

Customer Account # 349008

PO # / ID # 4213

- Washoe County Clerk
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Legal Ad Cost \$ 37.84

Extra Proof _____

Notary Fee 2.00

TOTAL \$ 39.84

STATE OF NEVADA
 COUNTY OF WASHOE

SS. Mary Cook

being first duly sworn, deposes and says:
 That as the legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice:

Of County Ordinance No. 889

of which a copy is hereto attached, has been published in each regular and entire issue of said newspaper on the following dates to wit:

Nov. 22, 29

Signed Mary Cook

Subscribed and sworn to before me this
29th day of November, 1993

Debra J. Dicianno
 Notary Public

PROOF OF PUBLICATION

NOTICE OF COUNTY ORDINANCE
 NO. 889

NOTICE IS HEREBY GIVEN that Ordinance No. 889, Bill No. 1064, entitled:

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO IDENTIFY THE APPROPRIATE LAND USES IN SPHERES OF INFLUENCE TO MODIFY THE REGULATION OF STORAGE OF MATERIAL IN FRONT AND SIDE AREAS OF LOTS, TO IDENTIFY THE APPROPRIATE LAND USE DESIGNATION FOR SIGNS, AND TO IDENTIFY NONCONFORMING USES IN SPHERES OF INFLUENCE BY AMENDING THE FOLLOWING ARTICLES: ARTICLE 106 "REGULATORY ZONES"; ARTICLE 306 "ACCESSORY USES AND STRUCTURES"; ARTICLE 502 "SIGN REGULATIONS"; AND ARTICLE 904 "NONCONFORMANCE."

was adopted on November 16, 1993, by Commissioners Larry Beck, Steve Bradhurst, Dianne Cornwall, Gene McDowell, and Jim Shaw, and will become effective on November 29, 1993.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk at the County Courthouse, Virginia and Court Streets, Reno, Nevada.

Judi Bailey, County Clerk
 No. 4213 Nov 22, 29, 1993



SUMMARY: Amends Washoe County Code to identify the appropriate land uses in Spheres of Influence, to modify the regulation of storage of material in front and side areas of lots, to identify the appropriate land use designations for signs, and to identify nonconforming uses in Spheres of Influence.

BILL NO. 1064

ORDINANCE NO. 889

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO IDENTIFY THE APPROPRIATE LAND USES IN SPHERES OF INFLUENCE, TO MODIFY THE REGULATION OF STORAGE OF MATERIAL IN FRONT AND SIDE AREAS OF LOTS, TO IDENTIFY THE APPROPRIATE LAND USE DESIGNATION FOR SIGNS, AND TO IDENTIFY NONCONFORMING USES IN SPHERES OF INFLUENCE BY AMENDING THE FOLLOWING ARTICLES: ARTICLE 106 "REGULATORY ZONES; ARTICLE 306 "ACCESSORY USES AND STRUCTURES"; ARTICLE 502 "SIGN REGULATIONS"; AND ARTICLE 904 "NONCONFORMANCE."

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Article 106 "Regulatory Zones" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. Article 306 "Accessory Uses and Structures" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "B" which is attached hereto and made a part hereof.

SECTION 3. Article 502 "Sign Regulations" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "C" which is attached hereto and made a part hereof.

SECTION 4. Article 904 "Nonconformance" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "D" which is attached hereto and made a part hereof.

Proposed on the 26th day of October, 1993.

Proposed by Commissioners Gene McDowell.

Passed on the 16th day of November, 1993.

