



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

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CM/ACM	_____
Finance	_____
DA	_____
Risk Mgt.	<u>N/A</u>
HR	<u>N/A</u>
Other	<u>N/A</u>

STAFF REPORT

BOARD MEETING DATE: August 9, 2016

DATE: July 29, 2016

TO: Board of County Commissioners

FROM: Kevin Schiller, Assistant County Manager
328-2008, kschiller@washoecounty.us

THROUGH: John Slaughter, County Manager,
328-2060, jslaughter@washoecounty.us

SUBJECT: Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from Washoe Dispensary, LLC to move a medical marijuana dispensary location issued a State of Nevada provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to 275 S. U.S. Highway 395 (APN 046-080-04). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. (Commission District 2)

SUMMARY

Public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from Washoe Dispensary, LLC to move a medical marijuana dispensary location issued a State of Nevada provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to 275 S. U.S. Highway 395 (APN 046-080-04). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request. (Commission District 2)

Washoe County Strategic Objective: Proactive Economic development and diversification.

PREVIOUS BOARD ACTION

On May 13, 2014, the Board discussed a request by the City of Reno to increase the City's medical marijuana dispensary allocation. The County Commissioners stated that it was premature at this time to consider increasing any one local government jurisdiction's allocation of dispensaries and the Commission would consider the matter at a future date

when appropriate. The Board of County Commissioners continued the item on June 17, 2014.

On June 24, 2014, the Board received an update and approved an ongoing process for updates from staff including a process to review potential dispensary locations within the County related to future action on dispensary allocation.

The Board received an update on July 8, 2014 and approved the continued process to review potential dispensary locations within the County related to future action on dispensary allocation, and requested a presentation on process for applicants.

The Board received an update on July 22, 2014 and approved the continued process to review potential dispensary locations within the County related to future action on dispensary allocation.

On August 12, 2014, the Board took action to direct staff to notify the State of Nevada of the request for an allocation of five dispensaries for Washoe County, three for the City of Reno, and two for the City of Sparks.

The Board of County Commissioners received an update on December 9, 2014 on medical marijuana establishment regulations and processes for the State of Nevada and for unincorporated Washoe County.

On July 14, 2015, the Board directed staff to contact the State of Nevada, Division of Public and Behavioral Health to request that the State issue a provisional registration certificate to the sixth ranked medical marijuana dispensary pursuant to the provisions of Senate Bill 276. The Board also discussed the public review process for future MME location changes as outlined in Senate Bill 276.

On September 22, 2015, the Board directed staff to amend Washoe County Code Chapter 25 to for compliance with State Law changes resulting from the 2015 Nevada State Legislative Session.

On December 8, 2015, the Board received a presentation and gave direction to staff on Recreational Marijuana Establishments and related matters in Washoe County; and acknowledged an update on Medical Marijuana Establishments and provided direction to staff on related matters within unincorporated Washoe County.

On January 26, 2016, the BCC approved the request for the relocation of a medical marijuana dispensary from 10 Stateline Road in Crystal Bay to 5105 Sun Valley Boulevard within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015.

BACKGROUND

During the 2015 Legislative Session, Senate Bill 276 was passed amending NRS 453A. The bill was signed into law and was effective on June 9, 2015. NRS.453A.350 (3) enables a medical marijuana dispensary with a current State provisional registration certificate to

request a move to another qualified location within unincorporated Washoe County. The Board may approve the move at a public meeting for which notice in writing is provided 7 working days prior to the approval. Staff is requesting direction on a process for approval of any requested moves from existing locations by an applicant.

NRS 453A.350(3) "A medical marijuana establishment may move to a new location under the jurisdiction of the same local government as its original location regardless of the distance from original location if the operation of the medical marijuana establishment at the new location has been approved by the local government. A local government may approve a new location pursuant to this subsection only in a public hearing for which written notice is given at least 7 working days before the hearing."

Regulatory Notice:

The Official Notice of Hearing was mailed to residents within the designated required notification area on July 29, 2016. The Official Notice of Hearing follows.

OFFICIAL NOTICE OF HEARING:

WASHOE COUNTY BOARD OF COMMISSIONERS MEETING

August 9, 2016

A request to move a medical marijuana dispensary with an approved State of Nevada provisional marijuana registration certificate from 290 S. Hwy 395 (050-220-34) to 275 S. Hwy 395 (046-080-04) has been received by Washoe County. The Washoe County Board of County Commissioners will hold a hearing to consider the relocation of the dispensary on August 9, 2016.

Who: Washoe County Board of County Commissioners Meeting

What: Consideration of a dispensary relocation in Washoe Valley between two parcels

When: 10 am, August 9, 2016

Where: 1001 E. 9th Street, Bld. A. Reno, Nevada 89512

Comments from previous community meetings in Washoe Valley will be shared with the County Commissioner at that hearing. To review the Board of Commissioners meeting agendas and learn more about participating please visit www.washoecounty.us/bcc or submit your comments online at www.washoecounty.us/contact.php.

For additional information on regulating medical marijuana in Washoe County please visit

www.washoecounty.us/mme

In addition to this required notification, Washoe County sent a courtesy hearing notification letter to residents who attended the Washoe Valley community meeting. (attached)

Washoe Dispensary, LLC has requested a move from the currently approved location issued a State of Nevada provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to a property zoned General Commercial (GC) at 275 S. U.S Highway 395 (APN 046-080-04). The newly requested location meets all County required regulatory zoning requirements pursuant to Washoe County Code (WCC) Chapter 25 (Business License Ordinance) and Chapter 110 (Development Code) as amended in April 2014 to regulate Medical Marijuana Establishments (MME) in unincorporated Washoe County. In addition, Healing Gardens Inc. currently has a State provisional certificate approved cultivation facility for 275 South Hwy 395, and Sensible Edibles Inc. has a provisional certificate approved for a production facility at 275 South

Hwy 395. Per previous direction from the Board, a public meeting was scheduled and held as follows:

- Location:** Washoe Valley Community Meeting
March 2, 2016
5:30 – 6:30 pm
Washoe County South Valleys Library
15650 Wedge Parkway, Reno, Nevada 89511
- Panel:** Ed Alexander, and Manuel Martinez representing Washoe Dispensary, LLC, Neil Duxbury representing, Healing Gardens, Inc., and Sensible Edibles, Inc., and Kevin Schiller, Assistant County Manager.
- Attendees:** 30 residents, plus applicant representatives and staff from Office of the County Manager, Community Services Department, Truckee Meadows Fire Protection District and Washoe Sheriff's Office
- Notice:** Noticing for the Neighborhood Meeting used the regulatory process outlined for special use permit as a guideline for noticing. In addition staff distributed information in county news email system, Washoe County Website and through local partners. Washoe County notified 190 residents by postcard, increased distribution through county news email distribution and notification to local citizen advisory board members.

Resident Concerns:

Resident concerns surrounded the increase in the total number of medical marijuana facilities in Washoe Valley and their impact on culture of the community as it relates to children, traffic and public safety. Specific questions and statements included:

- Financial viability of the new business and their contributions to the community
- Impact on Old US Highway 395 that will add additional traffic and surrounding traffic concerns in neighboring streets
- Process for obtaining a Medical Marijuana patient card and the potential for loop holes for individuals not in need
- Concerns regarding the location next to a residential neighborhood
- Safety and security concerns related to medical marijuana dispensaries in general and specifically access to large amounts of cash and marijuana plants
- Implications of moving from medical to recreation marijuana use
- Location of school bus stops in proximity to medical marijuana facilities
- Concerns related to combining cultivation, production and dispensary facilities and the combined impact on the community
- Environmental concerns related to water, erosion control and pesticide use
- Notification process for neighborhood meetings. Expressed that notification cards should have gone to all of Washoe Valley
- Concerns that the medical marijuana dispensary is not in compliance with the Area Plan

Additional meetings following the neighborhood advisory meeting were held with interested residents in small group and one on one basis (total of 3 small groups, 1 site visit and multiple individual meetings). Comments surrounded concerns regarding medical marijuana facilities as a whole and the outreach process to residents. The concerns included citing multiple applications in the Washoe Valley, Old Washoe City area for medical marijuana dispensaries, production and cultivation facilities and their effect on the community culture, safety concerns, traffic and increase in access/visibility for children. Representatives also expressed that they felt the medical marijuana use did not comply with the area plan.

The panel addressed general questions on the delivery of products, security, employment requirements, local review and State review processes specific to all regulations.

Area Plan Concerns

As noted, specific community concerns were brought forward regarding compliance with the South Valleys Area Plan. The analysis below addresses those concerns and provides guidance to the Board in making a decision on this item.

Community members have suggested that medical marijuana dispensaries are not allowed on General Commercial properties within the Old Washoe City Historic District Character Management Area of the South Valleys Area Plan, because marijuana dispensaries are not on the list of allowed uses in Table 2 of Appendix A of the Area Plan. On its face, that table, which applies to the character management area, imposes limits on allowed uses in the "GC" zone that are more restrictive than the generally applicable limits on allowed uses found elsewhere in the development code. Marijuana dispensaries are not on the list of allowed uses. Yet if this request were approved, it would result in the placement of marijuana dispensary on property zoned General Commercial and situated within the Old Washoe City Historic District Character Management Area. This, according to some community members, would result in a violation of the Area Plan. But this is only part of the analysis for two main reasons.

First, it is not clear that the county's creation of a list of allowed uses in the Area Plan in 2010, prior to the existence of the statutorily allowed medical marijuana use in 2013, means that once a new statutory use does come into existence, it is intended to be excluded. In fact, it is at least arguable that this would result, in a case such as this, in an area plan conflicting with the legislature's intent to create new allowed uses after the area plan's approval. Zoning is, after all, a prerogative of the Nevada Legislature. *Eagle Thrifty Drugs & Markets, Inc. v. Hunter Lake Parent Teachers Ass'n*, 85 Nev 162, 164 (1969). So in this way it would not make sense that an area plan could somehow bind the Nevada Legislature from exercising one of its core prerogatives---i.e., zoning---by enacting laws allowing new uses after a local area plan's passage.

In fact, the allowance of new uses other than those expressly contained in the table is provided for in Table 2's introductory paragraph. The director has the power to allow "other similar uses" so long as they are "similar in nature and impact" to the uses listed

and consistent with the community character as outlined in the area plan. The area plan itself therefore recognizes this possibility, provided the prerequisites are met.

Second, while it is impossible to say with absolute certainty that the area residents opposed to medical marijuana there are wrong in their interpretation, it does appear more likely than not that their interpretation is in fact not correct. The “GC” notation in Appendix A’s Table 2 is probably a typographical error. This is because the introductory paragraph preceding Table 2 states that the uses listed in the table below are allowed in the Neighborhood Commercial (NC) and General Rural (GR) zones. Despite the introductory paragraph’s references to the NC and GR zones, the table then goes on to use the notations “NC” and “GC,” instead of “NC and “GR,” as would be expected.

In a review, it has been determined that either the introductory paragraph or the table itself includes a typo. Under the former possibility, the introductory paragraph should read “General Commercial,” not “General Rural.” However, under the latter possibility, the table itself should read “GR,” not “GC.” Were Table 2 the only relevant text here, the question may have been extremely difficult to answer.

However, as its name suggests, Table 2 is preceded by Table 1 and is written in largely the same format as Table 2. Table 1 also has an introductory paragraph preceding it and, similar to Table 2, the introductory paragraph also states that the listed uses in the table are allowed in the GR and NC zones. But unlike Table 2, Table 1’s actual list of allowed uses in the table tracks the zones mentioned in the introductory paragraph language: GR and NC. As a result, Table 1 is clearly meant to provide a generally exclusive list of allowed uses in the GR and NC zones in the Steamboat Valley Rural Transition Character Management Area. Hence, the reference to GR and NC in both the introductory paragraph and the table itself. Following almost the exact same format, Table 2 also begins by stating that it is meant to limit uses in the GR and NC zones. The similarity of structure, the similarity of language, and the location of both within the same area plan all combine to favor interpreting Table 2 consistently with Table 1. This would mean that the notation “GC” in the table itself in Table 2 is incorrect and should have read “GR”. Under this interpretation, the list of allowed uses in Table 2 would apply to “GR” and “NC” zones, not to “GC” and “NC” zones. Thus, the absence of marijuana dispensaries from the list of allowed uses in Table 2 would be irrelevant to this application, because the property in question here is zoned GC, not GR or NC.

Washoe Dispensary, LLC has outlined their commitment to providing a sustainable business within the Washoe Valley area with a commitment to the local community to include addressing impacts and supporting continued growth to the neighboring areas.

FISCAL IMPACT

There is no fiscal impact associated with this item.

RECOMMENDATION

It is recommended that the Washoe County Board of County Commissioners hold a public hearing and possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from Washoe Dispensary, LLC to move a medical marijuana dispensary location issued a State of Nevada provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to 275 S. U.S. Highway 395 (APN 046-080-04). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:

“Move to take possible action to approve the relocation of a medical marijuana dispensary within unincorporated Washoe County pursuant to section 3 of Senate Bill Number 276 as signed into law on June 9, 2015. The request is from Washoe Dispensary, LLC to move a medical marijuana dispensary location issued a State of Nevada provisional medical marijuana certificate at 290 S. U.S. Highway 395 (APN 050-220-34) to 275 S. U.S. Highway 395 (APN 046-080-04). If approved, direct staff to notify the State of Nevada Division of Public and Behavioral Health in writing of the Board's approval of the relocation request.”



WASHOE COUNTY OFFICE OF THE COUNTY MANAGER

1001 E. 9th Street
P.O. Box 11130
Reno, Nevada 89520-0027
Phone: (775) 328-2000
Fax: (775) 328-2491
www.washoecounty.us

July 26, 2016

Dear Washoe Valley Residents,

On behalf of the Washoe County staff, thank you for taking the time to share your concerns regarding medical marijuana in northern Nevada and proposed facilities for the Washoe Valley area. Washoe County Commissioners have been routinely addressing this issue during public meetings in the community and at regularly scheduled County Commission meetings over the last three years. At every meeting, our ability to locally regulate the complex medical marijuana system in our community is enhanced with new perspectives. We thank you for sharing yours.

We hope that you found the information at the Washoe Valley meeting helpful. Materials presented at the meeting are all available online at www.washoecounty.us/mme. We will be discussing future regulations regarding medical marijuana at the Board of County Commissioners meetings throughout the fall and winter including those related to fees, future legislation, and, if legalized in Nevada, resolutions addressing limitations to recreational marijuana. The upcoming August 9 Board of County Commissioners meeting tentatively includes the review of the requested move of the medical marijuana dispensary from 290 S. Hwy 395 to 275 S. Hwy 395 in Washoe Valley. This is a meeting that must occur in a timely fashion to address the formal request by the applicant to move their provisional registration certificate.

Washoe County Board of County Commissioners
August 9, 2016, 10 a.m.
1001 E. 9th Street
Reno, Nevada 89512
Video live and on demand: www.washoecounty.us/wctv
Comments: <http://www.washoecounty.us/contact.php>

This item is tentatively scheduled, 3 working days prior to the meeting, please review the final agenda online at Online Agenda: www.washoecounty.us/bcc

Thank you, again for the attending the Washoe Valley community meeting. We look forward to addressing your questions and concerns. Please feel free to contact the Washoe County Manager's Office at (775) 328-2000 for additional information and resources.

Sincerely,

Kevin Schiller
Assistant County Manager, Washoe County

Appendix A

Allowed Uses

Table One: Steamboat Valley Rural Transition Character Management Area.

The following uses are permitted in the Neighborhood Commercial and General Rural designated areas within the SVRTCMA. Permitted land uses within Washoe County's other regulatory zones are as defined in the Washoe County Development Code. Other similar uses may be permitted in these areas provided the Director of Community Development has determined that the proposed use is similar in nature and impact to the uses listed herein, and that the proposed use is consistent with the community character described in the area plan.

Residential Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	NC	GR
Family Residential		
Attached Accessory Dwelling	A	A
Detached Accessory Dwelling	P	P
Detached Accessory Structure	P	P
Duplex	A	A
Multi Family	S ₂	--
Single Family, Attached	A	A
Single Family, Detached	A	A
Manufactured Home Parks	--	*
Residential Group Home	S ₂	--

Civic Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	NC	GR
Administrative Services	A	--
Child Care		
Family Daycare	P	--
Large-Family Daycare	A	P
Child Daycare	P	S ₂
Community Center	S ₂	--
Convalescent Services	S ₂	--
Cultural and Library Services	A	A
Education	S ₂	S ₂
Group Care	P	S ₂
Hospital Services	--	--
Major Services and Utilities		
Utility Services	S ₂	S ₂
Major Public Facilities	S ₂	S ₂
Nature Center	A	S ₂
Parks and Recreation		
Active Recreation	PR	PR
Passive Recreation	A	A
Postal Services	A	--
Public Parking Services	A	--
Religious Assembly	P	S ₂
Safety Services	S ₂	S ₂

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₂ = Board of Adjustment Special Use Permt.



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Sincerely,

Kevin Schiller
Assistant County Manager, Washoe County

Appendix A

Allowed Uses

Table One: Steamboat Valley Rural Transition Character Management Area.

The following uses are permitted in the Neighborhood Commercial and General Rural designated areas within the SVRTCMA. Permitted land uses within Washoe County's other regulatory zones are as defined in the Washoe County Development Code. Other similar uses may be permitted in these areas provided the Director of Community Development has determined that the proposed use is similar in nature and impact to the uses listed herein, and that the proposed use is consistent with the community character described in the area plan.

Residential Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	NC	GR
Family Residential		
Attached Accessory Dwelling	A	A
Detached Accessory Dwelling	P	P
Detached Accessory Structure	P	P
Duplex	A	A
Multi Family	S ₂	--
Single Family, Attached	A	A
Single Family, Detached	A	A
Manufactured Home Parks	--	*
Residential Group Home	S ₂	--

Civic Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	NC	GR
Administrative Services	A	--
Child Care		
Family Daycare	P	--
Large-Family Daycare	A	P
Child Daycare	P	S ₂
Community Center	S ₂	--
Convalescent Services	S ₂	--
Cultural and Library Services	A	A
Education	S ₂	S ₂
Group Care	P	S ₂
Hospital Services	--	--
Major Services and Utilities		
Utility Services	S ₂	S ₂
Major Public Facilities	S ₂	S ₂
Nature Center	A	S ₂
Parks and Recreation		
Active Recreation	PR	PR
Passive Recreation	A	A
Postal Services	A	--
Public Parking Services	A	--
Religious Assembly	P	S ₂
Safety Services	S ₂	S ₂

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₂ = Board of Adjustment Special Use Permit.

Commercial, Industrial and Agricultural Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	NC	GR
Administrative Offices	A	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--
Animal Sales and Services		
Commercial Kennels	A	P
Commercial Stables	--	P
Dog Training Services (see Article 330)	A	A
Grooming and Pet Stores	A	--
Pet Cemeteries	--	P
Veterinary Services, Agricultural	A	S ₂
Veterinary Services, Pets	A	--
Automotive and Equipment		
Automotive Repair	A	--
Automotive Sales and Rentals	A	--
Cleaning	--	--
Commercial Parking	--	--
Equipment Repair and Sales	A	--
Fabricated Housing Sales	--	--
Storage of Operable Vehicles	A	--
Truck Stops	--	--
Building Maintenance Services	A	--
Commercial Centers		
Neighborhood Centers	A	--
Community Centers	S ₂	--
Regional Centers	--	--
Commercial Educational Services	A	--
Commercial Recreation		
Commercial Campground Facilities/RV Park	--	--
Destination Resorts	--	--
Indoor Entertainment	P	--
Indoor Sports and Recreation	S ₂	--
Limited Gaming Facilities	P	--
Marinas	--	--
Outdoor Entertainment	--	--
Outdoor Sports and Recreation	P	P
Outdoor Sports Club	--	S ₂
Unlimited Gaming Facilities	--	--
Communication Facilities		
Commercial Antennas	S ₂	S ₂
Satellite Dish Antennas	S ₂	S ₂
Wireless Communication Facilities		
Construction Sales and Services	--	--
Convention and Meeting Facilities	P	--
Custom Manufacturing	A	S ₂

Commercial Use Types (Section 110.304.25)	NC	GR
Eating and Drinking Establishments		
Convenience	A	--
Full Service	A	--
Financial Services	A	--
Funeral and Internment Services		
Cemeteries	--	P
Undertaking	A	--
Gasoline Sales and Service Stations	A	S ₂
Helicopter Services		
Helipport	--	S ₂
Helistop	--	S ₂
Liquor Sales		
Off-Premises	A	--
On-Premises	P	--
Lodging Services		
Bed and Breakfast Inns	A	S ₂
Hostels	--	--
Hotels and Motels	S ₂	--
Vacation Time Shares	--	--
Medical Services	A	--
Nursery Sales		
Retail	A	--
Wholesale	A	S ₂
Personal Services	A	--
Personal Storage	S ₂	--
Professional Services	A	--
Recycle Center		
Full Service Recycle Center	--	--
Remote Collection Facility	P	--
Residential Hazardous Substance Recycle Center	--	--
Repair Services, Consumer	A	--
Retail Sales		
Convenience	A	--
Specialty Stores	A	--
Agricultural Processing	--	--
Agricultural Sales	P	--
Energy Production	S ₂	S ₂
Animal Slaughtering, Agricultural	A	A
Animal Slaughtering, Commercial	--	--
Crop Production	A	A
Forest Products	S ₂	S ₂
Game Farms	S ₂	S ₂
Produce Sales	S ₂	S ₂

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₂ = Board of Adjustment Special Use Permit.

Allowed Uses

Table Two: Old Washoe City Historic Commercial District Character Management Area.

The following uses are permitted in the Neighborhood Commercial and General Rural designated areas within the OWCHCD CMA. Permitted land uses within Washoe County's other regulatory zones are as defined in the Washoe County Development Code. Other similar uses may be permitted in these areas provided the Director of community Development has determined that the proposed use is similar in nature and impact to the uses listed herein, and that the proposed use is consistent with the community character described in the area plan.

Residential Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	GC	NC
Family Residential		
Attached Accessory Dwelling **	S ₂	S ₂
Detached Accessory Dwelling	--	--
Detached Accessory Structure	--	A
Duplex	--	S ₂
Multi Family	--	--
Single Family, Attached	--	S ₂
Single Family, Detached	--	S ₂
Manufactured Home Parks	--	--
Residential Group Home	--	S ₂

Civic Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	GC	NC
Administrative Services	A	A
Child Care		
Family Daycare	S ₂	S ₂
Large-Family Daycare	S ₂	S ₂
Child Daycare	S ₂	S ₂
Community Center	S ₂	S ₂
Convalescent Services	S ₂	S ₂
Cultural and Library Services	A	A
Education	S ₂	S ₂
Group Care	P	P
Hospital Services	--	--
Major Services and Utilities		
Utility Services	S ₂	S ₂
Major Public Facilities		
Nature Center	S ₂	S ₂
Parks and Recreation	--	--
Active Recreation	PR	PR
Passive Recreation	A	A
Postal Services	A	A
Public Parking Services	--	--
Religious Assembly	P	P
Safety Services	S ₂	S ₂

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₂ = Board of Adjustment Special Use Permit; ** Live/Work Units.

Commercial, Industrial and Agricultural Use Types

(See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	GC	NC
Administrative Offices	A	A
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--
Animal Sales and Services		
Commercial Kennels	S ₂	--
Commercial Stables	--	--
Dog Training Services (see Article 330)	A	A
Grooming and Pet Stores	A	A
Pet Cemeteries	S ₂	--
Veterinary Services, Agricultural	--	--
Veterinary Services, Pets	A	A
Automotive and Equipment		
Automotive Repair	P	S ₂
Automotive Sales and Rentals	S ₂	S ₂
Cleaning	P	S ₂
Commercial Parking	--	--
Equipment Repair and Sales	S ₂	--
Fabricated Housing Sales	--	--
Storage of Operable Vehicles	S ₂	S ₂
Truck Stops	--	--
Building Maintenance Services	A	A
Commercial Centers		
Neighborhood Centers	A	A
Community Centers	S ₂	--
Regional Centers	--	--
Commercial Educational Services	S ₂	S ₂
Commercial Recreation		
Commercial Campground Facilities/RV Park	S ₂	--
Destination Resorts	--	--
Indoor Entertainment	P	P
Indoor Sports and Recreation	S ₂	S ₂
Limited Gaming Facilities	P	P
Marinas	--	--
Outdoor Entertainment	--	--
Outdoor Sports and Recreation	P	P
Outdoor Sports Club	--	--
Unlimited Gaming Facilities	--	--
Communication Facilities		
Commercial Antennas	S ₂	S ₂
Satellite Dish Antennas (see Article 324)		
Wireless Communication Facilities (see Article 324)		
Construction Sales and Services	S ₂	--
Convention and Meeting Facilities (in conjunction with another primary permitted use only)	S ₂	S ₂
Custom Manufacturing	A	A

Commercial Use Types (Section 110.304.25)	GC	NC
Eating and Drinking Establishments		
Convenience	A	A
Full Service	A	A
Financial Services	P	S ₂
Funeral and Internment Services		
Cemeteries	--	--
Undertaking	S ₂	S ₂
Gasoline Sales and Service Stations	A	A
Helicopter Services		
Heliport	--	--
Helistop	--	--
Liquor Sales		
Off-Premises	A	A
On-Premises	P	P
Lodging Services		
Bed and Breakfast Inns	P	P
Hostels	--	--
Hotels and Motels	S ₂	S ₂
Vacation Time Shares	--	--
Medical Services	P	S ₂
Nursery Sales		
Retail	A	A
Wholesale	A	A
Personal Services	A	A
Personal Storage	P*	S ₂
Professional Services	A	A
Recycle Center		
Full Service Recycle Center	--	--
Remote Collection Facility	--	--
Residential Hazardous Substance Recycle Center	--	--
Repair Services, Consumer	A	A
Retail Sales		
Convenience	A	A
Specialty Stores	S ₂	S ₂
Comparison Shopping Centers	--	--
Secondhand Sales	S ₂	S ₂
Transportation Services	A	A
Agricultural Processing	--	--
Agricultural Sales	A	A
Energy Production	--	--
Animal Slaughtering, Agricultural	--	--
Animal Slaughtering, Commercial	--	--
Crop Production	S ₂	S ₂
Forest Products	--	--
Game Farms	--	--
Produce Sales	S ₂	S ₂

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₂ = Board of Adjustment Special Use Permit. * For new uses (projects) as of the date of adoption of this plan.

The attached document was submitted to the **Washoe County Board of Commissioners** during the meeting

held on 8.9.16

by Douglas Studwell Jr.

for Agenda Item No. 19

and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.

