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PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

being duly sworn, deposes and says:
That as legal clerk of the RENO GAZETTE-JOURNAL, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice:
Ordinance 949

**NOTICE OF ADOPTION
ORDINANCE 949**
NOTICE IS HEREBY GIVEN That Bill No. 1124, Ordinance No. 949 entitled AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) BY ADMENDING ARTICLE 432, OPEN SPACE STANDARDS, AND OTHER MATTERS PERTAINING THERETO. was adopted on April 9, 1996, by Commissioners Joanne Bond, Steve Bradhurst, Mike Mouliot, Jim Shaw, and Grant Sims, and will become effective on APRIL 26, 1996. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.
JUDI BAILEY, Washoe County Clerk
No. 1466 Apr 16, 23, 1996

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:
April 16, 23 1996

Signed

Tana Ciccotti

Subscribed and sworn to before me on 04/23/96

Notary Public

Jo Anne F. Wessel



P.O. BOX 22000, RENO, NEVADA 89520
(702) 788-6200



SUMMARY: Amends chapter 110 of the Washoe County Code (Development Code) by adding certain open space standards thereto.

BILL NO. 1124

ORDINANCE NO. 949

AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO ADD ARTICLE 432, OPEN SPACE STANDARDS, AND OTHER MATTERS PERTAINING THERETO.

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

SECTION 1. Section 110.216.05 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. Section 110.226.05 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 400 "Development Standards: Title and Contents" 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. Chapter 110 of the Washoe County Code is hereby amended by adding thereto a new Article 432 "Open Space Standards" as set forth in Exhibit "D" which is attached hereto and made a part hereof.

SECTION 5. Sections 110.208.05, 110.222.10, 110.224.05 and 110.604.60 of the Washoe County Code are hereby repealed.

SECTION 6. The provisions of this ordinance shall be in force and effect from and after the 1st day of May, 1996.

Proposed on the 12th day of March, 1996.

Proposed by Commissioner Joanne Bond.


Passed on the 9th day of April, 1996.

Vote:

Ayes: Joanne Bond, Steve Bradhurst, Mike Mouliot,
Jim Shaw, & Grant Sims.

Nays: No nays.

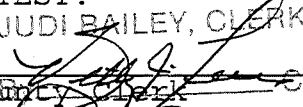
Absent: No one.



Chairman
Washoe County Commission

ATTEST:

JUDI BAILEY, CLERK



County Clerk ~~Chief Deputy~~

This ordinance shall be in force and effect from and after the 26th day of April, 1996.

Section 110.216.05 Pyramid Lake Highway. Development along the Pyramid Lake Highway shall comply with the following:

- (a) Access. Direct egress or ingress onto new individual parcels in addition to that existing on the May 26, 1993 is prohibited, unless no other alternative egress or ingress can be shown.

[This Section amended by Ord. 949, provisions eff. 5/1/96.]

Section 110.226.05 Pyramid Lake Highway. Development along Interstate 80 shall comply with the following:

- (a) Access. Direct egress or ingress onto new individual parcels in addition to that existing on May 26, 1993 is prohibited, unless no other alternative egress or ingress can be shown.

[This Section amended by Ord. 949, provisions eff. 5/1/96.]

Article 400
**DEVELOPMENT STANDARDS: TITLE
 AND CONTENTS**

[This Article amended in its entirety by Ord. 919, provisions eff. 2/1/95; Ord. 939, provisions eff. 11/1/95; Ord 949, provisions eff. 5/1/96.]

Sections:

110.400.00	Title
110.400.05	Contents

Section 110.400.00 Title. Division Four of Chapter 110, Development Code, is entitled Development Standards.