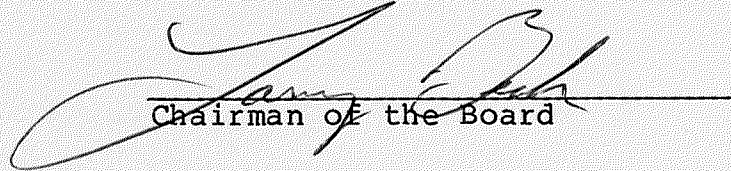
Vote:

Ayes: Commissioners: Larry Beck, Steve Bradhurst,

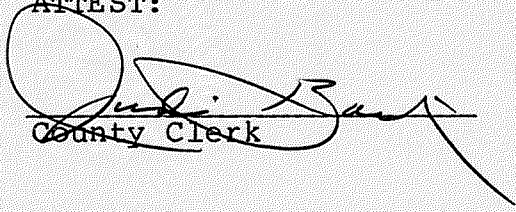
Dianne Cornwall, Gene McDowell, Jim Shaw

Nays: Commissioners: None

Absent: Commissioners: None


Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the
29th day of November, 1993.

- (c) Public Services and Facilities. The area typically lacks public services and facilities necessary to support development. Should these services and improvements become available, the application of this regulatory zone can be reevaluated.

Section 110.106.125 Specific Plan Regulatory Zone. The Specific Plan (SP) Regulatory Zone is intended to identify areas where detailed study and planning are required to address the unique conditions of an area, and the needs of landowners and the community. The Specific Plan designation is appropriate for redeveloping existing suburban and/or urban areas, re-planning areas that have already begun to develop in an unplanned or uncoordinated manner, planning environmentally sensitive areas, planning for a mixture of land uses and planning new communities. The specific plan document serves as the regulatory framework for development within the Specific Plan designation by identifying the appropriate land uses and associated infrastructure necessary to support development. When adopted by the Washoe County Planning Commission, the specific plan is used as a mechanism for systematic execution of the Comprehensive Plan. Specific plans can also provide a tool to implement development agreements when it is appropriate and desirable to coordinate private funding (or cooperative public/private funding) of public services.

An important function of an adopted specific plan is to simplify the review procedures and permitting time necessary for subsequent development. At a minimum, the specific plan shall contain proposals for land use, circulation, water and sewerage system improvements, open space/recreation, phasing, financing and implementation. The specific plan shall also contain design guidelines and development regulations. The design guidelines address the aesthetic elements of a proposed development. The development regulations articulate the site planning criteria and address the unique aspects of the area and/or incompatible land use issues.

The Specific Plan designation shall not be used as the basis for development proposals unless and until the specific plan for the area is approved and adopted by the Washoe County Commission. All discretionary permit applications submitted must be consistent with the applicable specific plan provisions. However, should a property owner in the Specific Plan designation desire to develop prior to adoption of the specific plan, then an amendment to change the land use designation from SP to another land use will be required before a development proposal is approved by Washoe County. There is no minimum lot area for this regulatory zone.

Section 110.106.130 Use of Land Within Spheres of Influence. Within the Spheres of Influence created pursuant to the Truckee Meadows Regional Plan, the allowable uses and density for those parcels for which no regulatory zone has been identified on the regulatory zone maps shall, only, be those identified by Washoe County Code, Chapter 110, in effect prior to the effective date of this article and adopted therein. The standards of development for those parcels with no identified regulatory zone designation shall be those of the comparable regulatory zone as defined in Table 110.106.10.1. Any new use or expansion of an existing use shall require a site review pursuant to the provisions of this article. The provisions of this section shall be in effect for a parcel within a Sphere of Influence that has no regulatory zone designation until one of the following has occurred:

- (a) Approval of Regulatory Zone Designation for Parcel. A parcel receives a regulatory zone designation through the approval of a comprehensive plan amendment processed pursuant to Article 820.

- (b) Assumption of Development Review Responsibilities by City. The city for whom the sphere of influence is designated assumes development review authority for the parcel pursuant to the Truckee Meadows Regional Plan through written notification to the county.
- (c) Adoption of Plan for Joint Planning Area. The city for whom the sphere of influence is designated and Washoe County adopt a plan for the Joint Planning Area.
- (d) Annexation of Parcel. The city for whom the sphere of influence is designated annexes the parcel of land.