Division Three - Regulation of Uses

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Article 300

REGULATION OF USES: TITLE AND CONTENTS

Sections:

110.300.00	Title
110.300.05	Contents

Section 110.300.00 Title. Division Three of Chapter 110, Development Code, is entitled Regulation of Uses.

Section 110.300.05 Contents. Division Three consists of the following articles:

- (a) ARTICLE 300 REGULATION OF USES: TITLE AND CONTENTS
- (b) ARTICLE 302 ALLOWED USES
- (c) ARTICLE 304 USE CLASSIFICATION SYSTEM
- (d) ARTICLE 306 ACCESSORY USES AND STRUCTURES
- (e) ARTICLE 308 HOME OCCUPATIONS
- (f) ARTICLE 310 TEMPORARY USES AND STRUCTURES
- (g) ARTICLE 312 FABRICATED HOUSING
- (h) ARTICLE 314 MANUFACTURED HOME PARKS
- (i) ARTICLE 316 RECREATIONAL VEHICLE PARKS
- (j) ARTICLE 318 VACATION TIME SHARE UNITS
- (k) ARTICLE 320 BED AND BREAKFAST ESTABLISHMENTS
- (l) ARTICLE 322 GROUP CARE FACILITIES
- (m) ARTICLE 324 COMMUNICATION FACILITIES
- (n) ARTICLE 326 WIND MACHINES
- (o) ARTICLE 328 GEOTHERMAL RESOURCES
- (p) ARTICLE 330 DOMESTIC PETS AND LIVESTOCK
- (q) ARTICLE 332 AGGREGATE FACILITIES

- (r) ARTICLE 334 MINING
- (s) ARTICLE 336 AFFORDABLE HOUSING INCENTIVES (Reserved for Future Ordinance)
- (t) ARTICLE 338 CHILD DAYCARE DEVELOPMENT INCENTIVES (Reserved for Future Ordinance)
- (u) ARTICLE 340 INDUSTRIAL PERFORMANCE STANDARDS

[Amended by Ord. 939, provisions eff. 11/1/95; Ord. 1004, provisions eff. 1/30/98; Ord. 1238, provisions eff. 6/4/04.]

Article 302

ALLOWED USES

Sections:

110.302.00	Purpose
110.302.05	Table of Uses
110.302.10	Use Classification System
110.302.15	Types of Review
110.302.20	Projects of Regional Significance
110.302.25	Accessory Uses and Structures
110.302.30	Temporary Uses and Structures
110.302.35	Uses in Airport Critical Areas
110.302.40	Uses in River Corridor

Section 110.302.00 Purpose. The purpose of this article, Article 302, Allowed Uses, is to prescribe the uses that are allowed in each regulatory zone. Any variance to the Table of Uses (Table 110.302.05.1 through Table 110.302.05.5) would constitute an action that would allow a land use in contravention to the applicable regulatory zone. Such actions are prohibited by Article 804, Variances, and a variance application cannot be accepted.

[Amended by Ord. 1040, provisions eff. 11/1/98.]

Section 110.302.05 Table of Uses. The uses that are allowed in each regulatory zone are set forth in Table 110.302.05.1 through Table 110.302.05.5. The regulatory zones are indicated in Table 110.302.05.1 through Table 110.302.05.5 as follows:

- (a) Low Density Rural is indicated as "LDR";
- (b) Medium Density Rural is indicated as "MDR";
- (c) High Density Rural is indicated as "HDR";
- (d) Low Density Suburban is indicated as "LDS";
- (e) Medium Density Suburban is indicated as "MDS";
- (f) High Density Suburban is indicated as "HDS";
- (g) Low Density Urban is indicated as "LDU";
- (h) Medium Density Urban is indicated as "MDU";
- (i) High Density Urban is indicated as "HDU";
- (j) General Commercial is indicated as "GC";
- (k) Neighborhood Commercial/Office is indicated as "NC";

- (l) Tourist Commercial is indicated as "TC";
- (m) Industrial is indicated as "I";
- (n) Public/Semi-Public Facilities is indicated as "PSP";
- (o) Parks and Recreation is indicated as "PR";
- (p) Open Space is indicated as "OS";
- (q) General Rural is indicated as "GR"; and
- (r) General Rural Agricultural is indicated as "GRA."

Table 110.302.05.1

TABLE OF USES (Residential Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Detached Accessory Dwelling	AR	AR	AR	AR	S ₂	--	--	--	--	--	--	--	--	--	--	--	A	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A
Duplex	--	--	--	P	P	P	P	P	A	--	S ₂	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S ₂	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S ₂	--	--	--	P	--	--	A
Single Family, Detached	A	A	A	A	A	A	A	S ₂	S ₂	--	S ₂	--	--	--	P	--	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Personal Landing Field (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Manufactured Home Parks	*	*	*	*	*	S ₂	S ₂	*	*	--	--	--	--	--	--	--	*	--
Group Home	A	A	A	A	A	A	A	A	A	--	S ₂	--	--	--	P	--	A	A

Key: -- = Not allowed; A = Allowed; AR = Administrative Review pursuant to Section 110.306.25(i); P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Table 110.302.05.2

TABLE OF USES (Civic Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	S ₂
Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	--	A	A	--	A	S ₂
Education	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	S ₂	--	S ₂	S ₂
Group Care Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	--	--	--	--	--	S ₂	--
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	S ₂
Major Services and Utilities																		
Utility Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	S ₂	--	S ₂	--
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--
Parks and Recreation																		
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR	S ₂
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	--	--	--	--
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	S ₂	A
Religious Assembly	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	--	S ₂	A
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Table 110.302.05.3

TABLE OF USES (Commercial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Offices	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animal Sales and Services																		
Commercial Kennels	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	S ₂	S ₂
Commercial Stables	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
																	*See Article 226 for Warm Springs parcels.	
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	--	--	--	--	--	--	--
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S ₂	--	--	--	--	--	--	S ₂	S ₂
Veterinary Services, Pets	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	--	P	--	--	--	--	S ₂
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S ₂	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	--	--
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		
Neighborhood Centers	--	--	--	S ₂	S ₂	S ₂	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S ₂	S ₂	P	S ₂	P	P	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

* The provisions listed in Table 110.302.05.3 requiring a special use permit for Commercial Stables [as defined in Section 110.304.25(c)(2)] in GR and GRA are hereby modified to be consistent with Article 226, Warm Springs Area.

Table 110.302.05.3 (continued)

TABLE OF USES (Commercial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Limited Gaming Facilities	--	--	--	--	--	--	--	--	--	P	P	P	S ₂	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	S ₂
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	--	--	--
Outdoor Sports and Recreation	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	S ₂	P	--	P	S ₂
Outdoor Sports Club	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	P	--	S ₂	S ₂
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--
Communication Facilities																		
Commercial Antennas	S ₂	S ₂	S ₂	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	S ₂	--	--	S ₂	--
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Continuum of Care Facilities, Seniors	--	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S ₂	--	--	--
Data Center	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	--	S ₂	--
Eating and Drinking Establishments																		
Convenience	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Full Service	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Financial Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Funeral and Internment Services																		
Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	S ₂
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Gasoline Sales and Service Stations	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	S ₂	--
Helicopter Services																		
Heliport	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	--	S ₂	--
Helistop	S ₂	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	--	--	S ₂	--
Liquor Manufacturing	--	--	--	--	--	--	P	P	P	A	P	A	A	--	--	--	--	--
Liquor Sales																		
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--
Lodging Services																		
Bed and Breakfast Inns	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	P	--	--	--	--	S ₂	S ₂
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Table 110.302.05.3 (continued)

TABLE OF USES (Commercial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	A	P	P	--	--	--
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

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Table 110.302.05.4

TABLE OF USES (Industrial Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA	SP	
Aggregate Facilities																				
Permanent	S ₂	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	S ₂	--	--	
Temporary	See Article 332																			
Caretaker's Residence																				
Attached	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP	
Detached	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	SP	
Custom Manufacturing	S ₂	S ₂	S ₂	--	--	--	--	--	--	S ₂	--	S ₂	A	--	--	--	S ₂	--	SP	
Energy Production																				
Non-Renewable*	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	S ₂	--	--	
Renewable*	S ₂	S ₂	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	--	S ₂	S ₂	S ₂	SP	
General Industrial																				
Limited	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP	
Intermediate	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP	
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--	
High Technology Industry	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	A	--	--	--	S ₂	--	SP	
Inoperable Vehicle Storage	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	SP	
Laundry Services	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--	SP	
Mining Operations	S ₂	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	S ₂	--	--	
Petroleum Gas Extraction	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	--	
Salvage Yards	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--	
Wholesaling, Storage and Distribution																				
Light	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	SP	
Heavy	--	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--	

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Note: * If a special use permit for an energy production project meets the criteria for a project of regional significance, that special use permit will be reviewed by the Washoe County Planning Commission.

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

Table 110.302.05.5

TABLE OF USES (Agricultural Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)

Agricultural Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Agricultural Processing	--	--	--	--	--	--	--	--	--	--	--	--	A	--	--	--	S ₂	A
Agricultural Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Animal Production	A	A	A	A	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	A	A
Animal Slaughtering, Agricultural	A	A	A	A	--	--	--	--	--	--	--	--	--	--	A	A	A	A
Animal Slaughtering, Commercial	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--
Animal Slaughtering, Mobile	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂
Crop Production	A	A	A	A	A	--	--	--	--	A	A	--	--	--	PR	A	A	A
Forest Products	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	P	--
Game Farms	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂
Produce Sales	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	--	--	--	--	--	A	A

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 890, provisions eff. 11/29/93; Ord. 895, provisions eff. 1/24/94; Ord. 899, provisions eff. 5/31/94; Ord. 906, provisions eff. 7/27/94; Ord. 959, provisions eff. 7/26/96; Ord. 1004, provisions eff. 1/30/98; Ord. 1023, provisions eff. 7/1/98; Ord. 1039, provisions eff. 11/1/98; Ord. 1097, provisions eff. 7/28/00; Ord. 1179, provisions eff. 12/6/02; Ord. 1238, provisions eff. 6/4/04; Ord. 1347, provisions eff. 11/2/07; Ord. 1368, provisions eff. 6/20/08; Ord. 1378, provisions eff. 8/1/08; Ord. 1433, provisions eff. 3/5/10; Ord. 1443, provisions eff. 7/26/10; Ord. 1447, provisions eff. 9/9/10; Ord. 1451, provisions eff. 1/1/11; Ord. 1475, provisions eff. 1/12/12; Ord. 1485, provisions eff. 3/27/12; Ord. 1494, provisions eff. 8/9/12; Ord. 1497, provisions eff. 10/5/12; Ord. 1513, provisions eff. 7/12/13; Ord. 1527, provisions eff. 4/18/14; Ord. 1532, provisions eff. 6/27/14; Ord. 1540, provisions eff. 9/5/14; Ord 1561, provisions eff. 7/3/15.]

Section 110.302.10 Use Classification System. The land use categories that are listed in Table 110.302.05.1 through Table 110.302.05.5 are described in Article 304, Use Classification System.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.15 Types of Review. Table 110.302.05.1 through Table 110.302.05.5 indicate the types of review required as follows:

- (a) Allowed Use. A letter "A" indicates that a use is allowed but the use shall comply with the provisions of the Development Code.
- (b) Administrative Permit. A letter "P" indicates that a use is allowed only upon approval of an administrative permit pursuant to Article 808, Administrative Permits.

- (c) Planning Commission Special Use Permit. A letter "S₁" indicates that a use is allowed only upon approval of a special use permit approved by the Planning Commission pursuant to Article 810, Special Use Permits.
- (d) Board of Adjustment Special Use Permit. A letter "S₂" indicates that a use is allowed only upon approval of a special use permit approved by the Board of Adjustment pursuant to Article 810, Special Use Permits.
- (e) Uses Not Allowed. A designation "--" indicates that a use is not allowed within the regulatory zone.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.20 Projects of Regional Significance. Projects of regional significance are subject to the provisions of Article 812, Projects of Regional Significance, which requires additional review.

Section 110.302.25 Accessory Uses and Structures. Accessory uses and accessory structures are governed by Article 306, Accessory Uses and Structures.

[Section 110.302.25 renamed from "Accessory Uses" and amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.30 Temporary Uses and Structures. Temporary uses and temporary structures are governed by Article 310, Temporary Uses and Structures.

[Section 110.302.30 renamed from "Temporary Uses" and amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.302.35 Uses in Airport Critical Areas. In addition to the provisions of this article, uses with the following characteristics shall be prohibited in an airport critical area, as adopted in the Washoe County Master Plan:

- (a) High Density. Uses with high residential, labor or other high population concentration characteristics of a permanent or extended duration.
- (b) Special Populations. Uses that concentrate people unable to respond to emergency situations such as children, elderly and handicapped persons.
- (c) Areawide Utilities. Uses that involve the provision of utilities and services provided for areawide population where disruption would have an adverse impact (such as telephone, gas, etc.).
- (d) Hazardous Characteristics. Uses that involve explosives, fire, toxic materials, corrosive materials or other hazardous characteristics.
- (e) Hazards to Aircraft. Uses that pose particular hazards to aircraft, as identified and adopted by the Executive Board of the Airport Authority of Washoe County and adopted herein.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1447, provisions eff. 9/9/10.]

Section 110.302.40 Uses in River Corridor. In addition to the provisions of this article, all uses in a river corridor, as designated in the Washoe County Master Plan, shall comply with the provisions of Article 430, River Corridor Development.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1447, provisions eff. 9/9/10.]

[Section 110.302.45 entitled “Excavation and Grading” added by Ord. 875, provisions eff. 8/3/93 and repealed by Ord. 1236, provisions eff. 5/21/04.]

Article 304

USE CLASSIFICATION SYSTEM

Sections:

110.304.00	Purpose
110.304.05	Classification Rules
110.304.10	Authority and Responsibility
110.304.15	Residential Use Types
110.304.20	Civic Use Types
110.304.25	Commercial Use Types
110.304.30	Industrial Use Types
110.304.35	Agricultural Use Types

Section 110.304.00 Purpose. The purpose of this article, Article 304, Use Classification System, is to classify uses according to a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Development Code.

Section 110.304.05 Classification Rules. Uses will be classified into use types based upon the descriptions in Section 110.304.15 through Section 110.304.35, inclusive. The classifications shall comply with the provisions of this section.

- (a) **Types of Uses Regulated.** Only principal uses are included within the use classification system. Accessory uses and temporary uses are regulated by Article 306, Accessory Uses and Structures, and Article 310, Temporary Uses and Structures, respectively.
- (b) **Typical Uses within Use Types.** The description of the use types in this article often contain usual and customary uses classified within that use type. These usual and customary uses are examples and are not meant to include all uses that may properly be classified within the use type.
- (c) **Classifying New Uses.** New uses shall be classified into use types based upon the description of the use types and upon characteristics similar to other uses already classified within the use type, subject to the applicable provisions of subsection (d) of the section. The North American Industry Classification System shall be used to help define new uses when deemed appropriate by the Director of Community Development.
- (d) **Classifying Several Uses on the Same Parcel.** The principal uses conducted on a single parcel shall be classified separately.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1433, provisions eff. 3/5/10.]

Section 110.304.10 Authority and Responsibility. The Director of Community Development shall have the following authority and responsibilities with respect to the use classification system:

- (a) Classifying Uses. The Director of Community Development shall have the authority to classify uses according to use types or to determine that a use does not fit under any use type and, therefore, is not permitted. The classification of a use is an administrative decision without notice and hearing, except that an applicant can appeal the decision pursuant to Article 808, Administrative Permits.
- (b) List of Uses. The Director of Community Development shall develop and maintain an administrative list of common uses and the use types into which they are classified.

Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

- (a) Family Residential. The family residential use type refers to the occupancy of living quarters by one (1) or more families. The following are family residential use types:
 - (1) Attached Accessory Dwelling Unit. An attached accessory dwelling unit is a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceilings and accessed through a lockable exterior or interior door. The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or 1,000 square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. Typical uses include guest rooms, guest apartments and "granny flats."
 - (2) Detached Accessory Dwelling Unit. A detached accessory dwelling unit refers to a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities. Except in the Medium Density Suburban (MDS) Regulatory Zone, a detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed

eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. Typical uses include guest houses, second units, "granny flats" and caretaker's quarters.

- (3) Detached Accessory Structure. A detached accessory structure refers to a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit provisions. Typical uses include storage buildings and sheds, barns and detached garages.
 - (4) Duplex. Duplex refers to the use of a parcel for two (2) dwelling units in a single structure.
 - (5) Multi-Family. Multi-family refers to the use of a parcel for three (3) or more dwelling units within one (1) or more buildings, including condominium developments.
 - (6) Single Family, Attached. Single family, attached refers to two (2) or more dwelling units constructed with a common or abutting wall with each located on its own separate parcel.
 - (7) Single Family, Detached. Single family, detached refers to the use of a parcel for only one (1) dwelling unit.
- (b) Manufactured Home Parks. Manufactured home parks use type refers to the occupancy of a dwelling unit defined as a mobile home or a manufactured home and which is located in a site defined as a manufactured home park.
- (c) Group Home. Group home use type refers to the occupancy of a single family dwelling by and the care for a group of ten (10) or fewer persons on a weekly or longer basis who are not defined as a family. The number of persons who reside in a group home excludes any caregivers and their family who also reside in the single family residence.
- (1) This term includes specifically the following uses:
 - (i) Residential facility for groups; or
 - (ii) Home for individual residential care;
 - (iii) Halfway house for recovering alcohol or drug abusers;
 - (iv) Group foster home.

- (2) The term group home does not include a child care institution or a facility for transitional living for released offenders.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 959, provisions eff. 7/26/96; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1451, provisions eff. 1/1/11; Ord. 1485, provisions eff. 3/27/12.]

Section 110.304.20 Civic Use Types. Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

- (a) Administrative Services. Administrative services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage of necessary equipment and vehicles.
- (b) Child Care. Child care use type refers to the use of a building or a portion thereof for the daytime care of individuals under eighteen (18) years of age. Child care use types are subject to the regulations and permission of the Washoe County Department of Social Services. This use type includes nursery schools, preschools, daycare centers and similar uses, but excludes those classified under education. The following are child care use types:
 - (1) Family Daycare. Family daycare refers to daycare services provided for six (6) or fewer full-time children, including those of the child care facility licensee who are under the age of seven (7) years, except that care may also be provided for up to three (3) additional part-time children for three (3) hours before school and three (3) hours after school, but only during periods when schools are in session, subject to the regulations and permission of the Washoe County Department of Social Services.
 - (2) Large-Family Daycare. Large-family daycare refers to daycare services provided for more than six (6) full-time children, including those of the child care facility licensee who are under the age of seven (7) years.
 - (3) Child Daycare. Child daycare refers to services providing non-medical care to any number of children in need of personal services or supervision, on less than a twenty-four (24) hour basis, but excluding services provided in a private dwelling.
- (c) Community Center. Community center use type refers to recreational, social or multi-purpose uses within buildings with no fixed seats and occupancy limited to five hundred (500) or fewer. Typical uses include public or private, non-commercial clubs.
- (d) Community Garden. Community garden use type refers to an area of land managed and maintained by a group to grow and harvest food crops, non-food crops (such as native plants), or ornamental crops (such as flowers), for personal or group use, consumption, or donation. Commercial sale of any crops produced in the community garden is prohibited. A community garden may be established in any regulatory zone subject to the following conditions:
 - (1) A signed affidavit shall be submitted to the division stating that the property owners, or the owners designated agent, agree to the proposed use. All

liability considerations are the responsibility of the property owner and the users of the property.

- (2) A site plan shall be submitted to the division showing the areas to be cultivated, the location of any structures associated with the use, access points, how and where water will be obtained, and parking locations (if applicable).
 - (3) Structures smaller than or equal to two-hundred (200) square feet may be established on-site to support operation and maintenance of the community garden, provided they are located at least five (5) feet from any property line, do not block any easements, and do not impede sight visibility from or onto public streets. All tools, equipment, chemicals, or fertilizers stored on site shall be within a locked structure.
 - (4) Activities at the garden site shall be limited to daylight hours. The use of motorized equipment is limited to the hours of 8 a.m. to 5 p.m. No exterior lighting or illumination shall occur.
 - (5) Once all outdoor crops have been harvested for the current growing season, the area utilized shall be cleaned of any dead vegetation or supporting materials within thirty (30) days of the final harvest or by November 15, whichever comes first. Tilling of the dead vegetation back into the soil is allowed and meets this requirement.
- (e) Convalescent Services. Convalescent services use type refers to provision of bed care and in-patient services for persons requiring regular medical attention, but excludes a facility providing surgical or emergency medical services and a facility providing care for alcohol or drug addiction.
- (f) Cultural and Library Services. Cultural and library services use type refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.
- (g) Education. Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges. Curriculum must be approved by the State Department of Education.
- (h) Group Care Facility. Group care facility use type refers to an establishment that provides housing and living environment on a weekly or longer basis, for a group of persons not defined as a family or a group home. These facilities may provide life skill training, living assistance and supervised care service, but excludes medical treatment or uses classified under hospital services. This term includes specifically the following types of uses:
- (1) Child Care Institution;
 - (2) Facility for transitional living for released offenders;
 - (3) Group home use types which accommodate more persons that permitted as a group home.

- (i) Hospital Services. Hospital services use type refers to medical, psychiatric or surgical services for sick or injured persons primarily on an in-patient basis, including ancillary facilities for out-patient and emergency medical services, diagnostic services, training, research, administration and services to patients, employees or visitors.
- (j) Major Services and Utilities.
 - (1) Utility Services. Utility services use type refers to the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches through utility services involving major structures that have flexibility in location. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and irrigation water ditches.
 - (2) Major Public Facilities. Major public facilities use type refers to public facilities that provide a significant service and have a substantial impact on the community. Typical uses are sanitary landfills, airports, and detention and correction facilities.
- (k) Nature Center. Nature center use type refers to an area set aside for the public viewing and display of indigenous or exotic wildlife and/or indigenous or exotic plant life on either a for-profit or non-profit basis in a structured setting. Typical uses include zoos, wildlife sanctuaries, arboretums and gardens.
- (l) Parks and Recreation. Parks and recreation use type refers to publicly owned parks or private not for profit recreation facilities and open space facilities within the recreation areas. These may be operated by a concessionaire. The following are park and recreation use types:
 - (1) Active Recreation. Active recreation refers to public park recreational uses that may have a potential impact on the area or adjacent land uses. Uses include participant sports and developed family recreational areas. Typical uses include group picnicking, tennis courts, swimming pools, softball diamonds, group campgrounds, and community centers operated by a public entity.
 - (2) Passive Recreation. Passive recreation refers to public park recreational uses that have no or a minimal impact on the area and adjacent land uses. Uses include hiking, nature study, wildlife refuge, fishing and viewing. No active uses, such as group picnicking, camping and sporting activities, are included.
- (m) Postal Services. Postal services use type refers to mailing services, excluding major processing, as provided by the United States Postal Service, including branch post offices and public and private facilities.
- (n) Public Parking Services. Public parking services use type refers to parking services involving building and lots which may be privately and/or publicly owned and operated and is assigned to meet a parking demand. Commercial parking is that which is not designated for any identified use.
- (o) Public Service Yard. Public service yard use type refers to the use of a property operated by a governmental agency for the purposes of storing equipment and materials and includes ancillary office and meeting space for public service projects. A public service yard is limited to operations involving public road

construction, road maintenance, snow removal and operations supporting public parks construction and maintenance.

- (p) Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as customarily occurs in synagogues, temples and churches.
- (q) Safety Services. Safety services use type refers to public safety and emergency services, including police and fire protection services, and emergency medical and ambulance services.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 895, provisions eff. 1/24/94; Ord. 1023, provisions eff. 7/1/98; Ord. 1088, provisions eff. 1/28/00; Ord. 1156, provisions eff. 3/22/02; Ord. 1368, provisions eff. 6/20/08; Ord. 1433, provisions eff. 3/5/10; Ord. 1485, provisions eff. 3/27/12; Ord. 1540, provisions eff. 9/5/14.]

Section 110.304.25 Commercial Use Types. Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types. All permanent commercial uses are required to operate from a commercial structure.

- (a) Administrative Offices. Administrative offices use type refers to offices or private firms or organizations which are primarily used for the provision of executive, management or administrative services. Typical uses include administrative offices and services including travel, secretarial services, telephone answering, photo-copying and reproduction, and business offices of public utilities, organizations and associations, or other use classifications when the service rendered is that customarily associated with administrative office services.
- (b) Adult Characterized Business. Adult characterized business use type refers to uses defined in Washoe County Code, Chapter 25.
- (c) Animal Sales and Services. Animal sales and services use type refers to establishments or places of business primarily engaged in animal-related sales and services. Animals kept as domestic pets or as accessory uses to a residential use are regulated by the accessory use provisions of Article 330, Domestic Pets and Livestock. The following are animal sales and services use types:
 - (1) Commercial Kennels. Commercial kennels refers to kennel services for dogs, cats and similar animals. Typical uses include commercial animal breeding with four (4) or more animals (dogs), boarding kennels, pet motels, or dog training centers. Commercial kennels require a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located.
 - (2) Commercial Stables. Commercial stables refers to boarding or raising of three (3) or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.
 - (3) Grooming and Pet Stores. Grooming and pet stores refers to grooming or selling of dogs, cats and similar small animals. Typical uses include

dog bathing and clipping salons, pet grooming shops, or pet stores and shops.

- (4) Pet Cemeteries. Pet cemeteries refers to services involving the preparation of dead animals for burial and the keeping of animal bodies on cemetery grounds as well as cremation of dead animals. Regardless of the regulatory zone in which it is located, a pet cemetery must be located on a parcel at least two-and-one-half (2.5) acres in size. Cremation of dead animals shall take place in an area designated only for the cremation of pets and which complies with any applicable federal or state statute or regulation or local ordinance.
 - (5) Veterinary Services, Agricultural. Veterinary services, agricultural refers to veterinary services specializing in the care and treatment of large animals. Veterinary services for small animals including pet clinics, dog and cat hospitals, or animal hospitals may be included to provide full veterinary services. Veterinary services, agriculture requires a parcel size minimum of two-and-one-half (2.5) acres regardless of the regulatory zone within which it is located. Typical uses include veterinary offices for livestock.
 - (6) Veterinary Services, Pets. Veterinary services, pets refers to veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.
 - (7) Dog Training Services. Dog training services use type means the training of dogs with their owners or owners' designee, where both owner and dog participate in dog training classes.
- (d) Automotive and Equipment. Automotive and equipment use type refers to establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive and equipment use types:
- (1) Automotive Repair. Automotive repair refers to repair of automobiles and the sale, installation and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages or automobile glass shops.
 - (2) Automotive Sales and Rentals. Automotive sales and rentals refers to on-site sales and/or rentals of automobiles, non-commercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.
 - (3) Cleaning. Cleaning refers to washing and polishing of automobiles. Typical uses include automobile laundries or car washes.
 - (4) Commercial Parking. Commercial parking refers to parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Commercial parking is that which is not designated for any identified use. Typical uses include commercial parking lots or garages.