Section 110.400.05 Contents. Division Four consists of the following articles:

- (a) ARTICLE 400 DEVELOPMENT STANDARDS: TITLE AND CONTENTS
- (b) ARTICLE 402 DENSITY/INTENSITY STANDARDS
- (c) ARTICLE 404 LOT STANDARDS
- (d) ARTICLE 406 BUILDING PLACEMENT STANDARDS
- (e) ARTICLE 408 COMMON OPEN SPACE DEVELOPMENT
- (f) ARTICLE 410 PARKING AND LOADING
- (g) ARTICLE 412 LANDSCAPING
- (h) ARTICLE 414 NOISE AND LIGHTING STANDARDS
- (i) ARTICLE 416 FLOOD HAZARDS
- (j) ARTICLE 418 WETLANDS (Reserved for Future Ordinance)
- (k) ARTICLE 420 STORM DRAINAGE STANDARDS
- (l) ARTICLE 422 WATER AND SEWER RESOURCE REQUIREMENTS
- (m) ARTICLE 424 HILLSIDE DEVELOPMENT
- (n) ARTICLE 426 SCENIC AREAS (Reserved for Future ordinance)
- (o) ARTICLE 428 ALTERNATIVE ENERGY DEVELOPMENT INCENTIVES (Reserved for Future Ordinance)

- (p) ARTICLE 430 RIVER CORRIDOR DEVELOPMENT (Reserved for Future Ordinance)
- (q) ARTICLE 432 OPEN SPACE STANDARDS
- (r) ARTICLE 434 SITE COMPATIBILITY STANDARDS (Reserved for Future Ordinance)
- (s) ARTICLE 436 STREET DESIGN STANDARDS

Article 432

OPEN SPACE STANDARDS

[This Article added by Ord. 949, provisions eff. 5/1/96].

Sections:

110.432.00	Purpose
110.432.05	Applicability
110.432.10	Residential Private Open Space
110.432.15	Residential Common Open Space
110.432.20	Commercial Open Space
110.432.25	General Standards
110.432.30	Pedestrian Access and Circulation
110.432.35	Environmentally Sensitive Habitat

Section 110.432.00 Purpose. The purpose of this article, Article 432, Open Space Standards, is to establish regulations to develop, preserve and protect recreational and environmentally sensitive open space areas within Washoe County. The intent of these regulations is to protect the public health, safety and welfare by:

- (a) Protecting existing, and providing new, recreation and scenic areas for the use and enjoyment of residents and visitors;
- (b) Establishing usable space and facilities for outdoor living and recreation;
- (c) Encouraging open space buffers and greenbelt areas to help define boundaries between development areas, communities or neighborhoods so that all development does not run together in a suburban sprawl pattern; and
- (d) Protecting environmentally sensitive habitat.

Section 110.432.05 Applicability. This section sets forth the application provisions of this article.

- (a) Application.
 - (1) This article, except for Sections 110.432.20, Commercial Open Space, and 110.432.35, Environmentally Sensitive Habitat, shall apply to all new multi-family development and the expansion of multi-family development except for those uses which are classified as follows:
 - (i) Residential group home land use types; and
 - (ii) Child care land use types.
 - (2) Section 110.432.20, Commercial Open Space, shall apply to commercial land uses.

- (3) Section 110.432.35, Environmentally Sensitive Habitat, shall apply to all new development and the expansion of development.
- (b) Duplicate Regulations. Unless otherwise specifically stated, if the provisions of this article are in conflict with other statutes, ordinances or regulations, the more stringent limitation or requirement shall prevail to the extent of the conflict.

Section 110.432.10 Residential Private Open Space. This section sets forth development standards to provide sufficient and quality private open space for residential uses in Washoe County. These standards are intended to provide for the development and maintenance of private open space areas which serve the need for leisure, space and privacy.

- (a) Types of Private Open Space. Private open space shall be comprised of one (1) or more of the following:
- (1) Rear yard;
 - (2) Patio;
 - (3) Balcony;
 - (4) Deck; or
 - (5) Side yard (not at the zero setback).
- (b) Requirement. The amount of private open space required per dwelling unit shall be as follows:
- (1) Ground floor rear yards shall be at least four hundred (400) square feet;
 - (2) Ground floor patios shall be at least one hundred fifty (150) square feet; and
 - (3) Upper level balconies or decks shall be at least seventy (70) square feet.
- (c) Minimum Dimension. The minimum dimension at any point of a private open space shall be as follows:
- (1) Ground floor patio or deck shall be at least ten (10) feet wide; and
 - (2) Above- or below-ground floor balcony or deck shall be at least six (6) feet wide.
- (d) Location. Private open space shall be located as follows:
- (1) Private open space shall be adjacent to, and not more than four (4) feet above or below, the living units it serves except for rooftop private open space;
 - (2) Above-ground floor private open space shall not be located within five (5) feet of an interior side property line; and
 - (3) Below-ground floor private open space shall not be located within a required minimum front yard.