Article 306

ACCESSORY USES AND STRUCTURES

Sections:

110.306.00	Purpose
110.306.05	Applicability
110.306.10	Attached and Detached Accessory Structures
110.306.15	Main Structures Required
110.306.20	Attached Accessory Dwelling Units
110.306.25	Detached Accessory Dwelling Units
110.308.30	Agricultural Buildings
110.306.35	Outdoor Storage/Outdoor Display
110.306.40	Animals
110.306.45	Nonconformance

Section 110.306.00 Purpose. The purpose of this article, Article 306, Accessory Uses and Structures, is to allow accessory uses and structures and provide standards and conditions for regulating them.

Section 110.306.05 Applicability. Accessory uses and structures normally incidental to principal uses and main structures are allowed in all zones except as otherwise provided herein. This is not to be construed as permitting any commercial uses, including the storage of commercial vehicles, in residential zones unless specifically allowed by this Development Code.

Section 110.306.10 Attached and Detached Accessory Structures. The following development requirements shall apply to attached and detached accessory structures:

- (a) **Buildable Area.** Detached accessory structures may occupy no more than fifty (50) percent of the total area of a rear yard or twenty-five (25) percent of a side yard.
- (b) **Property Line Setback.** Accessory structures shall maintain a five (5) foot minimum separation from the rear and side property line.
- (c) **Height Limits.** The highest point of a detached accessory structure shall not exceed fifteen (15) feet above the lowest point of the established grade and shall be limited to no more than one (1) story. In the rural regulatory zones (HDR, MDR, LDR, GRR, GR) and when the detached accessory structure complies with the yard requirements for the primary structure in that zone, the height of the detached accessory structure may be the same as that allowed for the primary structure.
- (d) **Siting.** Any accessory structure shall comply with the following siting requirements:

- (1) In no event shall any detached accessory structure occupy the front yard of any lot, except as provided in this section;
 - (2) In case of a corner lot abutting two (2) streets, no detached accessory structure shall be erected so as to encroach upon the front yards of such lot;
 - (3) A detached accessory structure, used as a private garage may be built to the property line 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, provided such structure shall not exceed fifteen (15) feet in interior height when measured from parking surface; and
- (e) **Building Setback.** A detached accessory building shall be located not closer than ten (10) feet to any main building on ~~the same or~~ an adjoining lot parcel.

Section 110.306.15 Main Structures Required. Except as otherwise provided in Section 110.306.30, it is unlawful to construct, erect, or locate private garages or other accessory structures in any "Rural", "Suburban", or "Urban" residential zone without a permissive main structure.

Section 110.306.20 Attached Accessory Dwellings. Attached Accessory Dwellings are permitted in the General Rural, Rural, Suburban, and Urban regulatory zones, pursuant to all of the following regulations:

- (a) A main residential unit exists;
- (b) A minimum lot area of 5,000 square feet exists;
- (c) Setback, height, and lot coverage standards of the regulatory zone shall be maintained;
- (d) The attached accessory unit shall not exceed twenty-five (25) percent of the floor area of the main unit;
- (e) Any exterior entrance to the attached accessory dwelling shall not be located along ~~the same~~ wall as the main entrance to the main unit;
- (f) A minimum of one (1) off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking beyond the one off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading; and,
- (g) There shall be not more than one attached accessory dwelling unit per parcel.

Section 110.306.25 Detached Accessory Dwellings. Detached Accessory Dwellings are allowed in the High Density Urban regulatory zones, and permitted in the General Rural, Rural, and Suburban regulatory zones, subject to a Special Use Permit reviewed by the Board of Adjustment, and in the Low Density and Medium Density Urban regulatory zones, subject to an Administrative Permit, pursuant to the applicable provisions of Section 110.306.05 and the following requirements:

- (a) A main residential unit exists;
- (b) A minimum lot area of one (1) acre exists;
- (c) Setback, height, and lot coverage standards of the regulatory zone shall be maintained;
- (e) The detached accessory unit shall be at least six hundred forty (640) square feet, but shall not exceed twelve hundred (1,200) square feet, or fifty (50) percent of the floor area of the main unit, whichever is less;
- (f) Fabricated Homes are permitted as a detached accessory unit in Trailer (TR) Overlay zones and manufactured home subdivisions;
- (g) A minimum of one (1) off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking beyond the one off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading;
- (h) There shall be not more than one detached accessory dwelling unit per parcel; and,
- (i) A parcel containing a detached accessory dwelling unit shall not be subdivided to place the detached accessory dwelling unit on a lot subdivided from the original parcel, if in creating such a subdivision, any of the existing or new parcels have a lot area less than the required minimum lot area of the regulatory zone in which the parcel exists.