- (5) Equipment Repair and Sales. Equipment repair and sales refers to repair of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc.; the sale, installation and servicing of automobile equipment and parts; and body repair, painting and steam cleaning. Typical uses include truck transmission shops, body shops, storage of manufactured homes, motor freight maintenance groups or agricultural equipment sales.
 - (6) Fabricated Housing Sales. Fabricated housing sales refers to the sales of new and used modular housing, manufactured homes and/or mobile homes; and ancillary minor repair of modular housing, manufactured homes and/or mobile homes sold from the same location as the new or used units. Typical uses include mobile homes sales lots and minor repairs of units sold on site that do not include changes in walls and do not include changes in undercarriage plumbing or support systems.
 - (7) Storage of Operable Vehicles. Storage of operable vehicles refers to storage of operable vehicles, recreational vehicles and boat trailers. Typical uses include storage areas within personal storage facilities and storage yards for commercial vehicles.
 - (8) Truck Stops. Truck stops refers to businesses engaged in the sale of fuel and lubricants primarily for trucks, routine repair and maintenance of trucks, and associated uses such as selling food and truck accessories.
- (e) Building Maintenance Services. Building maintenance services use type refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance or window cleaning services.
- (f) Commercial Centers. Commercial centers use type refers to a group of unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit. The following are commercial center use types:
- (1) Neighborhood Centers. Neighborhood centers refers to sales of convenience goods (foods, drugs and sundries) and personal services, those which meet the daily needs of an immediate neighborhood trade area. A neighborhood center typically includes convenience retail and services a population of 2,500 to 40,000 people, typically has a service area radius of one-half to one-and-one-half miles, and has a typical range of 15,000 to 50,000 square feet of gross leasable area.
 - (2) Community Centers. Community centers refers to shopping establishments containing some services of the neighborhood center plus other services providing a greater depth and range of merchandise than contained in the neighborhood center. A community center may be built around a department store or a variety store as the major tenant. A community center generally serves a trade area population of 40,000 to 50,000 people, typically has a service area radius of one to three miles, and has a typical range of 50,000 to 150,000 square feet of gross leasable area.

- (3) Regional Centers. Regional centers refers to centers that provide shopping goods, general merchandise, apparel, furniture and home furnishings in full depth and variety. They usually are built around more than one department store. Typical design uses the pedestrian mall, either open or enclosed, as a connector between major anchor stores. A regional center serves as a major commercial center for the entire region and typically has more than 150,000 square feet of gross leasable area.
- (g) Commercial Educational Services. Commercial educational services use type refers to educational services provided by private institutions or individuals with the primary purpose of preparing students for jobs in trade or profession. Typical uses include business and vocational schools, music schools and hair styling schools.
- (h) Commercial Recreation. Commercial recreation use type refers to commercial establishments or places of business primarily engaged in the provision of sports, entertainment or recreation for participants or spectators. The following are commercial recreation use types:
- (1) Commercial Campground Facilities/RV Park. Commercial campground facilities/RV park refers to areas and services for two (2) or more campsites, accommodating camping vehicles and tents, which are used by the general public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds.
- (2) Destination Resorts. Destination resorts refers to commercial enterprises for recreation that can include lodging. Typical uses include ski resorts, dude ranches, and hunting and fishing lodges.
- (3) Indoor Entertainment. Indoor entertainment refers to predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.
- (4) Indoor Sports and Recreation. Indoor sports and recreation refers to predominantly participant sports conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice and roller skating rinks, indoor racquetball courts and athletic clubs.
- (5) Limited Gaming Facilities. Limited gaming facilities refers to establishments which contains no more than fifteen (15) slot machines (and no other game or gaming device) where the operation of the slot machine is incidental to the primary business of the establishment.
- (6) Marinas. Marinas refers to docking, storage, rental and minor repair of recreational and fishing boats. Typical uses include recreational boat marinas and boat rental establishments.
- (7) Outdoor Entertainment. Outdoor entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.
- (8) Outdoor Sports and Recreation. Outdoor sports and recreation refers to predominantly participant sports conducted in open or partially enclosed

or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, swimming pools and tennis courts.

- (9) Outdoor Sports Club. Outdoor sports club refers to sports clubs using agricultural land or open space for hunting, shooting or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs and rifle ranges.
- (10) Unlimited Gaming Facilities. Unlimited gaming facilities refers to an establishment which contains fifteen (15) or more electronic gaming devices or operation of other gaming devices as authorized by the State of Nevada.
- (i) Communication Facilities. Communication facilities use type refers to establishments primarily engaged in the transmission and/or receiving of electromagnetic waves. Typical uses include television stations, radio stations, satellite dishes, antennas and wireless communication facilities. Refer to Article 324, Communication Facilities, for subcategories of communication facilities.
- (j) Construction Sales and Services. Construction sales and services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage, as well as the retail or wholesale sale from the premises, of materials used in the construction of buildings or other structures. This use type does not include retail sales of paint, fixtures and hardware, or those uses classified as one of the automotive and equipment use types. This use type does not refer to actual construction sites. Typical uses include tool and equipment rental, or sales and building material stores.
- (k) Continuum of Care Facilities, Seniors. Continuum of care facilities for seniors use type refers to establishments that provide range housing, activities and health services to allow for adults to age in place. Residential density and parking standards shall be determined in the special use permit process; all other development standards shall apply. Facilities may include independent living, assisted living, nursing care, and hospice care as well as accessory housing for staff, and medical facilities and services for residents.
- (l) Convention and Meeting Facilities. Convention and meeting facilities use type refers to establishments which primarily provide convention and meeting facilities. Typical uses include convention facilities and wedding chapels.
- (m) Data Center. Data Center use type refers to establishments or places of business primarily engaged in the storage/housing of equipment, such as computers, servers, switches, routers, data storage devices, and related equipment for the purpose of storing, managing, processing, and exchanging of digital data and information.
- (n) Eating and Drinking Establishments. Eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the liquor sales use type. The following are eating and drinking establishments use types:
 - (1) Convenience. Convenience refers to establishments or places of business primarily engaged in the preparation and retail sale of food and

beverages, have a short customer turnover rate (typically less than one hour), and may include sales of alcoholic beverages. Typical uses include drive-in and fast-food restaurants, ice cream parlors, sandwich shops and delicatessens.

- (2) Full Service. Full service refers to establishments or places of business primarily engaged in the sale of prepared food and beverages on the premises, which generally have a customer turnover rate of one hour or longer, and which include sales of alcoholic beverages at the table or at a bar as an accessory or secondary service. Typical uses include full-service restaurants.

- (o) Financial Services. Financial services use type refers to establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and check cashing facilities.

- (p) Funeral and Interment Services. Funeral and interment services use type refers to provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:
 - (1) Cemeteries. Cemeteries refers to undertaking services and services involving the keeping of bodies provided on cemetery grounds. Typical uses include crematoriums, mausoleums and columbariums.

 - (2) Undertaking. Undertaking refers to services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

- (q) Gasoline Sales and Service Stations. Gasoline sales and service stations use type refers to retail sales of petroleum products from the premises of the establishment and incidental sale of tires, batteries, replacement items, lubricating services and minor repair services. Typical uses include automobile service stations.

- (r) Helicopter Services. Helicopter services use type refers to areas used by helicopter or steep-gradient aircraft. The following are helicopter services use types:
 - (1) Heliport. Heliport refers to areas used by helicopters or by other steep-gradient aircraft, which includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangers and other accessory buildings, and open space.

 - (2) Helistop. Helistop refers to areas 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.

- (s) Liquor Manufacturing. Liquor manufacturing refers to the brewing, distillation, making, and/or manufacture of intoxicating liquors on the premises of the establishment. The resulting liquor products may be sold at retail to the public for on-site consumption and/or for off-site consumption. The liquor products may also be sold to licensed importer and/or wholesaler liquor dealers, with or without

sales to the public. Liquor manufacturing may be in conjunction with another commercial use type, such as a full service eating and drinking establishment. Typical uses include brew pubs, breweries, craft distilleries, and wine makers.

(t) Liquor Sales. Liquor sales use type refers to retail sales of alcoholic beverages, as defined in Chapter 30 of County Code (Intoxicating Liquor and Gaming Licenses and Regulations), to the public. The following are liquor sales use types:

(1) Off-Premises. Off-premises refers to the retail sale of alcoholic beverages to the public for off-site consumption, but excludes uses classified under the retail sales use type. Typical uses include stores that sell packaged liquor.

(2) On-Premises. On-premises refers to the retail sale of alcoholic beverages to the public for on-site consumption, but excludes uses classified under the eating and drinking establishments use type. Typical uses include bars, taverns, cabarets, and casino service bars.

(u) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis within incidental food, drink, and other sales and services intended for the convenience of guests, but excludes those classified under residential group home and commercial recreation. The following are lodging services use types:

(1) Bed and Breakfast Inns. Bed and breakfast inns refers to single family dwellings with guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.

(2) Condominium Hotel. Condominium hotel refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing, and when the hotel rooms are owned as separate real estate; and the remainder of the property including amenities, open space, etc. is either owned in common by the hotel room owners and managed by an association, or owned by a separate entity in which a fee for use of the amenities, open space, etc. may or may not be charged the hotel room owners.

(3) Hostels. Hostels refers to supervised transient facilities offering dormitory type lodging, usually with a minimum of facilities.

(4) Hotels and Motels. Hotels and motels refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing.

(5) Vacation Time Shares. Vacation time shares refers to real properties that are subject to a time share program.

(v) Medical Marijuana Establishment. Medical marijuana establishment use type, as defined by NRS 453A, refers to commercial establishments, facilities, or places of business primarily engaged in the cultivation, production, acquisition, supply, sale or distribution of medical marijuana products and related supplies and services. All medical marijuana establishments must be registered and/or certified with the State Division of Public and Behavioral Health of the Department of Health and Human Services "Division." A

business may register with the Division to act as more than one of the medical marijuana establishment use types listed below in subsections one (1) through four (4). The following are medical marijuana establishment use types:

- (1) Medical Marijuana Cultivation Facility. Medical marijuana cultivation facility, as defined by NRS 453A, refers to a business that acquires, possesses, cultivates, delivers, transfers, transports, supplies or sells marijuana and related supplies to medical marijuana dispensaries, facilities for the production of edible marijuana products or marijuana-infused products, or other cultivation facilities.
- (2) Facility for the Production of Edible Marijuana Products or Marijuana-infused Products. Facility for the production of edible marijuana products or marijuana-infused products, as defined by NRS 453A, refers to a business that acquires, possesses, manufactures, delivers, transfers, transports, supplies or sells edible marijuana products or marijuana-infused products to medical marijuana dispensaries.
- (3) Independent Testing Laboratory. Independent testing laboratory, as defined by NRS 453A, refers to private, and independent testing laboratories to test marijuana, edible marijuana products and marijuana-infused products that are to be sold in the State of Nevada.
- (4) Medical Marijuana Dispensary. Medical marijuana dispensary, as defined by NRS 453A, refers to a business that acquires, possesses, delivers, transfers, transports, supplies, sells or dispenses marijuana or related supplies and educational materials to the holder of a valid registry identification card issued by the Division.
- (w) Medical Services. Medical services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities or sports medicine facilities.
- (x) Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:
 - (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
 - (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.
- (y) Personal Services. Personal services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature, but excludes services classified as commercial recreation or lodging services. Typical uses include photography studios, driving schools or weight loss centers.
- (z) Personal Storage. Personal storage use type refers to storage services primarily for personal effects and household goods within an enclosed storage area having

individual access, but excludes workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehouses.

- (aa) Professional Services. Professional services use type refers to establishments which provide professional services to individuals or businesses, but excludes offices servicing walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, real estate offices, insurance offices and architectural firms.
- (bb) Recycle Center. Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles and cans. Recycle centers do not include recycle facilities existing as a part of a refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycle center use types:
 - (1) Full Service Recycle Center. Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass household recyclables and may include processing or sorting of the recyclables.
 - (2) Remote Collection Facility. Remote collection facility refers to a center for the acceptance, by redemption or purchase, of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.
 - (3) Residential Hazardous Substance Recycle Center. Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.
- (cc) Repair Services, Consumer. Repair services, consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.
- (dd) Retail Sales. Retail sales use type refers to retail sales of commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:
 - (1) Convenience. Convenience refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners and self-service laundromats.
 - (2) Specialty Stores. Specialty stores refers to establishments which provide a variety of retail or personal services needs for residents in the larger community area. Typical uses include supermarkets, super drugs stores, clothing boutiques, antiques, bookstores, furniture stores and auto parts.
 - (3) Comparison Shopping Centers. Comparison shopping centers refers to retail establishments that provide a wide variety of retail and personal

services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.

- (ee) Secondhand Sales. Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time, but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.
- (ff) Transportation Services. Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 906, provisions eff. 7/27/94; Ord. 1004, provisions eff. 1/30/98; Ord. 1023, provisions eff. 7/1/98; Ord. 1097, provisions eff. 7/28/00; Ord. 1179, provisions eff. 12/6/02; Ord. 1238, provisions eff. 6/4/04; Ord.1288, provisions eff. 3/24/06; Ord. 1347, provisions eff. 11/2/07; Ord. 1433, provisions eff. 3/5/10; Ord. 1481, provisions eff. 2/3/12; Ord. 1497, provisions eff. 10/5/12; Ord. 1527, provisions eff. 4/18/14; Ord. 1712, provisions eff. 6/27/14.]

Section 110.304.30 Industrial Use Types. Industrial use types include the on-site production of goods by methods not agricultural in nature, including certain accessory uses.

- (a) Aggregate Facilities. Aggregate facilities use type refers to the extraction and processing of sand, gravel and rock from the ground. Typical uses include sand and gravel pit and ancillary uses such as concrete and asphalt batch plants.
- (b) Caretaker's Residence. Caretaker's residence refers to a permanent on-site residential unit for an industrial use. The purpose of this unit is to provide security for the industrial use and the site on which it is located. It shall be occupied only while a valid business license for an industrial use is in effect and only by an employee of the company which operates the industrial use and at no time shall it be rented to any party other than someone directly employed by the industrial use operator. The caretaker's residence and industrial use are permitted to share access to the site. A caretaker's residence should provide a permanent kitchen, toilet facilities, sleeping, eating, and living facilities, all separate from the industrial use, and must be permitted by all applicable state and local agencies. Two (2) standard parking spaces shall be reserved for use by the residents of the caretaker's residence. The floor area of the unit shall not exceed two thousand (2,000) square feet. A minimum lot size of one (1) acre is required. Any solid fuel burning device is prohibited. Upon cessation of the industrial use, the use of the caretaker's residence must cease. The following are caretaker's residence use types:
 - (1) Attached. Caretaker's residence attached must be attached to or located within the main structure for the industrial use. Only one (1) caretaker's residence is permitted per structure, regardless of the number of businesses located in that structure. Only one (1) caretaker's residence is permitted per employer and per parcel, regardless of the number of businesses located on that parcel.
 - (2) Detached. Caretaker's residence detached must be sited within the developed industrial area, and must be visually integrated with the industrial use. Only one (1) caretaker's residence is permitted per

employer and per parcel, regardless of the number of businesses located on that parcel.

- (c) Custom Manufacturing. Custom manufacturing use type refers to the on-site production of goods by hand manufacturing or artistic endeavor which involves only the use of hand tools or domestic mechanical equipment and the incidental sale of these goods directly to consumers. Typical uses include ceramic studios, custom cabinet making, candle making shops and custom jewelry manufacturers.
- (d) Energy Production. Energy production use type refers to the commercial production of electricity.
 - (1) Non-Renewable Energy Production. Non-Renewable energy production use type refers to the commercial production of energy utilizing any non-renewable source of energy.
 - (2) Renewable Energy Production. Renewable energy production use type refers to the commercial production of energy utilizing solar, geothermal, wind, hydroelectric, and biomass sources of energy.
- (e) General Industrial. General industrial use type refers to the on-site production of goods other than those that are agricultural or extractive in nature, but excludes those uses classified under custom manufacturing and high technology use types. The following are general industrial use types:
 - (1) Limited. Limited refers to production processes which use already manufactured components to assemble, print or package a product such as cloth, paper, plastic, leather, wood, glass or stones, but not including such operations as paper, saw or planing mills, steel, iron or other metalworks, rolling mills, or any manufacturing uses involving primary production of commodities from raw materials. By the nature of the activity performed and/or the scale of operation, these uses can be located near residential or commercial uses with minimal impact to adjacent uses. Typical uses include apparel manufacturing, paper products finishing, furniture production and production of fabricated metal products.
 - (2) Intermediate. Intermediate refers to production processes which can be located near residential or commercial uses only if special control measures are taken to mitigate the land use conflicts which can result from such operations. Typical uses include production of food substances, household appliance manufacturing, prefabrication of manufactured buildings, and major repair/reconstruction and storage of fabricated housing.
 - (3) Heavy. Heavy refers to production processes which should not be located near residential or commercial uses due to the intensive nature of the industrial activity and/or the scale of operation. These uses may be located near other manufacturing uses exhibiting similar characteristics although special control measures may be required for some extremely intensive operations to ensure compatibility with similar industrial uses. Typical uses include motor vehicle assembly, sawmills, textile dyeing, leather tanning, hazardous chemical production,

petroleum refining, primary metal processing, storage of manufactured homes and production of explosives or propellants.

- (f) High Technology Industry. High technology industry use type refers to the research, development and controlled production of high-technology electronic, industrial or scientific products. Typical uses include biotechnology firms and computer component manufacturers.
- (g) Inoperable Vehicle Storage. Inoperable vehicle storage use type refers to premises devoted to the parking and/or storage of inoperable vehicles. Typical uses include buildings, storage yards, and auto wrecking facilities devoted to the parking and/or storage of inoperable vehicles.
- (h) Laundry Services. Laundry services use type refers to establishments primarily engaged in the provision of large scale laundering, dry cleaning or dyeing services other than those classified as personal services. Typical uses include laundry agencies, diaper services or linen supply services.
- (i) Mining Operations. Mining operations use type refers to the extraction and processing of rocks and minerals from the ground, but excludes uses classified under the petroleum gas extraction use type. Typical uses include the mining of precious metals and industrial minerals.
- (j) Petroleum Gas Extraction. Petroleum gas extraction use type refers to the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells.
- (k) Salvage Yards. Salvage yards use type refers to the collection, storage or sale of rags, scrap metal or discarded material; or the collection, dismantling, storage, salvaging or demolition of vehicles, machinery or other materials. Typical uses include junkyards and auto wrecking facilities.
- (l) Wholesaling, Storage and Distribution. Wholesaling, storage and distribution use type refers to establishments or places of business primarily engaged in wholesaling, storage and bulk sale distribution including, but not limited to, open-air handling of material and equipment other than live animals and plants. The following are wholesaling, storage and distribution use types:
 - (1) Light. Light refers to wholesaling, storage and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
 - (2) Heavy. Heavy refers to distribution and handling of materials and equipment. Typical uses include monument sales, stone yards or open storage yards.

[Amended by Ord. 906, provisions eff. 7/27/94; Ord. 1039, provisions eff. 11/1/98; Ord. 1433, provisions eff. 3/5/10; Ord. 1443, provisions eff. 7/26/10; Ord. 1494, provisions eff. 8/9/12; Ord. 1504, provisions eff. 3/8/13.]

Section 110.304.35 Agricultural Use Types. Agricultural use types include the on-site production of plant and animal products by agricultural methods.

- (a) Agricultural Processing. Agricultural processing use type refers to the processing of foods and beverages from agricultural commodities, but excludes animal slaughtering. Typical uses include canning of fruits and vegetables, processing of dairy products, and the production of prepared meats from purchased carcasses.
- (b) Agricultural Sales. Agricultural sales use type refers to the sale of agricultural supplies such as feed, grain and fertilizers. Typical uses include feed and grain stores.
- (c) Animal Production. Animal production use type refers to raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis, but excluding commercial slaughtering. Typical uses include grazing, ranching, dairy farming, poultry farming and aquaculture.
- (d) Animal Slaughtering, Agricultural. Agricultural animal slaughtering use type refers to the slaughtering of animals to be used in making meat products on the same premises.
- (e) Animal Slaughtering, Commercial. Commercial animal slaughtering use type refers to the slaughtering of animals to be sold to others or to be used in making meat products on the same premises. Typical uses include slaughter houses.
- (f) Animal Slaughtering, Mobile. Mobile animal slaughtering use type refers to the slaughtering of animals to be sold to others or to be used in making meat products, within a fully-enclosed mobile slaughtering facility approved by the US Food and Drug Administration, for a duration of not more than fourteen (14) days off-site on any one parcel within a calendar year. Typical uses include mobile commercial slaughtering units.
- (g) Crop Production. Crop production use type refers to raising and harvesting of tree crops, row crops or field crops on an agricultural or commercial basis, including packing and processing.
- (h) Forest Products. Forest products use type refers to commercial timber harvesting uses and facilities. Typical uses include production of forest products, sawmills and lumber camps.
- (i) Game Farms. Game farms use type refers to boarding or breeding of exotic animals generally considered as wild or not normally domesticated.
- (j) Produce Sales. Produce sales use type refers to the on-site sale of farm produce and/or shell eggs from property owned, rented or leased by the farmers who grow or produce all or part of the farm produce or shell eggs offered for sale. Typical uses include produce stands, and fruit and vegetable stands.
 - (1) Only products grown or produced on-site may be sold. A minimum lot size of forty (40) acres is required to establish produce sales as an allowed use in the General Rural (GR) regulatory zone. A valid business license pursuant to Chapter 25 of County Code must be obtained prior to any sales.
 - (2) Temporary produce sales, for a maximum duration of thirty (30) days in any one (1) calendar year, are allowed in all regulatory zones; however,

a valid business license pursuant to Chapter 25 of County Code must be obtained prior to any sales.

[Amended by Ord. 1023, provisions eff. 7/1/98; Ord. 1433, provisions eff. 3/5/10; Ord. 1540, provisions effective 9/5/14.]

Article 306

ACCESSORY USES AND STRUCTURES

Sections:

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110.306.15	Main Structures Required
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110.306.35	Outdoor Storage/Outdoor Display
110.306.45	Personal Landing Fields
110.306.50	Non-municipal Air Strips and Glider Ports
110.306.53	Cottage Foods
110.306.55	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 that are incidental and subordinate to existing principal uses and established main structures are allowed in all regulatory zones except as otherwise provided herein. This is not to be construed as permitting any commercial uses, including the outdoor storage of commercial vehicles, in residential regulatory zones unless specifically allowed by this Development Code or other applicable chapters of the Washoe County Code.

[Amended by Ord. 1451, provisions eff. 1/1/11.]

Section 110.306.10 Detached Accessory Structures. Detached accessory structures are defined in Article 304, Use Classification System, under Section 110.304.15, Residential Use Types. The following development requirements shall apply to detached accessory structures:

- (a) **Lot Coverage.** The establishment of detached accessory structures shall not exceed the following lot coverage limitations:
 - (1) On lots in the High Density Suburban (HDS) and Medium Density Suburban (MDS) Regulatory Zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 50 percent of the total lot acreage;
 - (2) On lots in the Low Density Suburban (LDS) Regulatory Zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 25 percent of the total lot acreage;

- (3) On lots in the High Density Rural (HDR) Regulatory Zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 20 percent of the total lot acreage;
 - (4) On lots in the Medium Density Rural (MDR) Regulatory Zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 15 percent of the total lot acreage;
 - (5) On lots in the Low Density Rural (LDR) Regulatory Zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed ten percent of the total lot acreage or 80,000 square feet, whichever is less;
 - (6) Exemptions to lot coverage limitations. Parcels 40 acres in size or larger in the General Rural (GR) and General Rural Agricultural (GRA) Regulatory Zones, and all parcels in the Commercial, Industrial, and Urban Regulatory Zones, are exempt from the lot coverage limitations of this section.
- (b) Setbacks.
- (1) Accessory structures 12 feet in height or less may be located within the required rear and side yard setbacks provided they are five feet or more from the rear and side property line. Accessory structures are prohibited within the required front yard setback.
 - (2) Accessory structures more than 12 feet in height shall comply with the yard setbacks for the main dwelling units stipulated in Article 406, Building Placement Standards. The height of a structure is determined by using the building code currently adopted by Washoe County.
- (c) Height Limits. The height of an accessory structure shall not exceed 12 feet when the structure is erected within the required yard setbacks. The height of an accessory structure shall not exceed 35 feet when the structure is erected outside the required yard setbacks.
- (d) Size. A proposal to establish a detached accessory structure that is larger (i.e. has more square footage or a larger building footprint) than the existing main structure shall require the approval of an Administrative Permit (pursuant to Article 808), to include review of building height and architectural compatibility with surrounding dwellings, prior to the issuance of a building permit. Parcels 40 acres in size or larger in the General Rural (GR) and General Rural Agricultural (GRA) Regulatory Zones, and all parcels in the Commercial and Industrial Regulatory Zones, are exempt from this requirement.
- (e) Location/Slopes. A detached accessory structure used as a private garage on any interior lot where the slope of the front half of the lot is greater than a two foot rise (or fall) for every ten feet above (or below) the established street grade may be built to the property line, provided such structure shall not exceed 15 feet in interior height when measured from parking surface and providing the Engineering Division has been able to determine that:
- (1) County snow removal operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an

impediment to County snow removal operations and/or the County has been held harmless from liability resulting from the County's snow removal operations;

- (2) The speed of traffic and the volume of traffic on the street is such that the placing of the garage at the property line will not cause a safety problem for vehicles using the street; and
- (3) The placement of the garage at the property line will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Master Plan.

(f) Building Setback. A detached accessory structure shall not be located closer than ten feet to any main building on an adjoining parcel.

