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ITALICIZED TEXT: RE-LOCATED LANGUAGE

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

Summary: Revises the quantity, location, size, aesthetics, permitting and other standards associated with cargo containers; updates the timing for placement and removal of temporary cargo containers used to support new construction; establishes a definition for "cargo container"; and other related matters.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 306, Accessory Uses and Structures, at Section 110.306.10, Detached Accessory Structures, to revise the allowable quantity, location, size, aesthetics, permitting and other standards associated with the placement of cargo containers as detached accessory structures used for storage; within Article 310, Temporary Uses and Structures, at Section 110.310.35 (h), Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers, to update the point in the permitting process at which a cargo container may be placed upon a vacant piece of property to support construction, and to establish additional timeframes regarding when such a cargo container must be removed; within Article 902, Definitions at Section 110.902.15, General Definitions to establish a definition for "Cargo Container"; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Articles 306, 310 and 902 of the Washoe County Development Code (Chapter 110) in order to update standards related to cargo containers and,
- B. Pursuant to Washoe County Code Section 2.030, this Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 27, 2018; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA18-0005 on May 7, 2019, and adopted Resolution Number 19-11 recommending adoption of this ordinance with modifications incorporated herein; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Section 110.306.10(g) of the Washoe County Code is hereby amended as follows:

- (g) ~~Cargo Containers, to include Sea land Containers, Cargo Containers or Other Portable Storage Containers not Designed for Independent or "In-tow Trailer" Highway Use.~~ Cargo containers, **as defined within Article 902, Definitions,** designed and constructed as a standardized, reusable vessel to be loaded on a truck, rail car or ship may be established as a detached accessory structure for the sole purpose of storage ~~with the following restrictions:~~ **subject to the provisions below.**

(1) All cargo containers must adhere to the following regulations:

- (i) ~~(1)~~ Must meet all Washoe County placement standards for a detached accessory structure.;

- (ii) ~~(2)~~ Only one **cargo container of not more than 200 square feet of floor space shall be allowed on a parcel of land less than one-half acre in size; two cargo containers of any size shall be allowed on a parcel of land having less than between one half acre and five acres in size. Parcels larger than five acres are limited to one container (of any size) per acre or portion thereof, and shall not exceed a maximum size of ten feet wide by nine feet high by 40 feet in length;**
 - ~~(3) In the Suburban and Urban Regulatory Zones, the cargo container shall be:~~
 - ~~(i) Located within an area fenced by either a six foot high slatted chain link fence, wooden fence or other durable and opaque fencing, or~~
 - ~~(ii) Located within an area screened by existing solid vegetation having a minimum height of six feet. If existing landscaping is used as screening, it shall be indicated on the building plans and photos shall be submitted as evidence. or~~
- (iii) The cargo container shall be painted one, solid, muted color that blends with the surrounding vegetation, ~~or~~ structures, or topography.
- (iv) ~~(4)~~ All cargo containers shall be free from **severe** damage, shall not be structurally altered, **and** shall be free from severe rust, ~~and shall not have exposed bare metal;~~ **The Director of the Planning and Building Division shall have the authority to determine if these standards have been met.**
 - a. **A cargo container may potentially be used as structural support for other elements of a detached accessory structure as long as the container is not structurally altered; the overall design has been stamped by a qualified engineer; and a building permit is obtained for the overall structure.**
- (v) ~~(5)~~ Shall not include plumbing fixtures.;
- (vi) ~~(6)~~ Shall not be stacked; except in the Commercial and Industrial ~~land use designations~~ **regulatory zones with an established commercial or industrial use type**, and then not stacked above two high. Setback requirements shall be determined by the total height of the stacked structure.;
- (vii) ~~(7)~~ Shall not display off-premise advertising, company logos, names, or other markings painted on, or otherwise attached to, the exterior of the cargo container.;
- (viii) ~~(8)~~ Shall not occupy any required off-street parking spaces for the site;
 - ~~(9)~~ *[text re-located]*
 - ~~(10)~~ When placed on a parcel fronted by two or more street or road right of ways, shall be placed at least one 75 feet from all street or road right of ways, ~~excepts as provided for in (9), above.~~
 - ~~(i) The Director of the Planning and Development Division shall have the authority to allow a minor deviation in setbacks of up to 25 feet to the standards in (10) above, when the Director is presented with sufficient evidence that the proposed cargo container will be aesthetically enhanced to blend with the surrounding residences.~~
 - ~~(ii) Aesthetic enhancements, as required in (i) above shall consist of one or more of the following: siding and/or painting to match the residence on the~~