Section 110.306.30 Agricultural Buildings. Buildings, corrals, coops, pens, stables, or structures used in conjunction with farming may be constructed, erected, or located without a permissive main structure in any regulatory zone allowing agricultural use types provided that the following conditions are met:

- (a) The accessory structures do not involve on-site sale of agricultural products;
- (b) The accessory structures do not involve the commercial use of horses;
- (c) The accessory structures are used for the storage of agricultural equipment and products related to the on-site agricultural use; and
- (d) The accessory structures are located not closer than one hundred (100) feet to any street or highway, or to any public park or school, or to any land classified in a residential district.

Section 110.306.35 Outdoor Storage/Outdoor Display.

- (a) General Requirements, Storage. ~~No area visible from a street required front or street-side yard shall be used for outdoor storage of inoperable vehicles.~~ No area visible from a street shall be used for outdoor storage of building materials, appliances, or similar materials, except as provided in this section;
or:

- (1) When being temporarily stored for the purposes of construction pursuant to and during the time permitted by a valid building permit; or
- (2) When in conjunction with a yard/garage sale with a duration of no more than five (5) consecutive days or three (3) consecutive weekends; or
- (3) When the covered trash containers are approved by the disposal company for weekly or other regularly scheduled domestic disposal.
- (b) 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 Development Review 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.
- (c) 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.
- (d) Inoperable Vehicle Defined. An inoperable vehicle is defined as a vehicle that cannot be licensed by the State of Nevada Department of Motor Vehicles, or a vehicle that is not registered by the State of Nevada Department of Motor Vehicles, or a vehicle that is in a state of being dismantled, or a vehicle that is missing one or more parts that permit it to be operable or safely operated.
- (e) 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 15 feet to the front property line.

- (f) Outdoor Display For Merchandise. Except for the uses enumerated in (g) of this section, 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 percent (50%) of this the area ~~of the front lot~~.
- (g) Outdoor Display For Automobiles, Boats, Recreational Vehicles, and Heavy Equipment. The outdoor display of automobiles, boats, recreational vehicles, and heavy equipment shall not cover more than eighty-five percent (85%) of the area ~~of the area~~ between the front and side property lines and the front and side faces of the main building.

Section 110.306.40 Animals. Animals kept for commercial or agricultural uses are regulated by the Use Classification System at Article 304. Animals kept for private, non-commercial use in development existing at the time of the effective date of this section, but not kept in compliance with this section, including all provisions of Washoe County Code, Chapter 55, all Washoe County District Health regulations, and NRS 574, shall be allowed as a nonconforming use subject to the provisions of Section 110.306.60 of this article and the provisions of Article 904, Nonconformance.

- (a) Poultry and Rabbits. Poultry and rabbits may be raised for domestic, non-commercial use in the General Rural, all rural and the Low and Medium Density Suburban regulatory zones only. A minimum lot area of fourteen thousand five hundred (14,500) square feet shall be required for keeping poultry and rabbits in these regulatory zones.
- (b) Livestock. Livestock, including cows, pigs, sheep, goats, horses, and llamas as defined in Section 55.174 of the Washoe County Code, shall be permitted as an accessory use in the General Rural, all rural, and the Low and Medium Density Suburban regulatory zones only, subject to the following provisions:
- (1) Such animals shall not be maintained on any parcel of less than one-half (1/2) acre;
 - (2) On any parcel of one-half (1/2) acre to less than one (1) acre in size, the number thereof shall not exceed two (2) such animals which are twelve (12) months or more of age.
 - (3) On any parcel of one (1) acre or more in size, there shall be no restriction on the number of such animals kept, provided such animals are kept in compliance with all applicable provisions of Washoe County Code, Washoe County District Health Regulations, and Nevada Revised Statutes.
- (c) Dogs and Cats. Dogs, cats, and other small household pets are permitted in all regulatory zones.
- (d) Birds. Birds kept as household pets are permitted in all regulatory zones.
- (e) Exotic Animals. Exotic animals, including, but not limited to any bear, canine, feline, hoofed animal, marsupials, primate, raptor, and reptile, shall be allowed only as set forth in Chapter 55 of the Washoe County Code.