(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 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:

- (1) Must meet all Washoe County placement standards for a detached accessory structure;
- (2) Only one cargo container shall be allowed on a parcel of land having less than five acres in size, 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) Painted one, solid, muted color that blends with the surrounding vegetation, or structures or topography.
- (4) All cargo containers shall be free from damage, shall not be structurally altered, shall be free from severe rust, and shall not have exposed bare metal;
- (5) Shall not include plumbing fixtures;
- (6) Shall not be stacked; except in the Commercial and Industrial land use designations, and then not stacked above two high. Setback

requirements shall be determined by the total height of the stacked structure;

- (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;
- (8) Shall not occupy any required off-street parking spaces for the site;
- (9) Shall not be placed between a residence and the adjoining street or road right-of-way that provides primary access to the residence;
 - (i) On a parcel fronted by two or more street or road right-of-ways, the Director of the Planning and Development Division shall have the authority to determine the primary access to the residence.
- (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.
- (11) Shall be separated from any other structure, storage shed or other cargo containers by a minimum of ten feet, when located within 100 feet of any property line;
- (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

- (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 shall require a building permit from the Building and Safety Division.
- (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.
- (h) Deed Restriction Required for Connection to Water or Wastewater Facilities. Any detached accessory structure proposed to be connected to a potable water supply line or a septic system or community sewer system (i.e. sanitary sewer) as part of a building permit application shall require a deed restriction to be filed with the County Recorder's office stipulating that the structure will not be converted to an accessory dwelling unit as defined in Section 110.304.15. Said deed restriction shall make the County a party to the restriction and shall be obtained through the Planning and Development Division. A copy of the recorded deed restriction shall be required prior to the issuance of the building permit. The Planning and Development Division shall agree in writing to the removal of the deed restriction if the owner legally converts the accessory structure to an accessory dwelling unit (pursuant to the provisions of this article and applicable building codes) or if the structure has been permanently disconnected from the potable water supply and sanitary sewer system. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure shall render the structure as a dwelling unit subject to the provisions of this article.
- (i) Use of Mobile/Manufactured Homes as Detached Accessory Structures. A detached accessory structure shall not be comprised of a mobile or manufactured home due to Federal Housing and Urban Development (HUD) standards prohibiting the removal or modification of any interior structural components, such as plumbing fixtures (see HUD 24 CFR Part 3280).

[Section 110.306.10 renamed from "Accessory Structures" and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 889, provisions eff. 11/29/93; Ord. 899, provisions eff. 5/31/94; Ord. 926, provisions eff. retro to 5/31/94; Ord. 939, provisions eff. 11/1/95; Ord. 1218, provisions eff. 10/24/03; Ord. 1288, provisions eff. 3/24/06; Ord. 1352, provisions eff. 11/23/07; Ord. 1412, provisions eff. 7/3/09; Ord. 1447, provisions eff. 9/9/10; Ord. 1451, provisions eff. 1/1/11; Ord. 1475, provisions eff. 1/12/12; Ord. 1480, provisions eff. 2/3/12, Ord. 1531, provisions eff. 6/27/14; Ord. 1567, provisions eff. 11/6/15.]

Section 110.306.15 Main Structures Required. Except as otherwise provided in Section 110.330.55, Agricultural Buildings, it is unlawful to construct, erect or locate private garages or other accessory structures and uses in any Rural, Suburban or Urban Residential Regulatory Zone, including the General Rural Agricultural (GRA) Regulatory Zone, without an existing main structure and/or existing principal use as provided for under Article 302, Allowed Uses.

[Amended by Ord. 926, provisions eff. retro to 5/31/94; Ord. 1451, provisions eff. 1/1/11; Ord. 1475, provisions eff. 1/12/12.]

Section 110.306.20 Attached Accessory Dwellings. Attached accessory dwellings are defined in Article 304, Use Classification System, under Section 110.304.15, Residential Use Types. Attached accessory dwellings are permitted in the General Rural (GR), General Rural Agricultural (GRA), and the Residential Regulatory Zones, pursuant to all of the following regulations:

- (a) A main residential unit exists and no other accessory dwelling unit has been established.
- (b) A minimum lot area of five-thousand (5,000) square feet exists.
- (c) Compliance with the setback and height standards of the regulatory zone and the lot coverage standards enumerated in Section 110.306.10(a).
- (d) The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or one thousand (1,000) square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space.
- (e) An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling unit. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. 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 (1) off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading.
- (g) Only one (1) accessory dwelling unit is allowed per parcel.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 926, provisions eff. retro to 5/31/94; Ord. 939, provisions eff. 11/1/95; Ord. 1451, provisions eff. 1/1/11; Ord. 1475, provisions eff. 1/12/12.]

Section 110.306.25 Detached Accessory Dwellings. Detached accessory dwellings are defined in Article 304, Use Classification System, under Section 110.304.15, Residential Use Types. Detached accessory dwellings are allowed in the General Rural (GR) and General Rural Agricultural (GRA) Regulatory Zones, and are permitted in the Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), and Low Density Suburban (LDS) Regulatory Zones pursuant to the administrative review process and requirements of this section. A detached accessory dwelling is permitted in the Medium Density Suburban (MDS) Regulatory Zone subject to a special use permit reviewed by the Board of Adjustment. Any detached accessory dwelling unit must adhere to the following requirements:

- (a) A main residential unit exists and no other accessory dwelling unit has been established.
- (b) A minimum lot area of twelve thousand (12,000) square feet exists.
- (c) Compliance with the setback and height standards of the regulatory zone and the lot coverage standards enumerated in Section 110.306.10(a).

- (d) Except for in the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet, or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. The maximum permitted square footage of a detached accessory dwelling unit shall not be increased by use of the variance process contained in Article 804, Variances, except for conversion of a guest house, that was legally constructed prior to May 26, 1993, to a detached accessory dwelling unit.
- (e) A manufactured or modular home constructed within six (6) years of the date of its placement is permitted as a detached accessory dwelling unit, subject to the size and regulatory zone requirements in (d) above and the provisions of Article 312, Fabricated Housing, provided that the unit is permanently affixed to the property, its foundation system is masked and the unit is converted to real property pursuant to the provisions of Article 312, Fabricated Housing, at the time of the final inspection date. Fabricated homes are permitted as detached accessory dwelling units in a manufactured home subdivision.
- (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 (1) off-street parking space added may be required pursuant to the provisions of Article 410, Parking and Loading.
- (g) Only one (1) accessory dwelling unit is allowed per parcel.
- (h) A detached accessory dwelling unit may be converted to a main dwelling unit by subdividing the original parcel. The newly subdivided parcels (and any structures thereon) must meet all provisions of the Development Code, including the setback, height, and minimum lot area standards of the applicable regulatory zone.
- (i) Administrative Review Process. Proposals to establish a detached accessory dwelling unit in the Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), and Low Density Suburban (LDS) Regulatory Zones shall be reviewed pursuant to the following process and requirements:
- (1) Review. The Director, or his designee, shall review a development application request for a detached accessory dwelling unit for compliance with the Development Code while also taking into consideration any testimony offered by affected property owners and the applicant. The Director, or his designee, may approve, approve with conditions, modify, modify with conditions, or deny the request. All administrative decisions shall be in writing. The administrative decision may be appealed to the Board of Adjustment per the procedures set forth below.
 - (2) Affected Property Owners. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his

designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within five hundred (500) feet of the subject parcel, Citizen Advisory Board members, homeowners associations, or architectural control committees that are registered with the Building and Safety Division of the County; and all military installations as defined in Article 902, Definitions, that are within three thousand (3,000) feet of the property that is the subject of the proposed use will be considered affected property owners. A minimum of ten (10) adjacent property owners shall be noticed.

- (3) Processing. Upon receipt of a complete application to establish a detached accessory dwelling unit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.
- (i) Notice. Notice will be mailed to affected property owners within three (3) working days of receipt of a complete application. An application must be deemed complete or incomplete within three (3) working days of receipt of the application.
- (ii) Affected Property Owner Comment Period. Written testimony from affected property owners must be received by the department within fifteen (15) calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
- (iii) Applicant Responses to Affected Property Owner Comments. Written responses from the applicant must be received by the department within seven (7) calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
- (iv) Issuance of Written Decision on the Application. A written decision shall be issued and mailed by the Director, or his designee, within ten (10) working days of the department receiving the applicant responses. The applicant may choose not to respond and begin this ten (10) working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners (as defined in subsection (2) above).
- (v) Public Hearing Not Required. No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.

- (4) Effective Date of Action. Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.
- (5) Contents of Notice – Approval or Denial. Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.
- (6) Compliance with Noticing Requirements. All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means if receipt of such an electronic notice can be verified.
- (7) Appeals. An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the following provisions:
 - (i) An appeal of the administrative decision shall be made within ten (10) calendar days from the date of the notice of decision was mailed. If filed, an appeal stays any further action on the decision until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
 - (ii) Appeals may be filed only by the applicant or the applicant's authorized agent or by an affected property owner (as defined in subsection (2) above).
 - (iii) An Appeal of Decision application shall be filed with the Department of Community Development, accompanied by a filing fee. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the decision, reasons for denial, and/or conditions of approval made in the decision.
 - (iv) Appeals shall be heard by the Board of Adjustment. The Department of Community Development shall schedule a public hearing on the appeal for the next available meeting date of the Board of Adjustment.
 - (v) The public hearing on the appeal shall be noticed pursuant to Section 110.808.40. The notice shall state that an appeal has been filed; describe the request being appealed; describe the lot, parcel, property or areas that are the subject of the application; describe the final decision on the request; and note other pertinent information.

- (vi) The Board of Adjustment shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the standards required and the evidence submitted. The action of the Board of Adjustment may be appealed to the Washoe County Commission for a final determination.
- (8) Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.
- (9) A certificate of occupancy for the detached accessory dwelling unit shall be obtained by the time specified in the administrative decision, or if not specified, within two (2) years from the final date of administrative approval. Failure to obtain a certificate of occupancy within the specified timeframe shall render the approval null and void. The time specified in the administrative decision may be extended in writing by the Director, or his designee, for a period of no more than two (2) years. Requests for time extensions shall be in writing and shall be submitted at least two (2) weeks prior to the expiration date. The request shall state the reason for the extension. No more than one (1) extension of time shall be granted.
- (10) The Board of Adjustment may initiate an action to revoke an administrative approval issued pursuant to this section. The Board of Adjustment shall hold a public hearing upon the revocation of the administrative approval and provide notice as set forth in Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of Adjustment may take action to revoke the administrative approval based upon a finding of any one (1) or more of the following grounds:
 - (i) That the administrative approval was fraudulently obtained or extended;
 - (ii) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
 - (iii) That the use or facility for which the development approval was granted is so conducted or maintained as to be detrimental to the public health or safety, or as to be a public nuisance.
- (j) Conditions of approval for a detached accessory dwelling unit shall include the requirement of the installation of a water meter if the detached accessory dwelling unit proposes to use a domestic well as its source of water.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 926, provisions eff. retro to 5/31/94; Ord. 939, provisions eff. 11/1/95; Ord. 1089, provisions eff. retro to 1/1/00; Ord. 1331, provisions eff. 6/22/07; Ord. 1347, provisions eff. 11/2/07; Ord. 1451, provisions eff. 1/1/11; Ord. 1475, provisions eff. 1/12/12.]

Section 110.306.30 Hallways, Breezeways, and other Similar Connections.

- (a) Hallways. For the purposes of this article, a hallway is defined as a completely enclosed corridor, passageway, or other similar enclosed space that connects two (2) separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two (2) separate dwelling units.

- (b) Breezeways. For the purposes of this article, a breezeway is defined as a covered walkway, passageway, or corridor that has at least one (1) side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.
 - (1) A breezeway, as defined above, shall not exceed a length or width of fifteen (15) feet.
 - (2) A covered breezeway with at least one (1) solid wall shall be calculated as a structure (i.e. footprint) when determining lot coverage on a given lot.

[Section 110.306.30, Hallways, Breezeways, or other Similar Connections, added by Ord. 1451, provisions eff. 1/1/11.]

Section 110.306.35 Outdoor Storage/Outdoor Display.

- (a) Outdoor storage, as defined in Section 110.902.15 and as further regulated in the Washoe County Nuisance Code (WCC Sections 50.300 to 50.310, inclusive), is the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for herein under subsection (d), for a period of more than 72 consecutive hours.

- (b) Outdoor Storage on Vacant Lots. No outdoor storage shall occur on a vacant parcel without an existing principal use. No vehicles may be stored or displayed for sale on any vacant lot or at any vacant business location.

- (c) Outdoor Storage of Commercial Vehicles. No storage of commercial vehicles shall be allowed on any residentially zoned parcel, unless specifically regulated in another section of this code.
 - (1) Commercial Vehicles Defined. A commercial vehicle is defined as any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two axles on the road; or, any vehicle in excess of 8,000 pounds unladen weight. Commercial vehicles includes, but is not limited to: a concrete truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for commercial or industrial purposes.
 - (2) Exceptions. The following exceptions to the storage of commercial vehicles shall be allowed in Residential Regulatory Zones:

- (i) A vehicle used in a licensed, home-based business may involve one vehicle for delivery of materials to or from the property, not to exceed 8,000 pounds gross unladen weight and no larger than two axles.
 - (ii) A single vehicle limousine service.
 - (iii) An accessory utility trailer used in a licensed home-based business, provided such trailer does not exceed a maximum length of 24 feet, is parked off the street (including any right-of-way), is regularly used off-site in the conduct of the home-based business, and is not used solely for storage or advertising.
 - (iv) Commercial vehicles used in conjunction with on-going construction activities having a valid building permit from the Building and Safety Division.
- (d) General Exceptions to Outdoor Storage Provisions. The following exceptions to the outdoor storage provisions of this section shall be allowed:
- (1) When being temporarily stored for the purpose of construction pursuant to and during the time permitted by a valid building permit, provided the items are specifically related to the implementation of the building permit;
 - (2) When in conjunction with a yard/garage sale with a duration of no more than five consecutive days or three weekends in a given calendar year.
 - (3) When the covered trash containers are approved by the disposal company for weekly or other regularly scheduled domestic disposal.
 - (4) Registered recreational vehicles and campers and items typically associated with and used for personal outdoor recreation. Examples of recreational vehicles and items include, but are not limited to, motorized campers, fifth wheel campers and camper trailers, boats and personal watercraft, and motorcycles.
- (e) 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 the Planning and Development Division 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 sides by a solid masonry or wood wall of six feet in height and on one 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.
- (f) 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.
- (g) 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.
- (h) Outdoor Display for Merchandise in a Commercial or Industrial Regulatory Zone. 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 50 percent of this area.
- (i) Outdoor Display for Automobiles, Boats, Recreational Vehicles and Heavy Equipment in a Commercial or Industrial Regulatory Zone. The outdoor display of automobiles, boats, recreational vehicles and heavy equipment shall not cover more than 85 percent of the area between the front and side property lines and the front and side faces of the main building.
- (j) Mobile Home Set Up Permit Required. A valid mobile home set up permit issued by the Building and Safety Division is required before any fabricated home may be occupied. The placement of a fabricated home on a parcel without a valid mobile home set up permit is classified as outdoor storage of the home and is prohibited in all regulatory zones. This provision does not apply to Fabricated Housing Sales use type pursuant to Articles 302, Allowed Uses, and 304, Use Classification System, or to manufactured homes stored as a wholesaling, storage, and distribution industrial use type pursuant to Articles 302 and 304.

[Section 110.306.35 renamed from "Outdoor Storage" and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 889, provisions eff. 11/29/93; Ord. 899, provisions eff. 5/31/94; Ord. 926, provisions eff. retro to 5/31/94; Ord. 1451, provisions eff. 1/1/11; Ord.1567, provisions eff. 11/6/15.]

Section 110.306.45 Personal Landing Fields. Personal landing fields are permitted as an accessory use in the General Rural, Low Density Rural, Tourist Commercial, Industrial, and the Public/Semi-Public Facilities Regulatory Zones, subject to a special use permit (see Table 110.302.05.1). Personal landing fields established prior to July 1, 2000 as documented with either the Federal Aviation Administration and/or the Nevada Department of Transportation are exempt from the special use permit and minimum development standard requirements. Aircraft hired on a temporary basis for agricultural spraying operations, and not owned by or based on the property owner's parcel, are exempt from the special use permit and minimum development standard requirements. The following minimum development standards are necessary to establish a new personal landing field:

- (a) The edge of the runway/helicopter pad landing surface shall be located to maintain a minimum separation of three hundred (300) feet from any exterior property line to maintain a noise standard of sixty-five (65) decibels Ldn as measured at the property line. Additional landing surface/property line

separation may be required as a special use permit condition of approval based on the operational and noise characteristics of the aircraft utilizing the facility.

- (b) The property owner shall submit a report by a Nevada registered engineer or erosion control specialist documenting the type of landing surface treatment and maintenance necessary for dust control and erosion control purposes for the weight of aircraft and frequency of landings, and shall provide for adequate drainage consistent with Article 420, Storm Drainage Standards.
- (c) A maximum of two (2) aircraft may be stored at a personal landing field.
- (d) The personal landing field shall operate as a private facility, for the exclusive use of the landowner, and shall not be operated for commercial purposes. Leasing or rental of airplane hangers or tie-down spaces to any third-party user will not be allowed.
- (e) The owner of the personal landing field shall submit documentation to the Federal Aviation Administration so the location of the facility can be published on the FAA Sectional Aeronautical Chart.
- (f) The owner of the personal landing field shall maintain a commercially issued general liability insurance policy with a minimum coverage of \$1,000,000 combined single limit. The owner shall maintain on file with Washoe County a certificate of insurance and an original endorsement adding Washoe County as an additional insured. Increased amounts of coverage may be based upon usage and level of activity. Washoe County shall determine when increased amounts of liability insurance coverage are required.

[Added by Ord. 1102, provisions eff. 8/11/00, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.306.50 Non-municipal Air Strips and Glider Ports. Non-municipal air strips and glider ports are permitted as an accessory use in the General Rural, Low Density Rural, Tourist Commercial, Industrial, and the Public/Semi-Public Facilities Regulatory Zones, subject to a special use permit (see Table 110.302.05.1). Non-municipal air strips and glider ports established prior to July 1, 2000 as documented with either the Federal Aviation Administration and/or the Nevada Department of Transportation are exempt from the special use permit and minimum development standard requirements. The following minimum development standards are necessary to establish a new non-municipal air strip or glider port:

- (a) The edge of the runway/helicopter pad landing surface shall be located to maintain a minimum separation of three hundred (300) feet from any exterior property line to maintain a noise standard of sixty-five (65) decibels Ldn as measured at the property line. Additional landing surface/property line separation may be required as a special use permit condition of approval based on the operational and noise characteristics of the aircraft utilizing the facility.
- (b) The property owner shall submit a report by a Nevada registered engineer or erosion control specialist documenting the type of landing surface treatment and maintenance necessary for dust control and erosion control purposes for the weight of aircraft and frequency of landings, and shall provide for adequate drainage consistent with Article 420, Storm Drainage Standards.
- (c) In addition to the vehicle parking requirements for any other uses on the property, one (1) vehicle parking space will be provided for every aircraft which is

stored, or for which tie-down space is provided, at the non-municipal air strip and/or glider port.

- (d) The owner of the non-municipal air strip and/or glider port shall submit documentation to the Federal Aviation Administration so the location of the facility can be published on the FAA Sectional Aeronautical Chart.
- (e) The owner of the non-municipal air strip and/or glider port shall maintain a commercially issued general liability insurance policy with a minimum coverage of \$1,000,000 combined single limit. The owner shall maintain on file with Washoe County a certificate of insurance and an original endorsement adding Washoe County as an additional insured. Increased amounts of coverage may be based upon usage and level of activity. Washoe County shall determine when increased amounts of liability insurance coverage are required.

[Added by Ord. 1102, provisions eff. 8/11/00, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.306.53 Cottage Foods. A Cottage Food Operation, as defined and authorized by NRS Chapter 446, is allowed as an accessory use if conducted in the kitchen of a fraternal or social clubhouse, a school, or a religious, charitable or other nonprofit organization, and subject to District Health approval and issuance of a general business license.

[Added by Ord. 1519, provisions eff. 11/1/13.]

Section 110.306.55 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 nonconforming use subject to the provisions of Article 904, Nonconformance. For the purpose of this article, the nonconforming 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.

[Added by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 926, provisions eff. retro to 5/31/94; Ord. 1102, provisions eff. 8/11/00.]

[Section 110.306.30 "Agricultural Buildings" renamed from "Agricultural Buildings and Uses" and amended by Ord. 899, provisions eff. 5/31/94; amended by Ord. 926, provisions eff. retro to 5/31/94; and repealed by Ord. 1238, provisions eff. 6/4/04.]

[Section 110.306.40 entitled "Temporary Office Trailers"; Section 110.306.45 entitled "Commercial Coaches"; and Section 110.306.55 entitled "Utilities" repealed by Ord. 875, provisions eff. 8/3/93.]

[Section 110.306.40 "Animals" amended by Ord. 875, provisions eff. 8/3/93; Ord. 926, provisions eff. retro to 5/31/94; and repealed by Ord. 1238, provisions eff. 6/4/04.]

Article 308

HOME OCCUPATIONS

Sections:

110.308.00	Purpose
110.308.05	Applicability

Section 110.308.00 Purpose. The purpose of this article, Article 308, Home Occupations, is to provide for business uses in association with dwellings where such uses will clearly not alter the character or appearance of the residential environment.

Section 110.308.05 Applicability. Home occupations shall be allowed in any regulatory zone which allows dwellings or has a residential unit currently on the property. Home occupations are regulated by Chapter 25 of the Washoe County Code. Home occupations are assigned to the holder of the home business license and are not appurtenant to the land or structure.

[Amended by Ord. 965, provisions eff. 10/1/96; Ord. 1040, provisions eff. 11-1-98.]

[Previous Section 110.308.10 entitled “Business License Required” repealed by Ord. 1040, provisions eff. 11-1-98.]

[Previous Section 110.308.15 entitled “Development Requirements” amended by Ord. 875, provisions eff. 8/3/93 and Ord. 965, provisions eff. 10/1/96; and repealed by Ord. 1040, provisions eff. 11-1-98.]

[Previous Section 110.308.20 entitled “Conformance” renamed to “Conformance Requirements” and amended by Ord. 965, provisions eff. 10/1/96; and repealed by Ord. 1040, provisions eff. 11-1-98.]

[Previous Section 110.308.25 entitled “Creation of Prohibited Home Business List” added by Ord. 965, provisions eff. 10/1/96; and repealed by Ord. 1040, provisions eff. 11-1-98.]

Article 310

TEMPORARY USES AND STRUCTURES

Sections:

110.310.00	Purpose
110.310.05	Site Plan Required
110.310.15	Allowed Temporary Uses and Structures
110.310.20	Circuses, Carnivals or Other Outdoor Entertainment Events
110.310.25	Construction Yards
110.310.30	House Construction Factories
110.310.35	Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles
110.310.40	Uses in New Subdivisions
110.310.45	Temporary Contractor's Yards
110.310.50	Firewood Sales

Section 110.310.00 Purpose. The purpose of this article, Article 310, Temporary Uses and Structures, is to establish allowed temporary uses and structures, and standards and conditions for regulating same.

Section 110.310.05 Site Plan Required. For any temporary use subject to the provisions of this article, excluding temporary contractor's offices used to manage the construction of a project, a site plan shall be prepared and presented to the satisfaction of the Director of Community Development. Such site plan shall indicate the location of any permanent uses and structures on the parcel, the temporary use and any temporary structures, all vehicular access points proposed for the temporary use, the location of all required parking, and the location of adequate restroom facilities for the temporary use.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1036, provisions eff. 9/1/98.]

Section 110.310.15 Allowed Temporary Uses and Structures. Temporary uses and structures shall be subject to all the regulations as would be applied to a permanent principal or accessory use located in the same regulatory zone, except as otherwise provided by the regulations of this article. The following temporary uses and structures shall be allowed as specified by the provisions of this section and Chapter 25 of the Washoe County Code. The duration and frequency of temporary uses is established in this section and Chapter 25 of Washoe County Code. The Director of Community Development may impose additional restrictions on the frequency and duration of a temporary use.

- (a) **Animal Shows.** Exhibitions of domestic or large animals for a maximum of seven (7) days.
- (b) **Pumpkin Patches.** Retail sales of pumpkins, squash and related farm produce during the month of October. Clean-up of the site shall occur by November 5 of the year in which a pumpkin patch is conducted.
- (c) **Christmas Tree Sales.** Retail sales of Christmas trees between Thanksgiving and December 31.

- (d) Circuses, Carnivals and Other Outdoor Entertainment Events. Excluding activities and events occurring in a permanent entertainment facility, the temporary provision of games, eating and drinking facilities, live entertainment, animal exhibitions, or other similar activities in a tent or other temporary structure. Section 110.310.20, Circuses, Carnivals or Other Outdoor Entertainment Events, provides additional regulations.
- (e) Construction Yards. Temporary buildings, structures and storage areas supporting residential development and major construction. Section 110.310.25, Construction Yards, provides additional regulations.
- (f) Farm to Fork Events. Temporary Farm to Fork events as defined and authorized by NRS 446. Farm to Fork events are limited to a maximum of two (2) events in a given calendar month. A Farm to Fork event means an event organized on a farm where prepared food is provided for immediate consumption to paying guests. Each date that food is provided to paying guests constitutes a separate event. Per NRS 446, the farm holding the temporary event is not considered a "food establishment."
- (g) House Construction Factories. Temporary buildings used for the construction of a multiple or single family dwelling, or the assembly of prefabricated single or multiple family dwelling components, or a combination of both. Section 110.310.30, House Construction Factories, provides additional regulations.
- (h) Outdoor Markets. Retail sale or exchange of agricultural goods or new, hand-crafted or secondhand merchandise in a flea-market, bazaar or other outdoor market. In no case shall such activities exceed a total of thirty-one (31) days in any one (1) calendar year.
- (i) Indoor Markets. Retail sale or exchange of agricultural goods or new, hand-crafted or secondhand merchandise in a flea-market, bazaar or other indoor market.
- (j) Street Fairs. Temporary provision of games, eating and drinking facilities, live entertainment, or similar activities not requiring use of roofed structures.
- (k) Uses of Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles. Temporary use of mobile homes, travel trailers, commercial coaches and recreational vehicles which support the construction of a permanent residence or permanent use. Section 110.310.35, Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles, provides additional regulations.
- (l) Activities in Subdivisions. Temporary activities in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development. Section 110.310.40, Uses in New Subdivisions, provides additional regulations.
- (m) Activities in Shopping Malls or Retail Uses. Temporary tents and other facilities inside shopping malls and retail uses, or an adjoining parking lot to one of these uses, for the retail sale of new merchandise, or entertainment or informational event. Temporary facilities and related activities of this kind held in an adjoining parking lot shall not exceed a total of thirty-one (31) days in any one (1) calendar year.