- (e) Screening. Residential ground floor private open space shall be screened from adjoining incompatible uses and public rights-of-way pursuant to Article 412, Landscaping.
- (f) Special Provisions for Rooftop Private Open Space. When private open space is located on a roof:
 - (1) Rooftop private open space shall be adjacent to, and not more than one (1) story above or below, the living units it serves;
 - (2) Adequate safety provisions, such as railings or other protective devices, shall be provided, and shall be constructed such that ladder-like use is impossible; and
 - (3) The area occupied by vents and other structures which do not enhance the usability of the space shall not be counted toward the required minimum square footage.

Section 110.432.15 Residential Common Open Space. This section sets forth development standards to provide sufficient and quality common open space for residential uses in Washoe County. These standards are intended to provide for the development and maintenance of common open space areas which serve the need for leisure, space and recreation.

- (a) Types of Common Open Space. Common open space may be comprised of one (1) or more of the following:
 - (1) Courtyard;
 - (2) Large lawn area;
 - (3) Playground;
 - (4) Tennis court;
 - (5) Basketball court;
 - (6) Swimming pool; and
 - (7) Similar outdoor recreation facilities as approved by the Director of Development Review.
- (b) Requirement. At least two hundred (200) square feet of common open space shall be required per dwelling unit for developments of twelve (12) or more units.
- (c) Location. Common open space shall be located as follows:
 - (1) The space shall be accessible to all the living units it serves; and
 - (2) Not more than twenty (20) percent of the required space may be located on the roof of any building, attached garage or carport.

Section 110.432.20 Commercial Open Space. This section sets forth development standards to provide sufficient and quality open space for commercial uses in Washoe County. These

standards are intended to provide for the development and maintenance of public open space areas for the use and enjoyment by workers, residents and visitors.

- (a) Types of Commercial Open Space. Commercial open space shall be comprised of one (1) or more of the following:
- (1) Plaza;
 - (2) Park;
 - (3) Garden;
 - (4) View/sun terrace;
 - (5) Greenhouse;
 - (6) Atrium;
 - (7) Galleria;
 - (8) Arcade; or
 - (9) Similar open space as approved by the Director of Development Review.
- (b) Requirement. All commercial uses shall provide usable public open space in an amount proportional to the building size as follows:
- (1) For every one hundred (100) gross square foot of non-residential floor area, at least one (1) square foot of public open space shall be provided; and
 - (2) Residential floor area shall be excluded for calculation purposes; however, the requirements set forth in Sections 110.432.10, Residential Private Open Space, and 110.432.15, Residential Common Open Space, shall apply to the residential portion of a mixed-use development.
- (c) Minimum Dimension. The minimum dimension at any point of a commercial public open space area shall be fifteen (15) feet.
- (d) Location. Commercial public open space shall be located on the same site as the building or on private or public property within five hundred (500) feet of the building.
- (e) Standards. Commercial open space shall be:
- (1) Located in such a manner as to provide easy, safe and convenient access to the general public;
 - (2) Landscaped and, where appropriate, furnished with a display of public art;
 - (3) Protected from excessive heat, wind and sunlight;
 - (4) Well lit, if intended for nighttime use;

- (5) Open to the general public at times when it is reasonable to expect public use;
- (6) Designed for user safety and security; and
- (7) Maintained at no public expense.

Section 110.432.25 General Standards. This section sets forth standards to ensure the usability of all required open space.

- (a) **Excluded Areas.** The following areas shall not be counted toward the required amount of private or common open space:
 - (1) Hallways;
 - (2) Entrances;
 - (3) Front porches;
 - (4) Off-street parking and loading areas;
 - (5) Driveways; and
 - (6) Loading and service areas.
- (b) **Surface Material.** The surface material shall allow convenient and safe use for outdoor activity and shall consist of any practicable combination of turf, landscaping, flagstone, wood planking, concrete, asphalt, decomposed granite or other serviceable surfacing.
- (c) **Maintenance.** The property owner, or his/her designee, shall permanently maintain all private open space associated with his/her property.