(f) Group-Sponsored Projects Allowed in Medium Density Suburban Regulatory Zone. In the Medium Density Suburban regulatory zone, poultry, rabbits, sheep, and goats may be raised as 4-H or other organized group-sponsored projects or similar activities for a limited time, not to exceed the duration of the project year, subject to the provisions of this subsection and all provisions of Washoe County Code, Chapter 55, all Washoe County District Health regulations, NRS 574, and the following:

- (1) A minimum lot area of six thousand (6,000) square feet shall be required for the keeping of poultry or rabbits for this type of project.
- (2) A minimum lot area of fourteen thousand five hundred (14,500) square feet shall be required for the keeping of sheep or goats for this type of project. No more than two (2) such animals shall be kept on any lot between fourteen thousand five hundred (14,500) square feet and less than one (1) acre in size.

Section 110.306.45 Nonconformance. Any accessory use in full compliance with Washoe County Code prior to the adoption of this article, but not in full compliance with this article, shall be considered a non-conforming use subject to the provisions of Article 904. For the purpose of this article, the nonconformance status shall remain with the parcel (not the property owner), so long as the principal use does not change. When the nonconforming status is due to an accessory use related to keeping animals, the nonconforming status shall remain with the parcel, not the individual animals.

Article 502

SIGN REGULATIONS

Sections:

110.502.00	Purpose
110.502.05	Applicability
110.502.10	Chapter 105

Section 110.502.00 Purpose. The purpose of this article, Article 502, Sign Regulations, is to set forth the regulations for off-premise and on-premise signs.

Section 110.502.05 Applicability. All development within the unincorporated portion of the County shall comply with this article.

Section 110.502.10 Chapter 105. The sign regulations for Washoe County are contained in Chapter 105, Billboard and Sign Regulations, of the Washoe County Code. All references to this article include a reference to Chapter 105. The on-premise sign provisions in Chapter 105 that refer to land use classifications contained in Washoe County Code, Chapter 110 in effect prior to the effective date of this article and adopted therein shall also apply to comparable regulatory zones as defined in Table 110.106.10.1, the Table of Comparable Land Use and Zoning Designations in Article 106. Off-premise sign provisions in Chapter 105 that refer to land use classifications contained in the Washoe County Code, Chapter 110 in effect prior to the effective date of this article and adopted therein shall apply, pursuant to the following: C-2 (General Commercial) land use classification is comparable only to the General Commercial (GC) regulatory zone, M-1 (Industrial) land use classification is comparable only to the Industrial (I) regulatory zone.

Article 904

NONCONFORMANCE

Sections:

110.904.00	Purpose
110.904.05	Finding of Incompatibility
110.904.10	Types of Non-Conformance
110.904.15	Non-Conforming Lot
110.904.20	Non-Conforming Use of Land
110.904.25	Non-Conforming Use of a Structure
110.904.30	Non-Conforming Structure
110.904.35	Non-Conforming Development
110.904.40	Replacement Cost
110.904.45	Non-Conforming Public Use
110.904.50	Historic Building, Structures or Sites
110.904.55	<u>Illegal Uses and Use of Structures and Land Within a Sphere of Influence</u>

Section 110.904.00 Purpose. The intent of this article, Article 904, Nonconformance, is to regulate lots, structures and uses of land and structures which were lawful before the adoption or amendment of this Development Code, but which no longer comply. The additional intent of this Article is to permit those non-conformities to continue until they are removed or required to be terminated, but not to encourage their continuance.