- (n) Contractor's Yard. Temporary buildings, structures, storage areas and processing facilities supporting federal, state or local agency public construction projects. Section 110.310.45, Contractor's Yards, provides additional regulations.
- (o) Firewood Sales. Seasonal sales of firewood between September and March, inclusive, that is not part of permanent permitted use. Section 110.310.50, Firewood Sales, provides additional regulations.
- (p) Temporary On-site Rental Storage Containers. Temporary on-site rental storage containers obtained from moving or storage companies for the purposes of moving or for storage of possessions at an off-premise storage facility may be allowed on a parcel of land in any land use designation for either a maximum of sixty (60) days, after which they must be removed, or for the duration of a properly issued building permit, after which they must be removed. Temporary on-site rental storage containers may be located only on the sides or rear of a house, and may not be placed in a street right-of-way. Except for the above, temporary on-site rental storage containers may not be used for outside storage longer than sixty (60) days on any parcel of land without having a special use permit for a storage facility for that parcel of land that specifically provides for the use of temporary on-site rental storage containers. Outside stacking of temporary on-site rental storage containers more than two (2) high on any parcel of land is prohibited.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 899, provisions eff. 5/31/94; Ord. 1036, provisions eff. 9/1/98; Ord. 1412, provisions eff. 7/3/09; Ord. 1519, provisions eff. 11/1/13.]

Section 110.310.20 Circuses, Carnivals or Other Outdoor Entertainment Events. A circus, carnival or other outdoor entertainment event may be permitted in all regulatory zones for a period not to exceed ten (10) days. Adequate parking and restroom facilities shall be provided for the expected attendance. An event that will have a combination of between three hundred (300) and nine hundred ninety-nine (999) participants and spectators on any one (1) day of the event shall obtain an administrative permit prior to the event. An administrative permit or outdoor festival license shall not be required for events held at or in facilities designed for such events. These facilities include auditoriums, convention facilities, stadiums and parks, but does not extend to ancillary support areas, such as parking lots, if the event is to be held on or in those ancillary support facilities. An event that will have a combination of more than one thousand (1,000) participants and spectators on any one (1) day of the event shall obtain an outdoor festival license as specified in Chapter 25 of the Washoe County Code, instead of an administrative permit.

[Section 110.310.20 renamed from "Circuses, Carnivals, or Other Outdoor Events" and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 1036, provisions eff. 9/1/98.]

Section 110.310.25 Construction Yards. A construction yard operated by one (1) contractor may be located in any regulatory zone for the purpose of storing material and/or prefabricating components of a structure. The construction process can be conducted within or outside a building. Construction yards shall be in accordance with the provisions of this section.

- (a) Fencing. A construction yard shall have perimeter fencing not to exceed ten (10) feet in height.
- (b) Property Conditions. A construction yard shall only be permitted where the following conditions are true:

- (1) On property that has a recorded subdivision map and in which five (5) or more building permits are active for single-family lots;
 - (2) On property in which a building permit has been issued to construct five (5) or more multiple family dwellings; or
 - (3) On property that has a recorded commercial or industrial subdivision map and in which five (5) or more building permits are active for separate commercial or industrial structures.
- (c) Single Family and Multiple Family Dwellings. A building placed in a construction yard for the purposes of prefabricating components of single family or multiple family dwellings shall be located a minimum of one hundred (100) feet from the lot line of an established use not part of the subdivision in which the construction yard has been established.
- (d) Commercial or Industrial Structures. A building placed in a construction yard for the purposes of prefabricating components of commercial or industrial structures shall be located a minimum of one hundred (100) feet from the lot line of an established use.
- (e) Outside Activities. Prefabrication of components of dwellings done outside of a building shall be located a minimum two hundred (200) feet from the lot line of an established use not part of the subdivision or structure housing multiple family dwellings. Prefabrication of components of dwellings done outside of a building shall not commence any earlier than 7:00 a.m. and shall cease no later than 7:00 p.m.
- (f) Containment of Activities. No prefabrication of components of a single family or multiple family dwelling shall occur outside of a construction yard in any agricultural or residential regulatory zone.
- (g) Relationship to Fences. Storage of material shall be a minimum of ten (10) feet from the fence surrounding the construction yard and no higher than two (2) feet above the fence.
- (h) Location. Storage of material and prefabrication of components for single family dwellings in a construction yard shall only be permitted for the subdivision that the construction yard is located within or for the multiple dwellings for which the construction yard was established.
- (i) Abandonment of Construction Yards. A construction yard shall be abandoned, the fence and any building removed and the site revegetated within three (3) months from the date that four (4) or fewer building permits are active for the subdivision in which the construction yard is located, or within two (2) months after a Certificate of Occupancy has been issued for the structure housing multiple family dwellings for which the construction yard was established. The County Engineer shall be provided financial assurances that these provisions will be met prior to establishment of the construction yard.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1036, provisions eff. 9/1/98.]

Section 110.310.30 House Construction Factories. House construction factories may be located in any regulatory zone subject to the issuance of a special use permit. House construction factories shall comply with the provisions of this section.

- (a) Area. A house construction factory shall be located on a minimum two (2) acre parcel of land, located in an area that has a recorded subdivision map for which the house construction factory is intended to provide dwellings, and located a minimum of one thousand (1,000) feet from the lot line of an established use not part of the subdivision in which the house construction factory is located.
- (b) Commencement. A house construction factory shall commence operation within one (1) year from the date that the special use permit is issued.
- (c) Location of Houses. Dwellings constructed or assembled in a house construction factory shall only be for the subdivision within which the house construction factory is located. For purposes of this section, a subdivision is defined as a tentative subdivision map that has been approved by the Board of County Commissioners and has all or portions of the map properly recorded.
- (d) Confinement of Activities. All construction and assembly activity shall take place within the confines of a fenced factory site. Interior finishing is the only activity that may be performed outside the house construction factory.
- (e) Storage. Outside storage of material shall be located adjacent to the house construction factory and a minimum of one thousand (1,000) feet from the lot line of an established use not part of the subdivision in which the house construction factory is located and shall be fenced with a view-screening fence or berm no higher than ten (10) feet in height. Material stored outside of the building shall not extend more than two (2) feet above the fence.
- (f) Transport. The transport of dwellings from the factory to an improved site shall only occur between the hours of 7:00 a.m. and 6:00 p.m.
- (g) Safety. The house construction factory shall have adequate fire fighting and warning devices installed prior to the issuance of a Certificate of Occupancy. The devices shall be reviewed and approved by the appropriate fire protection jurisdiction.
- (h) Security. The house construction factory shall have security provisions reviewed by the appropriate public law enforcement agency prior to the issuance of a Certificate of Occupancy.
- (i) Restoration. Financial assurance shall be provided to the County in an amount satisfactory to the County to insure that the house construction factory is removed, fencing is removed and the site revegetated with six (6) months from the date that four (4) or fewer building permits are active for the subdivision for which the house construction factory was established.

[Amended by Ord. 1036, provisions eff. 9/1/98.]

Section 110.310.35 Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles.

- (a) Temporary Occupancy. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be occupied as a legal use pending construction of a permanent single-family dwelling in any regulatory zone allowing agricultural or residential uses, provided that a building permit is issued at the same time for the permanent residence. The permanent residence shall be completed and the mobile home, manufactured home, or commercial coach will be removed from the property within 18 months from the original date of issuance of the building permit, or within 30 days of issuance of a Certificate of Occupancy, whichever is sooner. A \$2,000 bond to cover the cost of removal of the mobile home, manufactured home or commercial coach, or satisfactory proof of removal, will be placed on file with the Building and Safety Division prior to the issuance of the Certificate of Occupancy. The use of a travel trailer or recreational vehicle as a temporary occupancy will cease with the disconnection of all on-site utility services. One extension for an additional 18 month period may be granted with a building permit extension or renewal, but in no case will the temporary occupancy be permitted after 37 months from the original date of issuance of the building permit. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle located within a flood hazard area or limited flooding area may be subject to the requirements of Article 416, Flood Hazards.
- (b) Temporary Contractor's Offices. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used as a contractor's office to manage the construction of a permanent use, provided that a building permit, to include a grading permit, is issued at the same time for the permanent use.
- (c) Temporary Commercial Use Types and Offices. Any commercial use type and office may be established in commercial coaches, or other temporary structures rated for human occupancy during the construction, major remodel, or reconstruction of a permanent structure on a parcel provided that a building permit, to include a grading permit, is issued at the same time for the permanent use. The permanent structure shall be completed and the commercial coach will be removed from the property within 18 months from the original date of issuance of the building permit, or within 30 days of issuance of a Certificate of Occupancy, whichever is sooner. A \$2,000 bond to cover the cost of removal of the commercial coach, or satisfactory proof of removal, will be placed on file with the Building and Safety Division prior to the issuance of the Certificate of Occupancy. One extension for an additional 18 month period may be granted with a building permit extension or renewal, but in no case will the temporary occupancy be permitted after 37 months from the original date of issuance of the building permit.
- (d) Temporary Watchman's Quarters. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used for security purposes, including watchman's quarters, for a permitted mining operation or permitted earth products excavations/processing activity, public park, recreational area, or other commercial or industrial use which by its nature is temporary or is located in a remote area where security is necessary outside of normal business hours. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied.

- (e) Temporary Mining Office. A mobile home, manufactured home, travel trailer, commercial coach or recreational vehicle may be used for an office or scale house for a permitted mining operation or a permitted earth products excavation/processing activity. Parking shall be required as provided by the permit authorizing the mining operation or earth products excavation/processing activity. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied.
- (f) Temporary Camping. A self-contained travel trailer or recreational vehicle may be used by nonpaying guests or relatives on any private ownership parcel within the Residential Regulatory Zones; General Rural, Parks and Recreation, and Open Space Regulatory Zones subject to the following provisions:
- (1) The temporary camping visit does not extend beyond 14 consecutive days, with no more than four visits per calendar year.
 - (2) The property owner provides written permission that the visit is authorized without any form of compensation.
 - (3) No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material.
 - (4) No water or sanitary sewer connections are allowed to any buildings on the property during the temporary camping visit.
- (g) Temporary Occupancy for the Care of the Infirm. One self-contained travel trailer or recreational vehicle may be occupied as a legal use for person(s) responsible for the care of an infirm resident of a permanent single-family dwelling. Prior to the establishment of this use, the requirements of Article 808, Administrative Permits, must be satisfied. The administrative permit application shall include a signed affidavit from a Nevada licensed physician identifying the need for such on-premise care. The administrative permit must be renewed on an annual basis to ensure that the need for such on-premise care still exists. The travel trailer or recreational vehicle shall be located on the parcel to provide as much screening as practical from being viewed from the street. No discharge of any litter, sewage, effluent or other matter shall occur except into sanitary facilities designed to dispose of the material. Any temporary utility connections shall be to the satisfaction of the Building and Safety Division.
- (h) Temporary Contractor or Owner-builder Materials or Equipment Cargo Containers. Upon 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 of the project allowed by the permit. The temporary cargo containers must be located immediately adjacent to the site of the construction activity. All cargo containers shall be free from 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 within 30 days of the final building inspection or Certificate of Occupancy by the Building and Safety Division, or upon the expiration or revocation of the building permit.
- (i) Portable Sanitation Huts. Upon approval by the Health District, portable sanitation huts may be allowed on a construction site, a special event or other temporary public or private event or activity, a mining or aggregate facility, or other use approved by the Health District subject to the following conditions:

- (1) All units shall be maintained, hauled, and the effluent disposed of, in strict accordance with Health District requirements governing sewage, wastewater, and sanitation.
- (2) Units placed on private property shall be set outside the required setbacks for the regulatory zone for the particular parcel. No easement, drainage, or right-of-way shall be encroached upon by a portable sanitation hut.
- (3) All portable sanitation huts must be removed from the property within seven days after construction, or the event, activity, mining, or other approved use is completed.

[Section 110.310.35 renamed from "Mobile Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles" and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 1036, provisions eff. 9/1/98; Ord. 1412, eff. 7/3/09; Ord. 1567, provisions eff. 11/6/15.]

Section 110.310.40 Uses in New Subdivisions.

- (a) On-site Sales and Construction Management Offices. In any regulatory zone, a temporary office for real estate sales and construction management for lots and homes may be permitted within a subdivision, provided that general, unrelated real estate business and construction management business shall not be conducted at such office, and provided that the operators of the office shall submit and have approved an agreement that the office shall be removed as provided in Subsection (c) of this section. On-site sales and construction management activities can be conducted either in a model home constructed as a part of the subdivision, or in a mobile home, manufactured home, travel trailer, commercial coach, or recreational vehicle temporarily located within the subdivision.
- (b) Off-site Offices. Temporary off-site real estate offices for subdivision sales may be permitted, subject to the issuance of a special use permit. General real estate business shall not be conducted at such offices.
- (c) Removal. All temporary offices and signs shall be removed within thirty (30) days of the following:
 - (1) When the original sales program has resulted in the first time sale of one hundred (100) percent of the lots of the subdivision;
 - (2) Prior to the one hundred (100) percent sale, when the sales program has been moved to a location outside the subdivision;
 - (3) Prior to the one hundred (100) percent sale, when the temporary office has not been used for ninety (90) days; or
 - (4) When a final subdivision map has not been recorded within the required time.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1036, provisions eff. 9/1/98.]

Section 110.310.45 Temporary Contractor's Yards. A temporary contractor's yard may be located in any regulatory zone for the purposes of storing equipment and material, and

processing material for a federal, state, local agency, or public utility construction project. Temporary contractor's yard shall be in accordance with the provisions of this section.

- (a) Fencing. In the event that a temporary contractor's yard will have stockpiling of materials or storing of equipment for more than two weeks (14 days), that temporary contractor's yard shall have fencing along its boundaries not to exceed ten (10) feet in height.
- (b) Property Conditions. A temporary contractor's yard for the storage of material and equipment may be located on property designated with any regulatory zone pursuant to written consent of the property owner.
- (c) County Roadways, Rights-of-Way and Easements. Temporary storage of materials and equipment may be located on County roadways, rights-of-way and/or easements for construction or maintenance of County roadways, rights-of-way or easements with appropriate traffic control and with permission from the County Public Works Director.
- (d) Flood Hazards and Grading Standards. Temporary construction sites shall be permitted if they do not conflict with the requirements of Articles 416 and 438.
- (e) Material Storage. Any material that is subject to being transported by winds shall be tarped, tied down or treated to prevent it from being transported by wind.
- (f) Processing of Material/Fabrication of Products. Any processing of material (i.e. rock crushing, batch plant or fabrication of products) for the construction of federal, state, local agency, or public utility construction projects shall be located on property that is not closer than two thousand (2,000) feet to property with an established residential, civic or commercial use, and shall require an administrative permit prior to establishment of the processing operation. The yard shall have fencing along all boundaries not to exceed ten (10) feet in height.
- (g) Period of Time for Use of Temporary Contractor's Yard. The temporary contractor's yard may only be established for a period of time commencing fifteen (15) days prior to the commencement of construction of the federal, state, local agency, or public utility construction project and ending fifteen (15) days after the completion of the public construction project.
- (h) Abandonment of Temporary Contractor's Yard. A temporary contractor's yard shall be abandoned, the fence and any buildings and/or preprocessing/fabricating facilities shall be removed within the period stipulated in (f) of this section. The site shall be revegetated if vegetation existed at the site prior to installation of the temporary contractor's yard or restored to like or better condition within three (3) months of the vacation of the temporary contractor's yard. An assurance acceptable to the County Engineer or Community Development Director shall be provided ensuring that these provisions will be met prior to establishment of the contractor's yard.

[Added by Ord. 875, provisions eff. 8/3/93. Section 110.310.45 renamed from "Contractor's Yards" and amended by Ord. 1349, provisions eff. 11/2/07.]

Section 110.310.50 Firewood Sales. The temporary, seasonal sales of firewood that is not part of a permanent permitted use may be located in a General Commercial (GC) and Industrial (I)

Regulatory Zone between the months of September and March, inclusive. Firewood sales shall be in accordance with the provisions of this section.

- (a) Period of Use. Between the months of September and March, inclusive, the temporary sales of firewood on a parcel of land shall not exceed three (3) consecutive months.

- (b) Site Requirements. The temporary sales of firewood shall only be permitted on a parcel of land providing all of the following are met:
 - (1) The sales area is located a minimum of twenty (20) feet from any street adjacent to the parcel of land, driveway adjacent to or located on the parcel of land, or entrance to the parcel of land.
 - (2) The sales area does not occupy any area that is required parking for a permanent permitted use on the property.
 - (3) One (1) parking space is provided for each employee during a peak hour shift; one (1) parking space is provided for the loading and unloading of firewood, the space being large enough to accommodate a tractor and trailer; and three (3) parking spaces provided for customers. None of the required parking spaces shall be ones that are required as parking for a permanent permitted use on the property.
 - (4) On-site bathroom facilities, including temporary facilities approved by the District Health Department, are available to serve employees and customers.
 - (5) On-site security is provided to protect the firewood from theft or vandalism.
 - (6) A source of water is available on-site to provide fire protection.
 - (7) At the cessation of the temporary use, the site shall be cleared of all firewood, any wood by-products (e.g. chips), equipment and storage/security facilities, and the site shall be restored to its original condition.

- (c) Limitation on Use of Property. The following limitations shall apply to the temporary sale of firewood:
 - (1) No cutting or splitting of wood shall be permitted on-site.
 - (2) Only one (1) firewood sales operation shall be permitted on a parcel of land, whether it is a temporary or an existing permanent firewood sales operation.
 - (3) No temporary overnight security shall be permitted for temporary firewood sales.

- (d) Requirement of Business License. Prior to the establishment of a temporary firewood sales operation, a general business license shall be obtained.

[Added by Ord. 899, provisions eff. 5/31/94.]

[Previous Section 110.310.10 entitled "Parking Requirements" repealed by Ord. 1036, provisions eff. 9/1/98.]

Article 312

FABRICATED HOUSING

Sections:

110.312.00	Purpose
110.312.05	Placement Standards
110.312.10	Development Standards
110.312.15	Design Standards
110.312.20	Submittal Requirements
110.312.25	Conversion of Manufactured Home to Real Property
110.312.30	Procedure and Findings for Placing a Manufactured Home that is Less Than One Thousand Two Hundred Square Feet in Size
110.312.35	Findings for Placing a Manufactured Home or Mobile Home Within an Area Designated Trailer (TR) Overlay Prior to May 26, 1993

Section 110.312.00 Purpose. The purpose of this article, Article 312, Fabricated Housing, is to establish general requirements for fabricated housing to include modular homes, manufactured homes and mobile homes.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.312.05 Placement Standards. Fabricated housing that is not located within a manufactured home park shall comply with the provisions of this section.

- (a) Modular Homes. Modular home placements shall be subject to the same regulations and standards as site-built homes, and comply with the provisions of Washoe County Code Chapter 100.
- (b) Manufactured Homes. Manufactured home placements are allowed as follows:
 - (1) Multi-sectional manufactured homes not less than one thousand two hundred (1,200) square feet in size and constructed within six (6) years of the date of placement (as defined in Article 902) are allowed on an individual lot which permits a single family residence with the exception that new placements of manufactured homes are not allowed on parcels that have the current regulatory zones of either General Commercial, Neighborhood Commercial/Office, Tourist Commercial, Industrial, Open Space, Parks and Recreation, or Public/Semi-Public Facility, or any historic district established by Washoe County;
 - (2) Multi-sectional manufactured housing units and single manufactured housing units transported to the site are allowed in areas designated as Trailer (TR) Overlay zone in effect prior to May 26, 1993, with the exception that new placements of manufactured homes are not allowed on parcels that have the current regulatory zones of General Commercial, Neighborhood Commercial/Office, Tourist Commercial,

Industrial, Open Space, Parks and Recreation, or Public/Semi-Public Facility; and

- (3) Manufactured homes in a manufactured home park are allowed, provided they are in compliance with Article 314; Manufactured Home Parks.

(c) Mobile Homes. Mobile home placements are allowed as follows:

- (1) Mobile homes are allowed in areas which were designated as Trailer (TR) Overlay zone in effect prior to May 26, 1993, with the exception that new placements of mobile homes are restricted to individual lots that had a previous mobile home or manufactured home assessed valuation within twelve (12) months of the new set-up permit application date. New mobile home placements are no longer allowed on parcels that have the current regulatory zones of either General Commercial, Neighborhood Commercial/Office, Tourist Commercial, Industrial, Open Space, Parks and Recreation, or Public/Semi-Public Facility.
- (2) Mobile homes in a manufactured home park are allowed, provided they are in compliance with Article 314, Manufactured Home Parks.

[Section 110.312.05 entitled "Requirements" amended and renamed "Placement Standards" by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 1089, provisions eff. retro to 1/1/00; Ord. 1023, provisions eff. 7/1/98; Ord. 1347, provisions eff. 11/2/07.]

Section 110.312.10 Development Standards. All new set-up and installations of mobile homes and manufactured homes on individual lots shall comply with the following development standards:

- (a) Density and Intensity Standards. Manufactured homes and mobile homes shall be subject to the maximum number of units allowed per acre and height of structures as set forth in Article 402, Density/Intensity Standards, for the regulatory zone in which they are located.
- (b) Lot Standards. Manufactured homes and mobile homes shall be subject to the minimum and maximum size of lots and the minimum average lot width as set forth in Article 404, Lot Standards, for the regulatory zone in which they are located.
- (c) Building Placement Standards. Manufactured homes and mobile homes shall be subject to the building setbacks and yard requirements as set forth in Article 406, Building Placement Standards, for the regulatory zone in which they are located.
- (d) Permanent Affixing of Manufactured Home to a Lot. A manufactured home shall be required to be permanently affixed on the lot on which it is placed at the time of its placement and must demonstrate compliance with any wind, snow, and seismic requirements identified for the area in which it is placed, except for a manufactured home or mobile home placed in an area designated Trailer (TR) Overlay in effect prior to May 26, 1993.
- (e) Parking. Manufactured homes and mobile homes shall be subject to the parking standards as set forth in Article 410, Parking and Loading. At a minimum, one (1) of the required parking spaces shall be contained within a garage except that

a carport may be considered to have met this requirement for a manufactured home or mobile home placed in an area designated as Trailer (TR) Overlay in effect prior to May 26, 1993. This requirement may be waived through an application for a variance in accordance with Article 804, Variances, in cases where the deletion would be consistent with the surrounding neighborhood. Where required, the external material and roofing of the garage or carport shall be the same as that of the dwelling unit.

- (f) Skirting. Complete perimeter solid skirting, or a material and color complimentary to the manufactured home or mobile home, shall be provided from the bottom of the fabricated home to the ground surface no later than the inspection date. The exterior covering of the fabricated home can be used to satisfy the skirting requirement, except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

- (g) Foundation for Fabricated Homes Outside of an Area Designated as Trailer (TR) Overlay Prior to May 26, 1993. The fabricated home must be placed on a foundation system that meets the structural requirements of Chapter 100 for conversion to real property and a manufactured home must be converted to real property. The permanent foundation must be safe and secure and comply with the manufacturer's set-up instructions or a federal agency's (HUD/FHA, VA, FNMA or FmHA) approved permanent foundation system. The foundation system must be set so that the height at the perimeter does not exceed a maximum of thirty-six (36) inches as measured from the bottom of the frame (e.g. support I-beam) to the surrounding finished grade, with at least one (1) section of the perimeter not exceeding sixteen (16) inches in height. The transportation hitch and wheels must be removed from the mobile home or manufactured home at the time of final inspection, and the equipment must be either physically removed from the parcel or stored under the unit and be completely concealed by the skirting or perimeter foundation.

- (h) Foundation for Fabricated Homes Within an Area Designated as Trailer (TR) Overlay Prior to May 26, 1993. The fabricated home must be placed on a foundation system for conversion to real property. The permanent foundation must be safe and secure and comply with the manufacturer's set-up or federal agency's (HUD/FHA, VA, FNMA or FmHA) approved permanent foundation system. The foundation system must be set so that the height at the perimeter does not exceed a maximum of thirty-six (36) inches as measured from the bottom of the frame (e.g. support I-beam) to the surrounding finished grade, with at least one (1) section of the perimeter not exceeding sixteen (16) inches in height. The transportation hitch and wheels must be removed from the mobile home or manufactured home at the time of final inspection, and the equipment must be either physically removed from the parcel or stored under the unit and be completely concealed by the skirting.

- (i) Flood Areas. Manufactured homes and mobile homes located in flood hazard areas or limited flooding areas shall comply with the requirements of Article 416, Flood Hazards.

[Ord. 874, provisions eff. 5/24/93, delayed the initial effectuation of subparagraphs (d) "Parking," (f) "Foundation," and (g) "Roof" under Section 110.312.10 entitled "Development Standards," until the adoption of new language for this section. Amended by Ord. 875, provisions eff. 8/3/93; Ord. 939, provisions eff. 11/1/95; Ord. 959, provisions eff. 7/26/96; Ord. 1089, provisions eff. retro to 1/1/00.]

Section 110.312.15 Design Standards. Fabricated homes with an original invoice date on or after January 1, 1994 shall comply with the following appearance standards to ensure aesthetic compatibility with conventional site-built construction:

- (a) **Exterior Siding.** Exterior siding shall be made of non-reflective and non-metallic materials. Acceptable siding materials include wood, stucco, tile, brick, stone or other masonry materials, any synthetic material that has the appearance of wood, stucco, tile, brick, stone or other masonry material, or any combination thereof.
- (b) **Roof Structure.** All roof structures shall be sloped and provide an eave projection of no less than six (6) inches measured from the vertical side of the manufactured home. The eave projection is required on all four sides. The roof on the residential structure or on any garage or carport shall be made of non-reflective materials.
- (c) **Roofing Material.** All roofing materials shall comply with the provisions of the local uniform building code except that metal roofing must be non-reflective. Reflective metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport.

[Added by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 1089, provisions eff. retro to 1/1/00.]

Section 110.312.20 Submittal Requirements. The permit application for fabricated homes on individual lots shall include the elements listed in this section.

- (a) **Site Plan.** A scaled site plan shall be submitted which depicts the location of the proposed fabricated home and other existing and proposed improvements on the site. The site plan shall clearly identify any structural additions to be added to the manufactured home (i.e. garage, carport, porch).
- (b) **Foundation Plan.** A foundation plan shall be submitted which illustrates the type of foundation system to be utilized for the fabricated home. For a manufactured home outside of an area designated Trailer (TR) Overlay prior to May 26, 1993, the foundation plan shall also identify how the supports that permanently affix the unit to the property will be masked.
- (c) **Statement of Compliance with Covenants, Conditions and Restrictions.** A notarized statement certifying that any Covenants, Conditions or Restrictions; or deed restrictions; applicable to the property on which the unit is to be placed do not prohibit the placement of a manufactured home. This provision does not apply to a manufactured home or mobile home placed in an area designated Trailer (TR) Overlay prior to May 26, 1993.

[Section 110.312.20 entitled " Submittal Requirements" renumbered from 110.312.15 and amended by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 1089, provisions eff. retro to 1/1/00.]