~~parcel; landscaping to obscure the cargo container from view from off site; placement of the cargo container to obscure view from off site; other techniques as proposed by the applicant and acceptable to the Director.~~

~~(iii) Approval of a minor deviation to setback standards in (10) above shall be by means of application for a Director's Modification of Standards.~~

(ix) ~~(11) Shall be separated from any other structure, or storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line; with the following exception:~~

a. **Cargo containers may be placed side-by-side, with no separation between the individual containers, up to a maximum grouping of four containers where more than one cargo container is allowed on a property. Any such grouping of containers shall be a minimum of 20 feet from any other structure, storage shed, or other cargo container(s). This does not allow for placement of cargo containers end-to-end.**

~~(12) A cargo container may be allowed in a Commercial or Industrial land use regulatory zone for storage purposes if there is a lawful, principal established use on the property where it is located, is located to the rear of any principal use, is not located adjacent to a street, does not impact required parking, and is located behind a slatted chain link fence, wooden fence or other acceptable fencing having a minimum height of eight feet, or existing solid vegetation having a minimum height of eight feet.~~

~~(13) Shall obtain an appropriate permit from the Building and Safety Division if the cargo container is over the allowable exempted square footage as established in Article 105, Permits, of Chapter 100 of this Code; and~~

(x) **Cargo containers do not require a placement permit from the Planning and Building Division, except within Commercial or Industrial regulatory zones or as otherwise noted within this section.**

(xi) ~~(14) The Building and Safety Division may additionally require foundations, tie-downs or other safety apparatus to assure compliance with wind load and other safety standards. Any electrical wiring or HVAC components shall require a building permit from the Planning and Building and Safety Division.~~

(xii) ~~(15) Shall not be established as an Agricultural Building as a Main Use pursuant to Article 330, Domestic Pets and Livestock, of this Development Code.;~~

(2) **Cargo containers placed on parcels one and one quarter acre or less in size must also adhere to the following regulations:**

(i) ~~(9) Shall not be placed between a residence and the adjoining street or road right-of-way that provides primary access to the residence.;~~

a. *On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and ~~Development~~ **Building** Division shall have the authority to determine the primary access to the residence.*

SECTION 2. Section 110.310.35(h) is hereby amended as follows:

- (h) Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers. Upon **payment of plan review fees for a principal structure supporting an allowed principal use**, issuance of a valid building permit from the Building and Safety Division, a contractor or owner-builder may place temporary cargo containers on a property to support the ~~development~~ **construction** of the project allowed by the permit. The temporary cargo container(s) must be located immediately adjacent to the site of the construction activity. All cargo containers shall be free from **severe** damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal. Such cargo containers shall be removed upon the expiration or revocation of the building permit. **If the building permit has not been issued within 12 months of the date of original payment of plan review fees, the cargo container shall be removed from the property at the owner's expense. Issuance of the building permit at a later date will allow the cargo container(s) to be placed on the property again. Any cargo container remaining on-site after issuance of a final building inspection or Certificate of Occupancy shall conform to the standards within Section 110.306.10.**

SECTION 3. Section 110.90215 is hereby amended to add a definition of "Cargo Container" as follows:

Cargo Container. "Cargo Container" means an Intermodal Container, Sea-land Container, ISO Container, or Conex Box that is not designed for independent or "In-tow Trailer" highway use, and that was originally designed and constructed as a standardized, reusable storage and shipping vessel to be loaded on a truck, rail car or ship.

SECTION 4. 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.

DRAFT

DRAFT: May 24, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes:

Nays:

Absent:

Vaughn Hartung, 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 _____.