Section 110.904.05 Finding of Incompatibility. Non-conforming uses and structures are declared to be incompatible with permitted uses, structure and standards in the regulatory zones involved. They shall not be enlarged upon, expanded, extended or replaced, not be used as ground for adding other structures or uses prohibited elsewhere in the same regulatory zone, except as may be expressly permitted in this article.

Section 110.904.10 Types of Non-Conformance. This article regulates the categories of non-conformance listed below in this section. If a non-conforming use falls into two (2) or more categories, it shall be subject to the regulations of each category.

- (a) **Non-Conforming Lot.** A lot which was legal when brought into existence but does not conform to the current lot size or shape requirements of the regulatory zone where it is located. A non-conforming lot is subject to the provisions of Section 110.904.15.
- (b) **Non-Conforming Use of Land.** A use which does not involve a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A non-conforming use of land is subject to the provisions of Section 110.904.20.
- (c) **Non-Conforming Use of a Structure.** A use which is conducted at least partially within a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone

where it is located. A non-conforming use of structure is subject to the provisions of Section 110.904.25.

- (d) Non-Conforming Structure. A building or structure which was legal when brought into existence but does not conform to the current height, setback or coverage requirements of the regulatory zone where it is located. A non-conforming structure is subject to the provisions of Section 110.904.30.
- (e) Non-Conforming Development. A development which was legal when brought into existence but does not conform to the current parking, loading or landscaping requirements of the regulatory zone where it is located. A non-conforming development is subject to the provisions of Section 110.904.35.

Section 110.904.15 Non-Conforming Lot. A non-conforming lot containing a building or structure may continue to be used as a building site as long as other provisions of this article, including yard, coverage, sewer, water and drainage requirements, are met. A non-conforming lot may be used as a building site, provided the access requirements, building setback requirements, and infrastructure requirements of this Development Code are met.

Section 110.904.20 Non-Conforming Use of Land. The non-conforming use of land shall be subject to the provisions of this section.

- (a) Continuation. A non-conforming use of land may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (1) Any structure associated with such use shall not be enlarged or increased more than ten (10) percent, nor the use extended to occupy an area of land greater than ten (10) percent than was occupied on the effective date of this article; and
 - (2) If such a use ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located.
 - (3) The storage of inoperable vehicles in contravention to the provisions of this chapter shall not be considered a non-conforming use and shall be required to conform to the provisions of this chapter.
- (b) Adding New Uses or Structures. When a non-conforming use exists on any lot, no new use or structure shall be established or built on such lot unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.
- (c) Change to Another Non-Conforming Use. A non-conforming use of land shall not be changed to another non-conforming use of land.

Section 110.904.25 Non-Conforming Use of a Structure. The non-conforming use of a structure shall be subject to the provisions of the section.

- (a) Continuation. A non-conforming use of a structure may be continued as long as it remains otherwise lawful, subject to the following provisions:

- (2) Any structure in which a non-conforming use is superseded by an allowed use shall thereafter conform to the regulations for the regulatory zone in which such structure is located, and the non-conforming use may not thereafter be resumed;
 - (3) Any non-conforming use may be extended throughout such parts of a structure as were manifestly arranged or designed for such use at the time of adoption of this article, but no such use shall be extended to occupy any land outside such structure;
 - (4) When a non-conforming use of a structure is discontinued or abandoned for twelve (12) consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the regulatory zone in which it is located; and
 - (5) When a non-conforming structure has been partially or totally destroyed; the non-conforming use of the structure may be rebuilt provided a building permit is acquired within six (6) months of the damaging event.
- (b) **Adding New Structures.** When a non-conforming use exists in any structure, no new use or structure shall be established or built on the lot where the structure is located unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

Section 110.904.30 Non-Conforming Structure. A non-conforming structure shall be subject to the provisions of this section.