Section 110.432.30 Pedestrian Access and Circulation. This section sets forth development standards to allow public access to public open space areas, while protecting the established rights of private property owners.

- (a) **Pedestrian Access and Circulation Plan.** All development subject to this section shall provide for pedestrian access and circulation consistent with provisions set forth in the appropriate area plan contained in Volume Two: Area Plans of the Comprehensive Plan.
- (b) **Development Standards.** The following development standards shall apply to all required access:
 - (1) The edge of all access easements shall be at least twenty-five (25) feet from any existing or proposed residence to provide separation between pedestrian access points and circulation routes, and to protect the privacy and security of residents and homes;
 - (2) Access easements shall be at least ten (10) feet wide and shall include a minimum four (4) foot wide trail;

- (3) Access through environmentally sensitive habitat areas shall comply with the provisions established in Section 110.432.35, Environmentally Sensitive Habitat;
- (4) Access improvements such as trails, ramps, railings, viewing areas, restrooms and parking facilities shall be sited and designed to be compatible with the natural character of the surrounding landscape, and to be accessible to people of limited mobility to the maximum extent feasible; and
- (5) Access signs shall identify access location, destination areas, environmentally sensitive habitat and hazardous conditions, and shall be compatible with the natural character of the surrounding landscape by using appropriate color, size, form and material.

Section 110.432.35 Environmentally Sensitive Habitat. This section sets forth development standards to preserve environmentally sensitive habitat resources in Washoe County.

- (a) Required Survey. A habitat survey, prepared by a qualified biologist or botanist, may be required to determine the exact location of environmentally sensitive habitat areas and to recommend mitigation measures that address potential impacts to the habitat. This survey shall be submitted to the Director of Development Review for all new development that meets one (1) of the following criteria:
 - (1) The project site is located within a habitat area of a threatened and endangered fauna or flora species identified in Appendix A of the Conservation Element of the Comprehensive Plan, or through on-site investigation and review of resource information; or
 - (2) The project site is or may be located within one hundred (100) feet of a threatened and endangered fauna or flora species identified in Appendix A of the Conservation Element of the Comprehensive Plan, and/or has the potential to negatively impact the long-term maintenance of such habitat.
- (b) Survey Contents. All habitat surveys shall include, at a minimum, the following information:
 - (1) Survey methodology;
 - (2) Location map and topographical site plan indicating all existing and proposed structures and roads;
 - (3) Any rare and/or endangered plant and animal species, including the habitat envelope and the number of species observed;
 - (4) Delineation of all wetlands, streams and water bodies;
 - (5) Direct threats to habitat resulting from new development;
 - (6) Delineation of a habitat buffer area to be provided along the periphery of the primary habitat; and

- (7) Mitigation measures to reduce impacts and to allow for the long-term maintenance of environmentally sensitive habitats.
- (c) Development Standards. The following standards are intended to protect, maintain, enhance and restore sensitive fauna and flora habitat:
- (1) No new development shall be permitted within a recognized primary habitat area of an endangered species.
 - (2) Limited new development may be permitted within a recognized habitat buffer area, as defined in the required habitat survey, subject to the following standards:
 - (i) Public access shall be limited to low-intensity recreational, scientific or educational uses, provided that it is strictly managed, controlled and confined to designated trails and paths;
 - (ii) During breeding season, public access and construction activities shall be prohibited or controlled as recommended in the habitat survey;
 - (iii) Alteration of the natural topography shall be discouraged;
 - (iv) Runoff and sedimentation shall not adversely affect habitat areas;
 - (v) Alteration of landscaping shall be discouraged unless the alteration is associated with restoration and enhancement of the habitat;
 - (vi) Where required, necessary permits shall be obtained from the Nevada Department of Wildlife and/or the United States Fish and Wildlife Service;
 - (vii) All portions of the buffer shall be protected pursuant to Article 424, Hillside Development;
 - (viii) Contiguous open space adjacent to habitat shall be encouraged;
 - (ix) Potential impacts identified in the habitat survey shall be mitigated to a level of insignificance where feasible; and
 - (x) Mitigation measures identified in the habitat survey shall be made conditions of project approval where necessary to mitigate impacts.