Section 110.312.25 Conversion of Manufactured Home to Real Property. At the time of final inspection of a manufactured home for occupancy, the property owner shall have completed an Affidavit of Conversion of Mobile Home to Real Property and submitted to the Building and Safety Department said affidavit for completion by the building inspector of that portion of the affidavit that the manufactured home has been permanently affixed to the property. No final occupancy of the manufactured home may occur until the completed affidavit with the Building and Safety Department's certification that the unit is permanently affixed to the property has been filed with

the County Assessor's Office. This provision does not apply to a manufactured home or mobile home placed in an area designated Trailer (TR) Overlay prior to May 26, 1993.

[Added by Ord. 1089, provisions eff. retro to 1/1/00.]

Section 110.312.30 Procedure and Findings for Placing a Manufactured Home that is Less Than One Thousand Two Hundred Square Feet in Size. The authority that issues the set-up permit for a manufactured home placed outside of an area designated Trailer (TR) Overlay prior to May 26, 1993, may permit a manufactured home between one thousand two hundred (1,200) square feet and six hundred forty (640) square feet providing the following findings can be made:

- (a) Fifty-one (51) percent of the main dwelling units within a radius of three hundred (300) feet of the lot on which the manufactured home is to be located are less than one thousand two hundred (1,200) square feet in size;
- (b) The placement of a manufactured home one thousand two hundred (1,200) square feet in size would result in a violation of the established yard requirements of the regulatory zone in which the lot was located; or
- (c) The lot on which the unit is to be placed is ten (10) acres or greater in size.

[Section 110.312.25 entitled "Findings" renumbered from 110.312.20 and amended by Ord. 875, provisions eff. 8/3/93. Renumbered from 110.312.25, renamed from "Findings," and amended by Ord. 1089, provisions eff. retro to 1/1/00.]

Section 110.312.35 Findings for Placing a Manufactured Home or Mobile Home Within an Area Designated Trailer (TR) Overlay Prior to May 26, 1993. In addition to those findings required for the applicable permit for fabricated homes on individual lots, the approval authority shall also find that the appearance of the proposed fabricated home will be compatible with the neighborhood site built homes.

[Added by Ord. 1089, provisions eff. retro to 1/1/00.]

[Ord. 875, provisions eff. 8/3/93, changed Article 312 name from "Factor-Built Housing" to "Fabricated Housing."]

Article 314

MANUFACTURED HOME PARKS

Sections:

110.314.00	Purpose
110.314.05	Requirements
110.314.10	Nonconformance
110.314.15	Minimum Size of Site
110.314.20	Manufactured Home Spaces
110.314.25	Setbacks
110.314.30	Parking Standards
110.314.35	Circulation
110.314.40	Landscaping
110.314.45	Exterior Boundary Screening
110.314.50	Recreational Areas
110.314.55	Common Storage Areas
110.314.60	Lighting
110.314.65	Signs
110.314.70	Flood Hazards
110.314.75	Provision of Services
110.314.80	Prohibitions
110.314.85	Management

Section 110.314.00 Purpose. The purpose of this article, Article 314, Manufactured Home Parks, is to set forth the regulations for the development of manufactured home parks.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.314.05 Requirements. Manufactured home parks are allowed in areas designated as Trailer (TR) Overlay zone in effect prior to May 26, 1993, with the exception that new manufactured home parks are no longer allowed on parcels that have the current regulatory zones of either General Commercial, Neighborhood Commercial/Office, Tourist Commercial, Industrial, Open Space, Parks and Recreation, or Public/Semi-Public Facility. New manufactured home parks may be permitted in the High Density Suburban Regulatory Zone and the Low Density Urban Regulatory Zone subject to a special use permit as set forth in Article 810, Special Use Permits.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 1023, provisions eff. 7/1/98, Ord. 1378, provisions eff. 8/1/08.]

Section 110.314.10 Nonconformance. Any manufactured home park in full compliance with Washoe County regulations in affect prior to the adoption of this article, but which is not in full compliance with this article, shall be considered a nonconforming use subject to the provisions of Article 904, Nonconformance.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.314.15 Minimum Size of Site. The minimum size of a manufactured home park site is three (3) acres.

Section 110.314.20 Manufactured Home Spaces. Manufactured home spaces within a manufactured home park shall comply with the provisions of this section.

- (a) Area. The minimum manufactured home park space area is four thousand (4,000) square feet.
- (b) Width. The minimum manufactured home park space width is fifty-five (55) feet.

Section 110.314.25 Setbacks. Manufactured homes within a manufactured home park shall comply with the setback provisions of this section. Setbacks are measured from the manufactured home space boundary line.

- (a) Front Setback. A minimum front setback of ten (10) feet is required on interior streets.
- (b) Side Setback. A minimum side setback of five (5) feet is required, provided that zero (0) lot line developments shall be allowed as long as there is a minimum of ten (10) feet between manufactured home units.
- (c) Rear Setback. A minimum rear setback of ten (10) feet is required.

Section 110.314.30 Parking Standards. Manufactured home parks shall be subject to the parking standards as set forth in Article 410, Parking and Loading.

Section 110.314.35 Circulation. The automobile and pedestrian circulation system within the manufactured home park shall comply with the provisions of this section.

- (a) Minimum Road Widths. Minimum road widths shall be as follows:
 - (1) Twenty-four (24) feet for roads on which parking is prohibited;
 - (2) Twenty-eight (28) feet for roads on which parking is allowed on one side only; and
 - (3) Thirty-six (36) feet for roads on which parking is permitted on both sides.
- (b) Walkways and Bikeways. All manufactured home parks shall provide internal walkways, separate from interior roadways, which connect each manufactured home site and provide access to all common areas and public streets. All pedestrian walkways shall be a minimum of three (3) feet and shall be appropriately surfaced.
- (c) Snow Removal. All manufactured home parks proposed above the 5,000 foot elevation shall provide for snow removal and snow storage areas.
- (d) Paving. All vehicle parking spaces and driveways shall be paved. All streets shall be paved with a minimum of two (2) inches of asphalt and a four (4) inch base.
- (e) Lighting. All streets shall be lighted at night with at least the equivalent of one (1) 150-watt lamp for each one hundred (100) lineal feet of street, or a guard light

each three hundred (300) feet. All lighting shall be directed away from neighboring and adjacent properties.

- (f) Maximum Speed Limit. All streets shall have a maximum posted speed limit of ten (10) miles per hour.

Section 110.314.40 Landscaping. In addition to the requirements of Article 412, Landscaping, exposed ground surfaces in all parts of the manufactured home park, other than parking spaces and driveways, shall be covered with vegetation, decorative rock or other similar material in order to prevent soil erosion and eliminate objectionable dust.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.314.45 Exterior Boundary Screening. All manufactured home parks shall provide screening along their exterior boundaries. Such screening shall comply with this section.

- (a) Adjoining Lots. All manufactured home parks shall be enclosed on all sides, except the portion of the site that borders a public right-of-way for a street or highway, by a solid decorative wall or fence that is at least six (6) feet but not more than seven (7) feet in height.
- (b) Public Rights-of-Way. The portion of all manufactured home parks that borders a public right-of-way or a street or highway shall be screened by a hedge or a decorative wall or fence. The screening shall be at least three (3) feet but no more than four (4) feet in height.
- (c) Variations. The applicant may apply for a variance in accordance with Article 804, Variations, for waiver of all or part of the perimeter landscaping requirements if, due to the nature of the existing topography or other existing conditions, it is unreasonable to require a wall, fence or screen.

Section 110.314.50 Recreational Areas. All manufactured home parks with more than ten (10) manufactured home sites shall provide recreational areas which comply with this section.

- (a) General. All manufactured home parks with more than ten (10) manufactured home sites shall provide at least one (1) substantial area of group usable open space that is accessible from all areas of the park. The recreational area shall include outdoor recreational facilities for both active and passive recreation, including playground facilities.
- (b) Size. The cumulative size of the recreational areas shall be not less than ten (10) percent of the gross manufactured home park. Required setbacks, greenbelts and walkways shall not be counted towards the required area.
- (c) Landscaping. Recreational areas shall be landscaped in accordance with plans approved as part of the special use permit.
- (d) Parking. Parking shall be provided for the recreational space as required by Article 410, Parking and Loading.

Section 110.314.55 Common Storage Areas. Common storage areas shall be provided for the residents of the manufactured home park for the storage of recreational vehicles, trailers, travel trailers and other licensed or unlicensed vehicles. This area shall total not less than fifty (50)

square feet for each manufactured home site. All common storage areas shall be screened from manufactured home park residents by a screen not less than seven (7) feet in height.

Section 110.314.60 Lighting. Adequate lighting shall be provided along walks and interior roads, and for parking areas and other facilities.

Section 110.314.65 Signs. All signs in manufactured home parks shall comply with the provisions of Division Five.

Section 110.314.70 Flood Hazards. A manufactured home park located in a flood hazard area or in a limited flooding area shall comply with the requirements of Article 416, Flood Hazards.

Section 110.314.75 Provision of Services. All manufactured home parks shall provide services that comply with the provisions of this section.

- (a) **Electricity and Gas.** A manufactured home park shall provide direct electrical and gas service to each manufactured home space from a public or governmental entity that provides such services, if those services are available.
- (b) **Water.** A manufactured home park shall provide direct water service to each manufactured home space from a public utility or governmental entity that provides such services, if those services are available.

[Amended by Ord. 1376, provisions eff. 7/4/08.]

Section 110.314.80 Prohibitions. All manufactured home parks are subject to the prohibitions in this section.

- (a) **Accessory Structures.** Accessory structures shall not be permitted within a manufactured home park, except for the following:
 - (1) One carport or garage; one cabana, ramada, patio, deck or similar structure, whether covered or not; and one storage building not to exceed one hundred forty-four (144) square feet in gross floor area per manufactured home space; and
 - (2) Accessory structures, such as laundry rooms, recreation rooms and check-in offices, which are required for the well-being of park residents or for the management of the park, as determined by the Director of Community Development.
- (b) **Commercial Uses.** No commercial uses shall be permitted, except those that directly serve only the tenants of the park.
- (c) **Site-built Buildings.** A manufactured home park shall have no site-built buildings, except for the following:
 - (1) Recreational buildings;
 - (2) Accessory structures, as specified in Subsection (a) of this section; and
 - (3) One (1) dwelling unit for the caretaker or manager.

Section 110.314.85 Management. The management of all manufactured home parks shall comply with the provisions of this section.

- (a) General Responsibilities. The holder of a valid Washoe County business license for the operation of a manufactured home park shall be responsible for the compliance with this article, and any other applicable ordinances or statutes. He or she shall maintain the manufactured home park in a neat, orderly and sanitary condition at all times.

- (b) Register. The holder of the license shall be responsible for maintaining a register of the occupants of the park, and shall provide the register upon demand by a duly appointed representative of Washoe County. Such register shall indicate the following:
 - (1) The name of each occupant;
 - (2) The make, model and year of all manufactured homes;
 - (3) The license number and year of license and owner of each manufactured home; and
 - (4) The state issuing such license.

- (c) Plan. A permanent copy of the final approved plan for the manufactured home park shall be conspicuously posted and maintained at every entrance to the site and the holder of the license shall be responsible for maintenance of the park in accordance with the final approved plan. The holder of the license shall stake or otherwise permanently designate all manufactured home spaces in accordance with the final approved plan for the manufactured home park. These designations shall be maintained so as to be readily ascertainable at all times.

Article 316

RECREATIONAL VEHICLE PARKS

Sections:

110.316.00	Purpose
110.316.05	Requirements
110.316.10	Nonconformance
110.316.15	Minimum Size of Site
110.316.20	Development Standards
110.316.25	Required Facilities
110.316.30	Recreational Vehicle Spaces
110.316.35	Circulation
110.316.40	Exterior Boundary Screening
110.316.45	Accessory Commercial Services
110.316.50	Prohibitions
110.316.55	Management

Section 110.316.00 Purpose. The purpose of this article, Article 316, Recreational Vehicle Parks, is to set forth the regulations for the development of recreational vehicle parks.

Section 110.316.05 Requirements. Recreational vehicle parks are allowed in those regulatory zones as set forth in Article 302, Allowed Uses.

Section 110.316.10 Nonconformance. Any recreational vehicle park not in compliance with the provisions of this article shall be deemed nonconforming.

Section 110.316.15 Minimum Size of Site. The minimum size of a site is two (2) acres.

Section 110.316.20 Development Standards. Recreational vehicle parks shall comply with the provisions of this section.

- (a) **Setbacks.** Recreational vehicle sites and off-street parking spaces shall comply with the principal building setbacks and yard requirements as set forth in Article 406, Building Placement Standards, for the regulatory zone in which the recreational vehicle park is located.
- (b) **Parking Standards.** Recreational vehicle parks shall be subject to the parking standards as set forth in Article 410, Parking and Loading.
- (c) **Lighting.** All streets shall be lighted at night with at least the equivalent of one (1) 150-watt lamp for each one hundred (100) lineal feet of street, or a guard light each three hundred (300) feet. All lighting shall be directed away from neighboring and adjacent properties.
- (d) **Covering of Exposed Ground Surfaces.** Exposed ground surfaces in all parts of the recreation vehicle park, other than parking and streets, shall be paved or covered with stone screening or other materials, or protected with a vegetative

growth, any of which are capable of preventing soil erosion and eliminating objectionable dust.

- (e) Paving. All recreational vehicle spaces, parking spaces and roads shall be paved.
- (f) Landscaping. All recreational vehicle parks shall be landscaped in accordance to the provisions of Article 412, Landscaping.

Section 110.316.25 Required Facilities. All recreational vehicle parks shall provide the following facilities in compliance with this section:

- (a) Hookup Facilities. All recreational vehicle sites shall be provided with full power and sewage hookup facilities.
- (b) Sewage Facilities. All recreational vehicle parks shall be serviced by a sewage disposal system that includes a sewage disposal plant. The use of septic tanks shall not be permitted.
- (c) Recreational Space. All recreational vehicle parks with more than ten (10) recreational vehicle sites shall provide recreational areas which comply with this subsection.
 - (1) All recreation vehicle parks with more than ten (10) sites shall provide at least one (1) substantial area of group usable open space that is accessible from all areas of the park. The recreational area shall include outdoor recreational facilities for both passive and active recreation.
 - (2) The cumulative size of the recreational areas shall not be less than two-and-one-half (2.5) percent of the gross recreational vehicle site. Required setbacks, greenbelts and walkways shall not be counted towards the required area.
 - (3) Recreational areas shall be landscaped in accordance with plans approved as part of the special use permit.
- (d) Sanitary Station. All recreational vehicle parks shall provide at least one (1) sanitary station for the discharge of vehicle retention tanks. All sanitary stations shall comply with any applicable statutes and ordinances and any rules and regulations of the Washoe County District Health Department.
- (e) Restroom and Bath Facilities. All recreational vehicle parks shall provide restroom and bath facilities which conform to regulations of the Washoe County District Health Department.
- (f) Water Supply. All recreational vehicle parks shall provide an accessible, adequate, safe and potable water supply for domestic purposes within one hundred (100) feet from each recreational vehicle space. The water supply shall conform to any applicable statutes and ordinances, rules and regulations of the Washoe County District Health Department.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.316.30 Recreational Vehicle Spaces. All recreational vehicle parks shall provide vehicle spaces that comply with the provisions of this section.

- (a) Pull-Through Spaces. Pull-through spaces shall be provided to the greatest practical extent possible, but in no case less than twenty (20) percent of all spaces provided for recreational vehicles. Pull-through spaces allow forward entry into and out of the space.
- (b) Automobile Accommodation and Storage. All recreational vehicle sites shall be designed to include a multi-purpose storage space to accommodate at least one (1) automobile in addition to the recreational vehicle.
- (c) Minimum Net Area. The minimum net area per recreational vehicle space is six hundred ninety (690) square feet.
- (d) Minimum Width. The minimum net recreational vehicle space width is twenty-three (23) feet.

Section 110.316.35 Circulation. Roads servicing recreational vehicle parks shall comply with the provisions of this section.

- (a) Entrance Roads. Roads which service entrances to recreational vehicle parks shall provide two-way access.
- (b) Internal Roads. Internal roads within a recreational vehicle park shall comply with the provisions in this subsection.
 - (1) All recreational vehicle parks shall be serviced by at least one (1) interior road of continuous two-way circulation.
 - (2) The use of non-through interior roads shall be minimized. Such roads shall not exceed six hundred (600) feet in length and shall end in cul-de-sacs providing adequate radius for the turnaround of recreational vehicles.
 - (3) Each recreational vehicle site shall have frontage on the interior road servicing it.
- (c) Road Widths. Road widths for interior roads shall be as follows:
 - (1) Twenty-four (24) feet in clear width where two-way traffic is required for ingress and egress; and
 - (2) Twelve (12) feet in clear width for one-way traffic provided the one-way road originates from and terminates in a two-way road.
- (d) Road Materials. All roads shall be paved with a minimum of two-and-one-half (2.5) inches of asphalt and six (6) inch base.

Section 110.316.40 Exterior Boundary Screening. A six (6) foot solid wall or fence shall be provided at each interior site boundary line and set back a distance of not less than ten (10) feet from any boundary line adjoining the public street. The area between the wall or fence shall be landscaped and permanently maintained.

Section 110.316.45 Accessory Commercial Services. Limited commercial services catering exclusively to park users may be permitted, provided such services are necessary for the benefit of park users and will not duplicate services available in adjoining areas. Typical services may include snack shops, laundries and mini-markets. All such accessory commercial services shall be approved in conjunction with the special use permit review.

[Amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.316.50 Prohibitions. All recreational vehicle parks are subject to the prohibitions in this section.

- (a) **Residency Limit.** Rental and occupancy space shall be limited to sixty (60) consecutive days except for a caretaker or manager.
- (b) **Site-built Buildings.** A recreational vehicle park shall have no site-built buildings, other than the following:
 - (1) Recreational buildings;
 - (2) Accessory commercial buildings, as specified in Section 110.316.45; and
 - (3) One (1) dwelling unit for the use of a caretaker or manager.
- (c) **Mobile Homes.** A recreational vehicle park shall have no mobile homes other than one (1) for the use of a caretaker or manager.
 - (1) The site for the mobile home shall comply with the provisions of Article 314, Manufactured Home Parks.
 - (2) If a mobile home is used to provide housing for a caretaker or manager, a conventional single family dwelling for the use of a caretaker or manager shall not be permitted.
- (d) **Use of Facilities.** Facilities within the park shall be used only by the occupants of the park and their guests.
- (e) **Commercial Uses.** There shall be no commercial uses or activities within a park except for those authorized by Section 110.316.45.
- (f) **Accessory Structures.** Accessory structures shall not be permitted within a recreational vehicle park, except for the following:
 - (1) One cabana, ramada, patio or similar structure, and one detached storage building per recreational vehicle space; and
 - (2) Community recreation buildings and facilities, laundry, car and trailer wash, battery charging station, water fill up, and boat or storage facilities serving the recreational vehicle park only.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.316.55 Management. The management of all recreational vehicle parks shall comply with the provisions of this section.

- (a) General Responsibilities. The holder of a valid Washoe County business license for the operation of the recreational vehicle park shall be responsible for the compliance with this article, and any other applicable ordinances or statutes. He or she shall maintain the recreational vehicle park in a neat, orderly and sanitary condition at all times.

- (b) Tax. The holder of the license shall be responsible for the collection and payment of the Washoe County room tax.

Article 318

VACATION TIME SHARE UNITS

Sections:

110.318.00	Purpose
110.318.05	Applicability
110.318.10	Requirements for Application
110.318.15	Review Procedures
110.318.20	Conditions of Approval

Section 110.318.00 Purpose. The purpose of this article, Article 318, Vacation Time Share Units, is to allow vacation time share units in the appropriate areas of Washoe County.

Section 110.318.05 Applicability. Vacation time share units are allowed as set forth in Article 302, Allowed Uses.

Section 110.318.10 Requirements for Application. Special use applications for vacation time share units shall include, at a minimum, the following:

- (a) Instruments for Time-share Estate.
 - (1) The legal description, street address or other description sufficient to identify the property;
 - (2) Identification of time periods by letter, name, number or combination thereof;
 - (3) Identification of the time-share estate and the method whereby additional time-share estates may be created;
 - (4) The formula, fraction or percentage of the common expenses and any voting rights assigned to each time-share estate and, where applicable, to each unit in a project that is not subject to the time-share program; and
 - (5) Any restrictions on the use, occupancy, alteration or alienation of time-share intervals.

- (b) Instruments for Time-share Users.
 - (1) Identification by name of the vacation time-sharing project and street address where the vacation time-sharing project is situated;
 - (2) Identification of time periods, type of units, and the units that are in the time-share program and the length of time that each of the units are committed to the time-share program;

- (3) In the case of a vacation time-sharing project, identification of which units are in the time-share program and the method whereby other units may be added, deleted or substituted; and
- (4) Any restrictions on the use, occupancy, alteration or transfer of a time-share interval.

Section 110.318.15 Review Procedures. The review procedure for vacation time share applications shall be in accordance with the provisions of Article 302, Allowed Uses, and Article 810, Special Use Permits.

Section 110.318.20 Conditions of Approval. A special use permit issued pursuant to this article shall be irrevocable for the term of the time-share program, provided the conditions of the permit are complied with.

Article 320

BED AND BREAKFAST ESTABLISHMENTS

Sections:

110.320.00	Purpose
110.320.05	Applicability
110.320.10	Requirements for Application
110.320.15	Development Requirements
110.320.20	Findings

Section 110.320.00 Purpose. The purpose of this article, Article 320, Bed and Breakfast Establishments, is to allow for the inclusion of bed and breakfast establishments in unincorporated areas of Washoe County.

Section 110.320.05 Applicability. Applications for bed and breakfast establishments may be accepted as set forth in Article 302, Allowed Uses.

Section 110.320.10 Requirements for Application. Applications shall include a site plan, drawn to scale, which includes, at a minimum, the elements listed in this section.

- (a) Lot Specifications. The configuration and boundary dimensions of the lot on which the bed and breakfast establishment is proposed to be located.
- (b) Building Specifications. The location and dimensions of all existing or proposed structures.
- (c) Parking Specifications. The location and dimensions of all on-site parking spaces, which shall conform to Article 410, Parking and Loading.
- (d) Adjacent Land Uses. The uses on all lots surrounding the proposed bed and breakfast establishment.

Section 110.320.15 Development Requirements. All discretionary use permits for a bed and breakfast establishment shall, at a minimum, include the requirements of this section.

- (a) Conformity with Plans. The establishment shall conform to all approved plans.
- (b) On-site Operator. The operator of the establishment shall reside on the site.
- (c) Length of Stay. Length of stay for guests shall be limited to a maximum of seven (7) contiguous nights.
- (d) Parking Spaces. The location of required parking space shall not create any more adverse visual impact than that of surrounding uses.

- (e) Codes. Prior to issuance of a Certificate of Occupancy, all applicable building, fire and health codes shall be complied with.
- (f) Business License. Prior to the commencement of business, a business license shall be obtained.
- (g) Revise Conditions. The Board of County Commissioners reserves the right to review and revise the conditions of approval should it be determined that a subsequent license or permit issued by the County violates the intent of the permit.
- (h) Taxes. Responsibility for payment of applicable room taxes shall reside with the owner and/or the operator.

[Amended by Ord. 875, provisions eff. 8/3/93.]

Section 110.320.20 Findings. The approving authority shall make the findings provided in this section, in addition to the general findings required for special use permit approval, when recommending approval for a bed and breakfast establishment.

- (a) Traffic. The residential character of the neighborhood will not be changed due to increased traffic in the neighborhood caused by the use.
- (b) Commercial Nature. The residential character of the neighborhood will not be changed due to the commercial nature of the use.
- (c) Dwelling Exists. The single-family dwelling has been constructed.
- (d) Private Controls. The proposed use does not violate the provisions of any applicable covenants, conditions and restrictions governing the property. The burden shall be upon the applicant to provide appropriate documentation to support this finding.
- (e) Noise Levels. The proposed use will maintain acceptable residential noise standards as specified in Article 414, Noise and Lighting Standards.
- (f) Hours of Operation. The hours of operation are consistent with the residential character of the neighborhood.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 919, provisions eff. 2/1/95.]

Article 322

GROUP CARE FACILITIES

Sections:

110.322.00	Purpose
110.322.05	Applicability
110.322.10	Review Standards and Guidelines

Section 110.322.00 Purpose. The purpose of this article, Article 322, Group Care Facilities, is to provide special regulations pertaining to group care facilities in order to preserve the quality of care provided to people using the facilities.

Section 110.322.05 Applicability. The provisions of this article shall apply to uses classified as group care in Article 304, Use Classification System. Group care facilities are allowed in those regulatory zones as set forth in Article 302, Allowed Uses.

[Amended by Ord. 959, provisions eff. 7/26/96; Ord. 1485, provisions eff. 3/27/12.]

Section 110.322.10 Review Standards and Guidelines. Group care facilities shall comply with the provisions of this section.

- (a) **Floor Plan.** An interior sketch of the floor plan of the home or facility, to scale, shall be submitted with the required development approval application. The sketch shall contain information as required by the Director of the Department of Community Development.
- (b) **Exterior Yard Area.** A sketch, to scale, of the exterior yard area to be used for group care purposes shall be submitted containing information as required by the Director of the Department of Community Development.
- (c) **Interior Space.** A minimum of twelve hundred (1,200) square feet of interior space shall be provided for the first six (6) facility users, and one hundred fifty (150) square feet of interior space for each additional facility user. Rooms which may be included in this calculation include areas where care activities will be conducted, including bedrooms used for sleeping, recreation rooms, food preparation areas, living rooms and family rooms. Rooms which may not be included in this calculation include closets, halls, garages and bathrooms.
- (d) **Outdoor Recreation Area.** A minimum of six hundred (600) square feet of outdoor recreation area shall be provided for the first six (6) facility users, and seventy-five (75) square feet of outdoor recreation area for each additional facility user.
 - (1) Areas which may not be included in calculating outdoor recreation area include side yards less than ten (10) feet in width and areas containing swimming pools, spas or other water bodies unless covered and deemed safe pursuant to state regulations.