- (a) **Continuation.** Any non-conforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (1) Such structure may not be enlarged more than ten (10) percent or altered except as specifically provided for by this section;
 - (2) If the use ceases for any reason for more than twelve (12) consecutive months, any subsequent use of the structure shall conform to the requirements of the Development Code for the regulatory zone in which it is located;
 - (3) If a structure is partially or totally destroyed, the non-conforming use of the structure may be rebuilt, provided a building permit is acquired within six (6) months of the damaging event;
 - (4) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the regulatory zone in which it is located;
 - (5) Such structure may be remodeled or repaired provided that the cost of such remodeling or repair is not more than fifty (50) percent of its replacement cost and that the structure is not enlarged more than ten (10) percent, as it existed at the time of adoption or amendment of this Development Code;

- (6) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or state official charged with protecting the public health or safety, upon order of such official; and
- (7) On any property whose boundary was adjusted on or before June 13, 1981, a non-conforming structure which exists and is in nonconformance when this ordinance is adopted, and which is subsequently destroyed or removed from the property may be replaced by a structure appropriate to the same use within six (6) months.
- (b) Adding New Uses or Structures. When a non-conforming structure exists on any lot, no new use or structure shall be established or built on such land unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

Section 110.904.35 Non-Conforming Development. A non-conforming development shall be subject to the provisions of this section. Existing conforming buildings or uses whose off-street parking and loading do not conform to the provisions of this Development Code may be expanded or have facilities added, and one conforming use may be changed to another, provided that the requirements for off-street parking and loading spaces are complied with in accordance with Article 410.

Section 110.904.40 Replacement Cost. In the absence of proof to the contrary, replacement cost as used in this article shall mean the assessed value of the building or structure at the time of the destruction.

Section 110.904.45 Non-Conforming Public Use. Additions, extensions or alterations may be made to any non-conforming public use including, but not limited to, schools, parks, libraries and fire stations, if the addition, extension or alteration meets the provisions of this section.

- (a) Expansion. The addition, extension or alteration shall not extend beyond the boundaries of the site in existence when the use became non-conforming.
- (b) Parking. The addition, extension or alteration shall not infringe upon any off-street parking required by this Development Code.

Section 110.904.50 Historic Building, Structures or Sites. Notwithstanding any other provisions of this article, a building, structure or site which is listed on the National Register of Historic Places or the State Register of Historic Places shall be allowed to continue to exist and be repaired, restored or reconstructed as long as it complies with federal and state regulations and statutes regarding historic buildings, structures and sites. The building, structure or site may be expanded upon approval of a special use permit.

Section 110.904.55 Illegal Lots and Uses of Structures and Land within a Sphere of Influence. The creation of a lot, or the use of a structure or land that occurred in contravention to the provisions of Section 110.106.130 and which was created prior to the effective date of this section shall be considered an illegal use and not subject to the provisions of this article.



WASHOE COUNTY

"To Protect and To Serve"



DEPARTMENT OF DEVELOPMENT REVIEW
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MEMORANDUM



TO: John MacIntyre, County Manager
FROM: Michael A. Harper, Director *MA*
RE: Development Code Amendment Case No. DCA93-5: Additional Amendments
DATE: October 11, 1993

RECOMMENDATION

It is recommended that the board of county commissioners consider introducing and approving additional amendments to Article 106 - REGULATORY ZONES, Article 306 - ACCESSORY USES AND STRUCTURES and Article 904 - NONCONFORMANCE as listed below when the board takes final action at second reading on Development Code Amendment Case No. DCA93-5.

BACKGROUND

The board of county commissioners has a number of planning commission recommended changes to Articles 106, 306, 502 and 904 as enumerated in Development Code Amendment Case No. DCA93-5. Since the action by the planning commission, staff of the Department of Development Review has determined that additional changes to the articles under consideration should be brought forward to the board of county commissioners as part of the DCA93-5 action. Counsel to the department has approved this procedure. The additional staff changes are enumerated below and contained as attachments to this memorandum.

Additional Amendment to Article 106, Section 110.106.130 Use of Land Within Spheres of Influence.

