board of County Commissioners shall notify the Regional Planning Commission of all denials of applications for open-space use assessment for parcels having an O-S Open Space classification and shall forward to the Regional Planning Commission a copy of any such written requests to retain O-S Open Space classification.

77-2252

SECTION 4.

This ordinance shall be in full force and effect from and after its passage, approval and publication as prescribed by NRS 244.100.

Proposed on the 20th day of December, 1977.  
Proposed by Commissioner Gaunt, Nelson, Farr and Stoess.  
Passed on the 27th day of December, 1977.

Vote:

Ayes:	Commissioners:	Gaunt, Nelson, Farr and Stoess
Nays:	Commissioners:	None
Absent:	Commissioners:	Rusk

ATTEST:

ALEX COON CLERK  
By [Signature] CHIEF DEPUTY  
Clerk

[Signature]  
Chairman of the Board

This Ordinance shall be in force and effect from and after  
the 11th day of January, 1978.

77-2256