- (2) Neighborhood greenbelt and park space may be used to satisfy the outdoor recreation area requirement if these alternative areas are located in immediate proximity to the facility, are appropriate for recreation, and proper insurance coverage has been obtained for them.
 - (3) All outdoor recreation areas, except those described in Subsection (d)(2) of this section, shall be enclosed by walls or fences not less than six (6) feet in height. Should existing fencing be less than six (6) feet in height, the review authority may approve such alternative fencing if, upon review of adjacent uses, supervision ratios and facility floor plans, it determines that the existing fence height will not be detrimental to the health, safety or welfare of facility users.
- (e) Garages. Garages shall be prohibited as a group care facility recreation area unless:
- (1) Alternative on-site parking is available to meet minimum residential parking requirements; and
 - (2) The garage is improved to meet building and fire code regulations as a habitable space.
- (f) Location of Rooms. Rooms used for care activities shall not be located above the first story unless the facility is equipped with an automatic fire sprinkler system approved by the appropriate fire protection agency.
- (g) Fire Exits. All facilities shall have no less than two (2) legal exits for fire purposes, pursuant to the requirements of the appropriate fire protection agency.
- (h) Public Service Access. The applicant shall develop and will implement a public service access plan providing or arranging for transportation, as necessary, for group care residents. The plan shall specifically describe the means by which residents will gain access to bus or other public transportation routes, shopping locations, medical, dental or other health care facilities, and government offices.
- (i) Parking Plan. The applicant shall develop and will implement a parking plan indicating the maximum number of vehicles to be parked on and off the site, projected needs for parking at the site, and means to satisfy the projected needs.
- (j) Overconcentration. The establishment of the proposed group care facility will not result in an overconcentration of group care facilities in the neighborhood. Overconcentration will be presumed when the establishment of the group care facility would result in a group care facility being spaced closer than fifteen hundred (1,500) feet to another group care facility.
- (k) Yard Maintenance. The applicant will provide adequate exterior maintenance to the facility and surrounding yard and setback areas. This shall include a plan demonstrating provisions for regular yard and landscape irrigation and maintenance, and other items of routine maintenance.
- (l) Neighborhood Response Program. The applicant shall develop and will implement a neighborhood response program which provides a procedure for immediate response to incidents and complaints arising out of group care activities. This procedure shall include a method of assuring that the owner or

permittee is notified of any incident, that the owner or permittee will personally investigate the matter, and that any person making a complaint or reporting the incident will receive a response of action taken or a reason why no action needs to be taken. In addition, the owner or permittee shall establish a fixed time on a weekly basis when he or she will be present to meet residents and discuss neighborhood problems relative to the group care facility.

- (m) Emergency Response Plan. The applicant shall prepare and file an emergency response plan with all local emergency service providers, including police, fire and ambulance. The plan shall include evacuation procedures, and shall identify emergency vehicle entrances and rear and front building entrances. In addition, the plan shall encourage no light/no siren responses, except in emergency situations.
- (n) Licensing, Certificates and Permits. As a prerequisite to the approval of issuance of any rezoning, variance or special use permit that is necessary to operate a group care facility, the applicant must obtain any licenses or certifications that are required by federal, state or local authorities. If the applicant does not have all such licenses or certification at the time of application, the rezoning, variance or special use permit may be provisional or conditionally approved on obtaining such licenses or certification.

[Amended by Ord. 959, provisions eff. 7/26/96; Ord. 1088, provisions eff. 1/28/00; Ord. 1347, provisions eff. 11/2/07; Ord. 1485, provisions eff. 3/27/12.]

[Section 110.322.15 entitled "Findings" amended by Ord. 875, provisions eff. 8/3/93 and repealed by Ord. 959, provisions eff. 7/26/96.]

Article 324

COMMUNICATION FACILITIES

Sections:

110.324.00	Purpose
110.324.05	Exemptions
110.324.10	Commercial Satellite Dish Antennas: Ground Mounted
110.324.15	Commercial Satellite Dish Antennas: Roof Mounted
110.324.20	Private Communication Antennas: General
110.324.25	Private Communication Antennas: Front Yard
110.324.30	Private Communication Antennas: Additional Height
110.324.35	Commercial Antennas
110.324.40	Wireless Communication/Cellular Facilities: Definitions
110.324.45	Wireless Communication/Cellular Facilities Preferred Placement
110.324.50	Wireless Communication/Cellular Facilities Placement Standards
110.324.55	Significant Gap Coverage
110.324.60	Wireless Communication/Cellular Facilities Permitting Requirements
110.324.65	Denial Requirements
110.324.70	Appeals
110.324.75	Special Use Permit Required: Findings
110.324.80	Assessments for Actual Costs Incurred

Section 110.324.00 Purpose. The purpose of this article, Article 324, Communication Facilities, is to set forth the regulations for antenna systems and wireless communication facilities consistent with applicable directives and standards issued by the Federal Communications Commission (FCC), the Federal Aviation Administration (FAA) and contained within Nevada Revised Statutes (NRS). Health and safety concerns related to antennas and wireless communication facilities include avoiding property damage from falling antenna support structures, proper placement to avoid visual obstructions along rights-of-way, and discouraging access to attractive nuisances by unauthorized people. An additional intent of this article is to balance the need for a seamless, ubiquitous, and reliable personal wireless services network with the local interest in protecting public safety and maintaining high aesthetic standards. Aesthetic concerns related to antennae and wireless communication facilities include limiting visual clutter and assuring that aesthetic ramifications of placement are considered for neighborhoods, roadways, ridgelines, parks and public trail systems.

[Amended by Ord. 890, provisions eff. 11/29/93; Ord. 1004, provisions eff. 1/30/98; Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.05 Exemptions. The following antenna systems are exempt from this article:

- (a) Residential Television Reception Aerial Antennas. Television reception aerial antenna systems that are designed to receive locally transmitted television signals for personal use within a residential dwelling unit are exempt from the provisions of this article.

- (b) Small Diameter Satellite Dish Antenna Systems. Television, radio and internet reception satellite dish antenna systems that are thirty-six (36) inches or less in diameter are exempt from the provisions of this article.

[Added by Ord. 890, provisions eff. 11/29/93. Amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.10 Commercial Satellite Dish Antennas: Ground Mounted. A satellite dish antenna may be mounted on the ground in non-residential regulatory zones accordance with this section.

- (a) Satellite Dish Size. The satellite dish antenna shall not exceed thirty-six (36) feet in diameter.
- (b) Mounting Support Height. The satellite dish mounting support structure shall not exceed a height of seventeen (17) feet above the ground surface.
- (c) Motor Noise. Any driving motor shall be encased in protective guards and muffled against noise.
- (d) Screening. Screening is required for all satellite dish antennas that exceed ten (10) feet in diameter, located in non-residential regulatory zones adjacent to residentially zoned property. The required screening shall shield views of the satellite dish antenna from the adjacent residential parcels. The satellite dish antenna may be screened around the base of the antenna or along the common property line. A waiver from the screening requirement can be obtained pursuant to Article 804, Variances, if the satellite dish antenna is sufficiently set back from the residential parcel to minimize its impact.
- (e) Front Yard Placement. A satellite dish antenna may be placed in the front area of a parcel if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this subsection:
 - (1) The base of the satellite dish antenna and driving motor house shall be screened to the satisfaction of the Director of Community Development;
 - (2) The applicant shall demonstrate that locating the satellite dish antenna in the area between the face of the building and the side or rear property line would result in obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant;
 - (3) The applicant shall demonstrate that locating the satellite dish antenna in the required front area of the parcel will not impair the required line-of-sight from adjacent driveways or streets;
 - (4) Location in the area between the face of the building and the side or rear property line prevents the commercial satellite dish antenna from receiving a complete signal; and
 - (5) Location of the satellite dish antenna in the area between the face of the building and the front property line does not visually impact surrounding properties.

[Amended by Ord. 875, provisions eff. 8/3/93; Ord. 959, provisions eff. 7/26/96 Renumbered from 110.324.10 and amended by Ord. 890, provisions eff. 11/29/93. Amended by Ord. 1234, provisions eff. 5/21/04. Renumbered and renamed from 110.324.15 "Satellite Dish Antennas: Roof Mounted" and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.15 Commercial Satellite Dish Antennas: Roof Mounted. A satellite dish antenna may be mounted on the roof of a building structure in non-residential regulatory zones in accordance with the provisions of this section.

- (a) **Dish Size.** In all non-residential regulatory zones, the dish shall not exceed thirty-six (36) feet in diameter.
- (b) **Support Structure Height.** The satellite dish antenna mounting support structure shall not exceed a height of seventeen (17) feet above the roof surface, regardless of whether the roof is flat, or sloping perpendicular to, or parallel with the front lot line.
- (c) **Screening.** The base of the satellite dish antenna and driving motor shall be screened at the discretion of the Director of Community Development or his/her authorized representative.
- (d) **FCC and FAA Regulations.** The size and height of the satellite dish antenna shall be in compliance with all FCC and FAA regulations.
- (e) **Minimal Visual Impact.** The satellite dish antenna, including guy wires, supporting structures and accessory equipment, is located and designed so as to minimize the visual impact on surrounding properties and from public streets.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered from 110.324.15 and amended by Ord. 890, provisions eff. 11/29/93. Amended by Ord. 1234, provisions eff. 5/21/04. Renumbered and renamed from 110.324.20 "Satellite Dish Antennas: Roof Mounted" and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.20 Private Communication Antennas: General. Private communication antennas, including antenna support structures, are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

- (a) **Height.** The retractable height of a private communication antenna is limited to the height limitation of a main structure allowed in the regulatory zone in which the antenna is erected with a bonus of up to ten (10) feet.
- (b) **Location.** Private communication antennas are allowed within any side or rear yard area of a parcel provided they maintain the setbacks from the property lines listed in this article. Private communication antennas may be placed in the front area of the parcel between the property line and the face of the building provided the setback from the front property line listed in this article is maintained, and if an administrative permit consistent with this article is obtained.
- (c) **Setback.** Private communication antennas shall maintain the setbacks of the regulatory zone in which they are located.
- (d) **Commercial Anti-Climb Device or Security Fencing.** Fencing shall be erected either around the entire side and rear of the property or around the private communication antenna. In lieu of fencing, the antenna shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security

fencing shall assure the facility is protected from climbing by unauthorized persons.

- (e) Building Code. All private communication antenna support structures require a building permit in compliance with the requirements of Chapter 100, Buildings and Construction, of the Washoe County Code.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered and renamed from 110.324.20 "Private Antennas: General" and amended by Ord. 890, provisions eff. 11/29/93. Renumbered from 110.324.25 and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.25 Private Communication Antennas: Front Yard. A private communication antenna may be placed in the front area of a parcel if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this section.

- (a) Application. In addition to the submittal requirements as stated in Article 808, Administrative Permits, the applicant shall demonstrate that:
 - (1) Locating the private communication antenna in the area between the face of the building and the front property line does not impair the required line-of-sight from adjacent driveways or streets;
 - (2) Fencing shall be erected around the private communication antenna. In lieu of fencing, the antenna shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons; and
 - (3) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna.
- (b) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, for placement of a private communication antenna in the front area of a parcel, the following findings shall be made:
 - (1) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna;
 - (2) Locating the private communication antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets; and
 - (3) Mitigation has been provided for visual impacts to the neighborhood.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered and renamed from 110.324.25 "Private Antennas: Front Yard" and amended by Ord. 890, provisions eff. 11/29/93. Amended by Ord. 1234, provisions eff. 5/21/04. Renumbered from 110.324.30 and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.30 Private Communication Antennas: Additional Height. A private communication antenna support structure may exceed the height restrictions within this article if an administrative permit is obtained pursuant to Article 808, Administrative Permits, and in accordance with the provisions of this section.

- (a) Application. In addition to the submittal requirements in Article 808, Administrative Permits, the application shall state the reason why the additional height of the private communication antenna support structure is necessary.
- (b) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, the following findings must be made:
 - (1) The height of the private communication antenna support structure is necessary to receive or transmit a signal that meets the applicant's needs; and
 - (2) The height of the private communication antenna support structure shall be in compliance with all Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered and renamed from 110.324.30 "Private Antennas: Height" and amended by Ord. 890, provisions eff. 11/29/93. Amended by Ord. 1234, provisions eff. 5/21/04. Renumbered and renamed from 110.324.35 "Private Communication Antennas: Height" and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.35 Commercial Antennas. Commercial antennas, excluding wireless communication facilities, but including satellite dishes, used for commercial broadcasting/receiving purposes are a principal use subject to the issuance of a special use permit and are classified under the commercial antennas use type in Article 304, Use Classification System. Where a commercial antenna is collocated with a wireless communication facility, the permitting process of the commercial antenna will take precedence. These antennas shall comply with the provisions of this section.

- (a) General. Commercial antennas are subject to the following provisions:
 - (1) A commercial antenna shall be located a minimum distance from all property lines equal to forty (40) percent of the height of the antenna support structure [i.e. a one-hundred (100)-foot-tall commercial antenna shall be a minimum of (0.40 x 100 =) 40 feet from any property line];
 - (2) All commercial antennas require a building permit in compliance with the requirements of Chapter 100, Buildings and Construction, of the Washoe County Code; and
 - (3) Fencing shall be erected either around the entire side and rear of the property or around the commercial communication antenna. In lieu of fencing, the antenna shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons.
- (b) Application. In addition to the submittal requirements in Article 810, Special Use Permits, the applicant shall submit a statement explaining the purpose of the commercial antenna, including if the antenna is to be used for new or existing service and the proposed access route for the antenna site.
- (c) Findings. In addition to the finding required for approval in Article 810, Special Use Permits, the following findings shall be made:

- (1) The proposed commercial antenna is necessary to meet the applicant's and the public's needs;
- (2) The location of the commercial antenna is compatible with existing and proposed uses in the general vicinity; and
- (3) The proposed commercial antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity.

[Amended by Ord. 875, provisions eff. 8/3/93. Renumbered from 110.324.35 and amended by Ord. 890, provisions eff. 11/29/93. Amended by Ord. 1004, provisions eff. 1/30/98. Renumbered from 110.324.40 and amended by Ord. 1242, provisions eff. 7/23/04. Amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.324.40 Wireless Communication/Cellular Facilities: Definitions. Wireless communication facilities, including antennas mounted on structures and freestanding monopoles and lattice towers and supporting equipment which are used for the commercial broadcasting/receiving of telecommunication transmissions that are regulated under the Telecommunications Act of 1996 are a principal use and are classified under the communication facilities use type in Article 304, Use Classification System. The following definitions apply to the regulation of wireless communication facilities contained in this article:

- (a) Antenna. An antenna is defined for the purposes of Sections 110.324.40 through 110.324.80 as a device that transmits and/or receives an electronic signal for the purposes of facilitating the communication of personal wireless services that has the meaning ascribed to it in 47 U.S.C. § 332(c)(7)(C) as that provision existed on July 1, 2003.
 - (1) Antenna Supporting Structure. An antenna supporting structure is a structure that supports all radiating arrays and antennas for a communications system.
 - (2) Commercial Signage Mounted Antenna. A commercial signage mounted antenna means a communications receiving and/or transmitting device that is attached to an on-site free-standing sign that has been lawfully erected.
 - (3) Facade Mounted Antenna. A facade mounted antenna means a communications receiving and/or transmitting device that is attached to the side of a lawfully constructed structure. A lawfully constructed structure includes a building housing mechanical equipment, a utility service structure or a penthouse that is placed on the roof of a building.
 - (4) Lattice Tower Mounted Antenna. A lattice tower mounted antenna means a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing or guyed lattice structure that is erected for the purposes of supporting one (1) or more antennas.
 - (5) Monopole Mounted Antenna. A monopole mounted antenna means a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing pole that is erected for the purposes of supporting one (1) or more antennas.

- (6) Rooftop Mounted Antenna. A rooftop mounted antenna means a communications receiving and/or transmitting device that is attached to the roof of a lawfully constructed structure.
- (7) Slim Line Pole. A slim line pole is a ground mounted, free-standing communications receiving and/or transmitting device with flush mounted antenna.
- (8) Specialty Pole Mounted Antenna. A specialty pole mounted antenna means a communications receiving and/or transmitting device that is attached to a ground mounted, free-standing pole that is erected for another purpose, such as a flag pole, lamp post, or ball field backstop support.
- (b) Collocation. Collocation means siting antennas owned and/or operated by separate companies on the same antenna supporting structure, monopole, lattice tower or specialty pole. Collocation may include adding antenna to an existing facility by a separate company or the construction of a facility planned for the use of several separate companies.
- (c) Equipment Shelter/Cabinet. An equipment shelter/cabinet is an enclosure that houses supporting equipment for an antenna that is located on the same parcel or structure as the equipment shelter/cabinet.
- (d) Stealth Design. Stealth design means a wireless communications facility's support structure, antennas or accessory equipment structure that is designed to blend in with the existing physical environment, and reduce visual impacts to the extent possible by virtue of being camouflaged as another common structure, for example, a clock tower, silo, church steeple or tree.
- (e) Wireless Communication Facility. A wireless communication facility means all antennas and antenna supporting equipment such as poles, shelters or cabinets.

[Added by Ord. 1004, provisions eff. 1/30/98. Amended by Ord. 1220, provisions eff. 11/7/03. Renumbered and renamed from 110.324.45 "Wireless Communication Facilities: Definitions" and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.45 Wireless Communication/Cellular Facilities Preferred Placement. As a policy of Washoe County, the following types and locations of antennas are preferred in descending order. In the case of antennas (d) through (k), the wireless carrier must certify that alternatives (a) through (c) were not available and present a justification in the application packet indicating why alternatives (a) through (c) were not chosen.

- (a) Facade Mounted Antenna. Facade mounted antenna on a building used for commercial or industrial purposes, a building located in a commercial or industrial regulatory zone (General Commercial—GC, Tourist Commercial—TC, Neighborhood Commercial/Office—NC, Industrial—I, Parks and Recreation—PR, Public/Semi-Public Facilities—PSP), or on a structure used for utility purposes in any regulatory zone.
- (b) Rooftop Mounted Antenna. Rooftop mounted antenna on a building used for industrial or commercial purposes, a building located in a commercial or industrial regulatory zone (General Commercial—GC, Tourist Commercial—TC,

Neighborhood Commercial/Office—NC, Industrial—I, Parks and Recreation—PR, Public/Semi-Public Facilities—PSP), or on a structure used for utility purposes.

- (c) Collocation. Collocation of a new antenna on an existing facility in any land use designation.
- (d) Specialty Pole Mounted Antenna. Specialty pole mounted antenna on a pole used for public, utility or communication, other than wireless communication, purposes.
- (e) Facade Mounted Antenna. Facade mounted antenna on a building used for any purpose other than those in (a).
- (f) Rooftop Mounted Antenna. Rooftop mounted antenna on a building used for any purpose other than those in (b).
- (g) Specialty Pole Mounted Antenna. Specialty pole mounted antenna on a pole used for any purpose other than those in (d).
- (h) Commercial Signage Mounted Antenna. Commercial signage mounted antenna.
- (i) Slim Line Monopole Mounted Antenna. Monopole mounted antenna utilizing a slim line design.
- (j) Monopole Mounted Antenna. Monopole mounted antenna utilizing an antenna supporting structure.
- (k) Lattice Tower. Lattice tower mounted antenna within an established communication site.

[Subsection (a) of Section 110.324.50 entitled “Wireless Communication Facilities Placement Standards” was renumbered and renamed to 110.434.45 “Wireless Communication/Cellular Facilities Preferred Placement” and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.50 Wireless Communication/Cellular Facilities Placement Standards. The following placement standards by type of antenna shall be complied with notwithstanding the preferred location and type of antenna enumerated in this section:

- (a) Facade Mounted Antenna. The placement of a facade mounted antenna shall comply with the following criteria:
 - (1) The antenna shall be architecturally integrated with its surroundings so that it appears to be an architectural feature of a building or other structure and its nature as a personal wireless service is not readily apparent.
 - (2) The antenna shall be placed above the pedestrian line-of-sight as viewed from the street or sidewalk that is nearest the antenna and deemed to be most parallel with the portion of the structure on which the antenna is mounted. Pedestrian line-of-sight shall be considered the horizontal view from a point five (5) feet, ten (10) inches above the nearest street or sidewalk.

- (3) To the extent possible, the antenna shall be placed on the side of a mechanical building or penthouse located on the roof of the structure.
 - (4) If it is not possible to comply with (3) above, then the antenna shall be integrated into the design of the building facade.
 - (5) The antenna shall be of a color that is compatible with the color of the facade on which it is being mounted.
 - (6) No portion of the antenna shall extend above the mid-point of a pitched or mansard roof.
- (b) Rooftop Mounted Antenna. The placement of a rooftop mounted antenna shall comply with the following criteria:
- (1) If a parapet exists on the structure on which the antenna is to be placed, the antenna shall be located behind the parapet.
 - (2) For all rooftop locations, the antenna shall be located to eliminate or minimize to the greatest extent the view of the antenna from the nearest streets that are adjacent to or closest to the parcel on which the antenna's structure is located.
 - (3) The antenna shall be of a color that minimizes its visual effect.
 - (4) The antenna(s) is limited to ten (10) feet in height above the highest point of the roof.
 - (5) If a pole is used to mount antennas, no more than six (6) antenna may be permitted on any one (1) pole.
- (c) Specialty Pole Mounted Antenna. The placement of a specialty pole mounted antenna shall comply with the following criteria:
- (1) The antenna shall not extend above the pole on which it is located more than one-third (1/3) the vertical length of the existing pole.
 - (2) When the antenna to be mounted on the specialty pole requires a separate supporting structure that is attached to the specialty pole, to the extent possible, the antenna and supporting structure shall be mounted in such a manner as to represent a visual extension of the existing specialty pole.
 - (3) The antenna shall be of a color that is the same as the pole on which it is mounted.
 - (4) No more than six (6) antennas may be mounted on a specialty pole.
 - (5) The antenna supporting system may not exceed the limitations placed on the horizontal width of the antenna supporting system as provided in this article.
 - (6) The distance between two (2) specialty poles on which antenna are mounted or proposed to be mounted shall not be closer than one-quarter

(1/4) mile unless the specialty poles are not within a line of sight of each other.

(d) Commercial Signage Mounted Antenna. The placement of a commercial signage mounted pole antenna shall comply with the following criteria:

- (1) The antenna shall not extend above the top of the sign on which it is located more than one-third (1/3) the height of the sign face.
- (2) The antenna shall be attached to the sign in such a manner as to represent, to the greatest extent possible, an extension of the existing sign, either vertically or horizontally.
- (3) The antenna shall be of a color that is the same as the frame of the sign on which it is mounted.
- (4) The antenna supporting system may not exceed the limitations placed on the horizontal width of the antenna supporting system as provided in this article.
- (5) No more than six (6) antennas may be mounted on a pole.

(e) Monopole Antenna. The placement of a monopole antenna shall comply with the following criteria:

- (1) Antennas shall be allowed in all Rural Residential, Public/Semi-Public Facilities (PSP), General Commercial (GC), Neighborhood Commercial/Office (NC), Tourist Commercial (TC), Industrial (I), Parks and Recreation (PR), and Specific Plan (SP) regulatory zones. Antennas may be allowed in Urban Residential and Suburban Residential regulatory zones when the antenna is proven by a technical review to be required to fill a "Significant Gap Coverage" as defined in Section 110.324.55. Antenna shall be limited to the building standard height for an allowed main structure plus up to ten (10) feet above that height.
- (2) Antennas shall be permitted in the General Rural (GR) and Open Space (OS) land use designations (see Open Space limitations within this article) with the placement standards depicted in Table 110.324.50.1, Antenna Placement Standards.
- (3) An additional twenty-five (25) percent pole height shall be granted if the monopole is a stealth design that may include a slim line pole, a tree or other proposed camouflaged design compatible with the surrounding area. The width of the supporting mechanism for the antenna may increase up to the additional twenty-five (25) percent to the extent that the camouflage conceals the array.
- (4) An additional ten (10) feet of height shall be granted when a collocation on an existing monopole is proposed.
- (5) To the extent possible, monopole mounted antennas shall be placed in a manner that either natural features, built features or a combination of

both provide a complete background to the antenna and monopole as seen from the nearest roadway or occupied structure.

Table 110.324.50.1

ANTENNA PLACEMENT STANDARDS

Design Standards	Distance from Residential Property						
	50'	200'	400'	600'	1,000'	1,500'	2,000'
Distance from Residentially Zoned Property or Public Paved Right of Way (closest adjacent use will be applied)							
Permitted Height of Pole	45'	50'	60'	70'	80'	90'	+100'
Supporting Mechanism for Antenna System	2*	2.5*	3*	4*	5*	6*	+7*

Note: * = Specified number times diameter at base of pole equals allowed supporting mechanism for antenna system diameter.

Source: Washoe County Department of Community Development.

- (6) If the location of the monopole is in an area where a line of poles presently exists, the monopole and antenna shall be placed, to the extent possible, in line with the pattern of the other poles.
- (7) A monopole mounted antenna shall be of a color that blends with the background. Reflective materials are prohibited.
- (8) To the extent possible, a monopole shall be designed to replicate existing structures and natural features/vegetation in the immediate vicinity.
- (9) Fencing shall be erected around the monopole. In lieu of fencing, the monopole shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons.
- (10) Monopole mounted antennas are restricted from being located in the following locations unless a "significant gap" (see Section 110.324.55) can be demonstrated with a technical review:
 - (i) Public trails as exist or are proposed on the adopted Regional Open Space Plan and as exist or are proposed on an adopted Washoe County Park District Master Plan and within one thousand (1,000) feet of a public trail as described in this section.
 - (ii) Floodways as designated on the adopted Washoe County Development Suitability maps.
 - (iii) Critical and Sensitive Stream Zones as identified in Article 418, Significant Hydrologic Resources.
 - (iv) Significant ridgelines as designated on the adopted Washoe County Development Suitability maps.

- (f) Lattice Towers. Lattice towers may only be located at an established communication site as of January 1, 2004. These sites are commonly known as "McClellan Peak," "Chimney Peak," "Fox Mountain," "Marble Bluff," "Mt. Rose Knob," "Pah Rah Peak," "Peavine Peaks," "Poito Mountain," "Red Peak," "Slide Mountain," and "Virginia Peak."
- (1) New communication sites may be added with an amendment to the Development Code upon finding that the new communication site is needed to provide service within Washoe County and no established communication site can provide the required service.
 - (2) The lattice tower shall be of a color that blends with the background. Reflective materials are prohibited.
 - (3) The proposed tower may be added upon a showing that the proposed tower is required because the antenna is not able to be located on an existing tower or approved tower within the communications grid established, or to be established, by the communication provider because one of the following apply:
 - (i) The unwillingness of the owner of an existing tower to agree to collocation or to provide adequate space on the property for the equipment necessary to support additional communication antenna(s).
 - (ii) The lack of structural capacity for the antenna on an existing tower.
 - (iii) The new antenna would interfere with existing or other planned equipment on the existing tower.
 - (iv) Other unforeseen reasons which make it commercially impracticable or technically unfeasible to locate on an existing tower.
 - (4) Notwithstanding subsections enumerated above, all communication providers shall first attempt to locate antenna arrays upon existing towers and structures, within six hundred (600) feet of the proposed site prior to being approved for a new tower installation. In the event that there is such a tower or structure within the distance of six hundred (600) feet, it will be incumbent upon the communication provider to demonstrate technological hardship which would discourage this cooperative land use.
 - (5) Towers shall be designed to accommodate more than one (1) antenna array, and towers higher than eighty (80) feet must accommodate at least three (3) antenna arrays.
 - (6) Fencing shall be erected around the tower. In lieu of fencing, the tower shall be secured with a commercial anti-climb device. The installation of the anti-climb device or security fencing shall assure the facility is protected from climbing by unauthorized persons.