Staff is recommending that the following language be added to this section:

Within the Spheres of Influence created pursuant to the Truckee Meadows Regional Plan, the allowable uses and density for those parcels for which no regulatory zone has been identified on the regulatory zone maps shall, only, be those identified by Washoe County Code, Chapter 110, in effect prior to the effective date of this article and adopted therein. The standards of development for those parcels with no identified regulatory zone designation shall be those of the comparable regulatory zone as defined in Table 110.106.10.1. Any new use or expansion of an existing use shall require a site review pursuant to the provisions of this article. The provisions of this section shall be in effect for a parcel within a Sphere of Influence that has no regulatory zone designation until one of the following has occurred:

- (a) Approval of Regulatory Zone Designation for Parcel. A parcel receives a regulatory zone designation through the approval of a comprehensive plan amendment processed pursuant to Article 820.

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- (b) Assumption of Development Review Responsibilities by City. The city for whom the sphere of influence is designated assumes development review authority for the parcel pursuant to the Truckee Meadows Regional Plan through written notification to the county.
- (c) Adoption of Plan for Joint Planning Area. The city for whom the sphere of influence is designated and Washoe County adopt a plan for the Joint Planning Area.
- (d) Annexation of Parcel. The city for whom the sphere of influence is designated annexes the parcel of land.

(underlined is to be added)

After this section was approved by the planning commission, staff discovered that there was no process for evaluating new and expanded uses within the spheres of influence. Because any new or expanded use is potentially in contradiction to the uses that the cities might eventually plan for within the spheres of influence, it seemed only appropriate for the cities to have an opportunity to evaluate these new and expanded uses. The site review process was selected as the most convenient procedure that would permit the cities an opportunity to comment on uses for which they will eventually be responsible.

Additional Amendment to Article 306, Section 110.306.10 Attached and Detached Accessory Structures.

Staff is recommending that the following language be deleted from and added to this section:

- (e) Building Setback. A detached accessory building shall be located not closer than (10) feet to any main building on ~~the same or~~ an adjoining lot ~~parcel.~~

(underlined is to be added, struckthrough is to be deleted)

Staff has had a number of inquiries about the distancing requirement between accessory buildings and main buildings on the same lot. Staff has not been able to determine a rational reason for such a restriction, other than fire safety. Since the fire agencies review building plans, it seemed appropriate that these agencies should determine when an accessory structure is too close to a main structure and not create an arbitrary distancing requirement. The ten foot distancing between an accessory building on one parcel and a main structure on another parcel was retained to continue the concept of adequate light and air that setbacks are intended to achieve for separate properties. The term "lot" was substituted with "parcel" to make the nomenclature in the ordinance consistent.

Additional Amendment to Article 904, Section 110.904.20 Non-conforming Use of Land.

Staff is recommending that the following language be added to this section:

The non-conforming use of land shall be subject to the provisions of the section.

- (a) Continuation. A non-conforming use of land may be continued as long as it remains otherwise lawful, subject to the following provisions:
 - (1) Any structure associated with such use shall not be enlarged or increased more than ten (10) percent, nor the use extended to occupy an area of land greater than ten (10) percent than was occupied on the effective date of this article; and
 - (2) If such use ceased for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located.

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(3) The storage of inoperable vehicles in contravention to the provisions of the chapter shall not be considered a non-conforming use and shall be required to conform to the provisions of this chapter.

(underlined is to be added)

The ability of the county to address the open storage of inoperable (junk) vehicles was strengthened through the adoption of the Development Code in December 1992. It has been pointed out to the staff, though, that without the above provision, the continued open storage of inoperable vehicles could continue as a non-conforming use. Therefore, the proposed amendment is intended to eliminate this loophole and make the aesthetic values of the county more enforceable.

MAH (dca935ad, File FY 93/94 401)

xc: Dean Diederich, Principal Planner, Department of Comprehensive Planning
Members of the Citizen Advisory Boards
Rusty Nash, Deputy District Attorney

Attachments

washoe county development review