- (7) If no permanent staff is assigned to the facility, development standards regarding parking, landscaping and screening are not required.
- (8) No signals, lights or signs shall be permitted on towers unless required by the Federal Communications Commission or Federal Aviation Administration.
- (g) Equipment Shelters and Cabinets. The placement of equipment shelters and cabinets for all wireless facilities shall comply with the following criteria:
 - (1) Equipment shelters and cabinets shall be of a color so as to blend with the surrounding natural and built background and siding shall be of natural materials or shall replicate the look of natural materials, including wood, stone, rock or split face block; and
 - (2) Landscaping requirements for sites shall comply with Section 110.412.40, Civic and Commercial Use Types.
- (h) Setbacks. All wireless communication facilities shall be erected in accordance with the setback requirements of the regulatory zone in which they are located (see Table 110.406.05.1, Standards).
- (i) Right-of-Way. A specialty pole mounted antenna shall be permitted in the right-of-way provided:
 - (1) A lease is executed by the responsible public body;
 - (2) The execution of the lease guarantees that placement will not impair public safety and will not impede other public uses of the right-of-way; and
 - (3) The facility complies with the provisions of this section.

[Added by Ord. 1004, provisions eff. 1/30/98. Amended by Ord. 1220, provisions eff. 11/7/03. Renamed from "Wireless Communication Facilities Placement Standards" and amended by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.55 Significant Gap Coverage. A significant gap for purposes of this article shall include a "white area" where no cellular service from any carrier is available. A wireless cellular facility shall be permitted at any location if the applicant can demonstrate by technical studies that:

- (a) The facility is for personal wireless service as defined by applicable federal statutes or regulations;
- (b) A facility at the site proposed is necessary to close an existing significant gap or gaps in the availability of personal wireless service; and
- (c) The facility and the location proposed is, therefore, eligible for the following increase in allowable height of a monopole:
 - (i) The height of the antenna shall be limited to the building standard height for an allowed main structure plus up to ten (10) feet above that height in any residential regulatory zone; or

- (ii) Table 110.324.55.1, Significant Gap Antenna Pole Height, is applied.

Table 110.324.55.1

SIGNIFICANT GAP ANTENNA POLE HEIGHT

Design Standards	Distance from Residential Property						
	50'	200'	400'	600'	1,000'	1,500'	2,000'
Distance from Residentially Zoned Property or Public Paved Right of Way (closest adjacent use will be applied)							
Permitted Height of Pole	45'	50'	60'	70'	80'	90'	+100'
Bonus Allowed	10'	15'	20'	25'	30'	35'	40'
Total Permitted Height of Pole	55'	65'	80'	95'	110'	125'	140'+

Source: Washoe County Department of Community Development

[Added by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.60 Wireless Communication/Cellular Facilities Permitting Requirements.

- (a) Information Required Prior to Issuance of Any Permit. In addition to the requirements of the Building and Safety Department, the following information must be provided to the Department of Community Development before any permit can be issued for the construction and installation of a wireless communication/cellular facility:
 - (1) Site plan.
 - (2) If the wireless facility is not within the County’s preferences identified in subsections (a) through (c) of Section 110.324.45 (facade mounted, rooftop mounted or collocation on existing facility), a justification as to why these were either not available or not chosen.
 - (3) Map identifying alternate sites that were considered by the applicant, with a justification by a competent professional for the requested site.
 - (4) Type of antenna and support structure.
 - (5) Exact location of antenna and support structure.
 - (6) Exact location of equipment shelter and/or cabinet.
 - (7) Height of antenna and horizontal width of supporting mechanism for antenna system.
 - (8) Whether antenna is being collocated.
 - (9) Whether antenna and equipment shelter/cabinet is being codeveloped.
 - (10) Siting and screening of antenna(s) to minimize visual impact.

- (11) Copy of the Federal Communications Commission (FCC) license or construction permit.
 - (12) Color palette.
 - (13) Certification by a competent professional that the facility complies with Federal Communications Commission regulations for radio frequency emissions and plan for periodic recertification of compliance.
 - (14) In the case of a request to locate in the public right-of-way, a certification that the facility meets all applicable requirements of Nevada and Washoe County for use of public right-of-way and a copy of the encroachment permit and lease agreement.
 - (15) A minimum of eight (8) panoramic, true color photographs. The photographs must display the north, south, east and west views of the site and views of the adjacent properties. The Director of Community Development shall determine the final choice of color for the structure from a color palette submitted by the applicant. The color chosen shall blend with the background and surroundings and best meet the intent of this subsection.
 - (16) Landscape plans.
 - (17) Property owner's assurance shall be provided which includes a document signed and acknowledged by the property owner, accompanied by a recordation fee in the amount shown on the County Recorder's fee schedule, assuring the removal of the wireless facility should the facility's use be discontinued for twelve (12) months. The document shall include the property owner's permission, under such circumstances, for the County to enter onto the property and remove the facility, if feasible, with the cost thereof to constitute a lien against the property. If such removal is not feasible, the County may obtain a court order requiring the removal.
- (b) Administrative Review of Building Permit. Within ten (10) working days of receipt of the building permit, the Director of Community Development or his/her authorized representative shall review the building permit to determine whether it is in full compliance with the standards as enumerated in this article.

[Added by Ord. 1004, provisions eff. 1/30/98. Amended by Ord. 1220, provisions eff. 11/7/03. Renamed from "Wireless Communication Facilities Permitting Requirements" and amended by Ord. 1242, provisions eff. 7/23/04; amended by Ord. 1432, provisions eff. 2/19/10.]

Section 110.324.65 Denial Requirements. If upon review by the Director of Community Development or his/her authorized representative to permit construction of a facility for personal wireless service is denied, the Director of Community Development or his/her authorized representative shall provide to the applicant a written explanation that identifies each procedure and standard that the applicant, application or facility for personal wireless service failed to meet. Further, the decision shall describe the documents relied upon by the Director of Community Development or his/her authorized representative in making the decision.

[Added by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.70 Appeals. An action of the Director of Community Development or his/her authorized representative made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the decision by the Director of Community Development or his/her authorized representative may be made to the Board of County Commissioners within ten (10) days after the date of the mailing of the public notice of the final decision. If filed, an appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.
- (b) Who Can Appeal.
 - (1) Appeals may be filed by the applicant or the applicant's authorized agent.
 - (2) Appeals may be filed by an aggrieved party based on the decision in fact of the Director of Community Development. The decision in fact for the approval or denial of a wireless cellular facility shall be published for a minimum of ten (10) working days prior to the issuance of a building permit on the Community Development website to provide the opportunity for residents to be aware of the decision and appeal in accordance with this section.
- (c) Contents of Appeal. An appeal shall be filed with the Director of Community Development, accompanied by the required filing fee. The appeal shall be in writing and state the basis of the appeal by citing specifically the inadequacy of the administrative decision. Such reasons shall be based upon the application and the standards established pursuant to this section. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Time Period for Hearing. The Clerk of the Board of County Commissioners shall schedule a public hearing on the appeal of the administrative staff's final decision before the Board of County Commissioners within sixty (60) days of the date of the filing of the appeal with the Director of Community Development.
- (e) Notice of Hearing.
 - (1) A notice setting forth the date, time and place of the public hearing shall be published in a newspaper of general circulation in Washoe County not less than ten (10) days prior to the public hearing date.
 - (2) A notice setting forth the date, time and place shall be sent either by mail or, if requested, by electronic means, if receipt of such an electronic notice can be verified, to each member of the affected Citizen Advisory Board not less than ten (10) days prior to the hearing date. The notice shall describe the appeal and other pertinent information in such a manner that the appeal can be clearly identified.
- (f) Action by the Board of County Commissioners. The Board of County Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the appeal and any additional evidence relative to the application and may confirm, reverse or modify the appealed actions based upon

its interpretation of the standards pursuant to this article and the evidence submitted. The action of the Board of County Commissioners shall be by an affirmative vote of a majority of the entire membership of the Board. A final decision by the Board of County Commissioners shall be rendered within sixty (60) days of the appeal hearing. In the case of a tie vote due to the absence of a member, the appeal shall be continued to a future meeting unless requested otherwise by the appellant. Said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for purposes of judicial review.

- (g) Effective Date. The decision of the Board of County Commissioners on an appeal of the administrative staff decision shall be effective immediately.

[Added by Ord. 1242, provisions eff. 7/23/04.]

Section 110.324.75 Special Use Permit Required: Findings. Subsequent to review under Sections 110.324.40 through 110.324.70, monopole antennas and lattice towers shall require the issuance of a special use permit under the process enumerated in Article 810, Special Use Permits, subject to the findings enumerated below.

- (a) That the communications facility meets all the standards of Sections 110.324.40 through 110.324.60 as determined by the Director of Community Development and/or his/her authorized representative;
- (b) That public input was considered during the public hearing review process; and
- (c) That the monopole or lattice tower will not unduly impact the adjacent neighborhoods or the vistas and ridgelines of the County.

[Added by Ord. 1242, provisions eff. 7/23/04, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.324.80 Assessment for Actual Costs Incurred. If the Director of Community Development, his/her authorized representative, or the Board of County Commissioners must retain a technical expert to evaluate justifications or technical information submitted by an applicant under this article, the Director of Community Development shall be authorized to assess the applicant for the actual costs incurred in retaining such expert. The costs shall be reimbursed to the County prior to issuance of the decision of the Director of Community Development or his/her authorized representative, or in the case of the applicant's appeal to the Board of County Commissioners, prior to the issuance of a building permit.

[Added by Ord. 1242, provisions eff. 7/23/04.]

[Article 324 entitled "Antennas" renamed to "Communication Facilities" by Ord. 1004, provisions eff. 1/30/98.]

[Section 110.324.10 entitled "Satellite Dish Antennas: General" amended by Ord. 875, provisions eff. 8/3/93; renumbered from 110.324.05 and amended by Ord. 890, provisions eff. 11/29/93; and repealed by Ord. 1242, provisions eff. 7/23/04.]

[Section 110.324.55 entitled "Wireless Communication Facilities: Setbacks" added by Ord. 1004, provisions eff. 1/30/98, and repealed by Ord. 1242, provisions eff. 7/23/04.]

[Section 110.324.85 entitled "Variances" repealed by Ord. 1378, provisions eff. 8/1/08.]

Article 326

WIND MACHINES

[This Article amended in its entirety by Ord. 1443, provisions eff. 7/26/10.]

Sections:

110.326.00	Purpose
110.326.05	Applicability
110.326.08	Definitions
110.326.10	Information Requirements
110.326.15	Setbacks and Height
110.326.20	Tower and Facility Access
110.326.25	Rotor Safety
110.326.30	Electromagnetic Interference
110.326.35	Utility Notification
110.326.40	Noise
110.326.45	Roads
110.326.50	Aesthetics and Maintenance
110.326.55	Signs
110.326.60	Wildlife Impact
110.326.65	Lighting
110.326.70	Shadow Flicker
110.326.75	Ice Throw
110.326.80	Waiver of Parking and Landscaping Regulations
110.326.85	Roof Mounted Private Wind Machines
110.326.90	Repair and Removal of Wind Machines
110.326.100	Meteorological Towers
110.326.105	Compliance with Regulations

Section 110.326.00 Purpose. The purpose of this article, Article 326, Wind Machines, is to regulate wind machines used for residential and commercial production of electricity.

Section 110.326.05 Applicability.

- (a) **Private Wind Machines.** A private wind machine consists of a wind turbine, tower, and associated control or conversion electronics for the purpose of providing electrical power to a lawful principal use. A wind machine having a rated capacity of 100 kilowatts (kW) or less shall be considered a private wind machine for the purposes of these regulations. Not more than one (1) wind machine shall be allowed per parcel of land when the size of the parcel is less than one (1) acre in size. Any wind machine or combination of wind machines having a rated capacity greater than twenty-five (25) kW up to one-hundred (100) kW on a parcel, or any wind machine that is greater than seventy-five (75) feet in height if located on a lot of five (5) acres or smaller, or any wind machine that is greater than one-hundred (100) feet in height if located on a lot over five (5) acres, shall be required to obtain a special use permit from the Washoe County Board of Adjustment. Private wind machines are considered accessory uses as

stated in Article 306, Accessory Uses, and are allowed in those land use designations specified in Article 302, Allowed Uses.

- (b) Commercial Wind Machines. Wind machines that have a rated capacity of more than one-hundred (100) kW shall be considered commercial wind machines for the purposes of these regulations. Commercial wind machines may be grouped together into a wind energy facility consisting of one or more wind machines and other structures and buildings, including substations, electrical infrastructure, and other appurtenant structures and facilities. Commercial wind machines are considered a principal use on a parcel of land and are allowed in those land use regulatory zones specified in Article 302, Allowed Uses.

Section 110.326.08 Definitions.

A-Weighted Sound Pressure Level (dBA). “A-Weighted Sound Pressure Level (dBA)” is defined as the sound pressure level in decibels as measured on a sound level meter using the A-weighted filter network. The A-weighted filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

Ambient Noise. “Ambient Noise” is defined as the composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.

Interference or Degradation. “Interference or Degradation” shall mean a significant and measureable reduction in the ability to communicate or receive data which cannot be mitigated by other means by the group interfered with by the wind machine.

Meteorological Towers. “Meteorological Towers” are those towers which are erected primarily to measure wind speed and directions plus other data relevant to siting wind machines, and include the tower, guy cables and hardware, anemometers, wind direction vanes, booms to hold equipment, data logger, instrument wiring, and telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location. Meteorological towers under this section do not include towers and equipment used by airports, Nevada Department of Transportation (NDOT), or similar applications to monitor weather conditions; such towers are exempt from the provisions of this article.

Public Roads. “Public Roads” are defined as roadways that are owned and/or maintained by the county, the state, or a local general improvement district (GID).

Shadow Flicker. “Shadow Flicker” is defined as alternating changes in light intensity caused by the moving blade casting shadows on stationary objects (Receptor), such as a residential dwelling which exceeds ten (10) hours a year. The dissipation of shadow intensity over the distance from a wind machine limits the classification of shadow flicker to ten (10) rotor diameters or three-thousand (3,000) feet, whichever is greater.

Site Restoration. “Site Restoration” of a commercial wind energy facility shall mean the removal of all wind machines and all ancillary structures and equipment, excluding the wind machine foundations, and regrading and revegetation of all disturbed area.

Trail Easements. “Trail Easements” are defined as a Washoe County recorded easement for pedestrian, equestrian, bicycle or other similar public access uses.

LeqA. “LeqA” is defined as the equivalent or energy-averaged noise level.

L_{max}. "L_{max}" is defined as the highest root-mean-square (RMS) noise level measured over a given period of time.

L₅₀. "L₅₀" is defined as the noise level exceeded fifty percent (50%) of the time during a given period of time.

Section 110.326.10 Information Requirements. All permit applications for commercial wind machines shall include the information listed in this section in addition to that normally required by other articles in the Development Code. The applicant may appeal to the Director of Community Development for the consideration of waiving certain submittal requirements of this article in cases where the wind machine(s) are not used for power sales and are constructed to offset power demands on site.

- (a) Site Plan(s). A scaled site plan showing the following information:
 - (1) Existing topography, trees and drainage channels;
 - (2) Direction of prevailing winds across the project site;
 - (3) Location of all existing structures within one mile of the proposed wind machine sites;
 - (4) Location and height above ground of all proposed wind machines and, existing and proposed above-ground utility lines;
 - (5) Location, height and direction of all radar and microwave stations that could be affected; and
 - (6) Preliminary dimensions, grading and alignment for all temporary and permanent road, power transmission and distribution line easements, structures, wind machine sites, substation(s), staging areas and other site work.
- (b) Distances to all dwellings, churches, schools, nursing homes, roads, access easements, trails, public and private airports and airstrips, parks, wetlands, and listed historic sites identified by the State Historic Preservation Office (SHPO) within one (1) mile; and important bird and wildlife areas as identified in federal, state, and university databases, or other generally available documentation;
- (c) Standard drawings and photographs of the wind turbine structure, including the tower, base, turbine and blades;
- (d) A GIS map(s) and visual simulations, showing the impact of the topography upon visibility of the project from other locations, to a radius that shall be approved by the Washoe County Department of Community Development. The base map used shall be a published topographic map showing non-natural features, such as roads, towers, and buildings;
- (e) A regrading and revegetation program for temporary roads no longer needed after project construction;
- (f) A preliminary drainage, sediment collection and erosion control plan for all areas proposed to be disturbed on the parcel(s); and

- (g) Decommissioning plans prepared in conformance with Section 110.326.90(b), Removal of Wind Machines, below.
- (h) Provide location of all public and private airports within ten (10) miles of the nearest proposed wind turbine.
- (i) A current determination letter resulting from a Federal Aviation Administration (FAA) Form 7460-1, Notice of Proposed Construction or Alteration, for each proposed wind machine or tower.
- (j) A summary of the status of all FAA determinations with details on how any unresolved problems with aircraft safety are being addressed as well as a detailed description of any obstruction marking and lighting that will be required by the FAA.

Section 110.326.15 Setbacks and Height.

- (a) Setbacks from Adjacent Parcels – Private Wind Machines. Notwithstanding Section 110.402.10, Heights: Special Exceptions, of the Development Code, minimum setback for a private wind machine shall be:
 - (1) All private wind machines shall be erected in accordance with the setback requirements of the regulatory zone in which they are located (see Table 110.406.05.1, Standards). Additionally, all private wind machines shall maintain a minimum setback of one (1) times the overall machine height including the uppermost extension of any blades, from any public roads and highways, railroads, trail easements, aboveground utility lines, and any existing residence on an adjoining property.
 - (2) Private wind machines shall be allowed closer to a property line within any land use designation if the abutting property owner(s) grants written approval of the proposed setback. The written consent shall be signed and notarized by the owner of record of the adjoining property and shall detail the setback distance and the size and height of the proposed private wind machine. The written consent shall be recorded with the Washoe County Recorder, a conformed copy of which shall be submitted with the building permit application to construct the wind machine.
 - (3) Guy wire anchors may not extend closer than five (5) feet from any property line and shall be made clearly visible to a minimum height of six (6) feet.
 - (4) Private wind machines shall not be located within the front yard setback of any parcel of land nor within the front yard setback facing a street on a corner parcel of land.
- (b) Setbacks from Adjacent Parcels – Commercial Wind Machines. A minimum setback for each commercial wind machine is identified below. These setbacks may be reduced with the written consent of the owner(s) of the adjoining property(s):
 - (1) Three (3) times the overall machine height, including the uppermost extension of any blades, from the property line of any nonparticipating

residentially zoned property including any property within the General Rural Agricultural (GRA) Regulatory Zone.

- (2) One (1) times the overall machine height, including the uppermost extension of any blades, from railroads; trail easements; aboveground utility lines; and public roads which are maintained by the county, state or a local GID.
 - (3) One (1) times the overall machine height, including the uppermost extension of any blades, from the property line of any privately owned non-residentially zoned properties.
 - (4) Thirty (30) feet from any undeveloped federally owned property unless greater setbacks are requested by that affected federal agency.
 - (5) One (1) mile from any existing off-site dwelling(s) or other occupied buildings within Washoe County.
- (c) Height Restrictions – Commercial Wind Machines. The overall height of Commercial wind machines, including the uppermost extension of any blades, shall not exceed six-hundred (600) feet.

[This Article amended in its entirety by Ord. 1443, provisions eff. 7/26/10 Amended by Ord. 1475, provisions eff. 1/12/12.]

Section 110.326.20 Tower and Facility Access. All wind machine towers must comply with the following provisions:

- (a) The tower shall be designed and installed so that there shall be no exterior step, bolts, or a ladder on the tower readily accessible to the public for a minimum height of twelve (12) feet above the ground. For lattice or guyed towers, sheets of metal or wood or other barrier shall be fastened to the bottom tower section such that it cannot readily be climbed. Any guy wires shall be made clearly visible to a minimum height of six (6) feet; and
- (b) All ground-mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

Section 110.326.25 Rotor Safety. Each wind machine shall be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limits of the rotor. The minimum distance between the ground and any protruding blades utilized on a private wind machine shall be fifteen (15) feet as measured at the lowest point of the arc of the blades.

Section 110.326.30 Electromagnetic Interference. To avoid interference, the owner(s) of any radar facility, television, radio, licensed Ham radio station, cellular telephone or microwave reception facility within a radius of five (5) miles from any commercial wind machine shall be notified in writing no less than forty-five (45) days prior to any public hearing, of a proposed project and shall be provided an opportunity to assess and determine any detrimental impact(s) on the operation of their facility. If degradation of television, radio, cellular telephone, radar microwave or licensed Ham radio reception occurs as the result of the wind machine and confirmation that the wind machine is the source of the interference, the owner/developer of the wind machine shall pay all reasonable costs to correct the television, radio, cellular telephone or microwave reception within thirty (30) days of notification by Washoe County that a problem exists.

Section 110.326.35 Utility Notification. No wind machine that is to be connected to electric utility equipment of any utility grid shall be operated until a net metering agreement or interconnection agreement has been made with the affected electric utility company(ies), and the utility company or companies have approved the proposed method of interconnection. Off-grid systems shall be exempt from this requirement.

Section 110.326.40 Noise.

- (a) Commercial Wind Machine Noise Standards
 - (1) Noise Studies.
 - (i) As part of the application submittal for a commercial wind machine, the applicant shall provide modeling and analysis that will confirm that the facility will not exceed the maximum permitted noise levels.
 - (ii) A post-construction noise study shall be conducted within six (6) months of the date when the project is fully operational. The post-construction measurements will be reported to the Washoe County Department of Community Development using the same format as used for the pre-construction sound studies. As with the pre-construction study, the post-construction study shall be conducted by an Independent Qualified Acoustical Consultant approved by the Washoe County Department of Community Development, but paid for by the applicant/owner/developer of the wind project. The post-construction noise study shall be performed according to the procedures in the most current version of American National Standards Institute (ANSI) S12.18. All noise levels shall be measured with a sound meter that meets or exceeds the most current version of ANSI S1.4 specifications for a Type I sound meter. Any post-construction noise levels that exceed any of the limits set forth in item (ii) of this section will constitute proof that the wind machine(s) is non-compliant and must be rectified or shut down immediately.
 - (iii) Noise studies shall not be required in the event that the placement of a wind turbine is located more than two (2) miles from any existing residence.
 - (2) Audible Noise Limit. No wind machine shall be located so as to generate post-construction sound levels that exceed forty-five (45) dBA at night or fifty (50) dBA during the day as measured a minimum distance of fifty (50) feet from any existing residence within one (1.0) mile from a wind machine. The appropriate value to use for the post-construction sound level is LeqA.
 - (3) Noise Setbacks. Setbacks greater than those set forth in Section 110.326.15, Setbacks and Heights, shall be imposed if necessary to meet the noise level requirements of this section.
- (b) Private Wind Machine Noise Standards. No wind machine shall create noise that exceeds a maximum of fifty-five (55) dBA at any property line abutting a residential regulatory zone or sixty (60) dBA at any other property line.

Measurement of sound levels shall not be adjusted for, or averaged with, non-operating periods.

Section 110.326.45 Roads. Construction of roads for the installation and operation of wind machines shall be minimized. Existing roads in the area of the proposed wind machines shall be used to the maximum extent possible. Temporary roads used for initial installation shall be regraded and revegetated to a natural condition upon completion of construction of the wind machines.

Section 110.326.50 Aesthetics and Maintenance.

- (a) Appearance. Wind machines shall, subject to any applicable standards of the Federal Aviation Administration (FAA), be of a non-reflective, non-obtrusive color: off-white, white, light silver, tan, gray, or sand are permitted. The painting or coating shall be kept in good repair for the life of the wind machine.
- (b) Maintenance. Wind machines shall be maintained in good repair, as recommended by the manufacturer's scheduled maintenance or industrial standards, and shall be free from rust.
- (c) Lubricants and Cooling Fluids. Waste or used lubricants and cooling fluids shall be properly and safely removed in a timely manner from the site(s) of any commercial wind facility and shall not be allowed to accumulate.

Section 110.326.55 Signs.

- (a) Warning Signs. Signs warning of high voltage electricity or electric shock hazard shall be posted on stationary portions of each wind machine.
- (b) Advertising Signs. The only advertising sign allowed on a wind machine shall be a logo on the generator housing. Logos on commercial wind machines shall not exceed eight square feet in size.
- (c) Project Signs for Commercial Wind Machines. Each commercial wind machine shall have posted on the site in a visible, easily accessible location, two signs having no more than four (4) square feet in area, displaying a current address and telephone number for emergency calls. The emergency telephone number shall allow a caller to contact a responsible individual to address emergencies at any time during or after regular business hours and on weekends or holidays. One sign shall be located at the service drive entrance to the site.

Section 110.326.60 Wildlife Impact.

- (a) Prior to approval of a building permit, the applicant for any commercial wind machine shall prepare and submit for review to the Nevada Department of Wildlife and the Washoe County Department of Community Development, a report that discusses the year-round use of the proposed project site by wildlife, and shall identify any anticipated impacts that may negatively affect wildlife or their habitat, and shall suggest mitigation measures that will compensate for any negative effects. The report shall be prepared by a qualified biologist familiar with the local wildlife species.
- (b) Prior to the operation of any commercial wind machine, the applicant shall prepare and submit for review to the Nevada Department of Wildlife and the

Washoe County Department of Community Development a post-construction monitoring plan to investigate and document wildlife injury and mortality resulting from operation of the proposed project. The plan shall identify the methods used, which are expected to be consistent with current scientific practices. Post construction monitoring shall be performed by an independent third party contractor familiar with the methodology and procedures for conducting mortality studies and dead bird searches.

- (c) Where a project is subject to the National Environmental Protection Act (NEPA), such as projects located on federal lands, Washoe County will act as a cooperating agency, and will accept the requirements of the Environmental Assessment or Environmental Impact Statement as meeting Washoe County requirements for this section (110.326.60).

Section 110.326.65 Lighting. Wind machine towers shall not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting shall be the lowest intensity allowable under FAA regulations; the fixtures shall be shielded and directed to the greatest extent possible to minimize glare and visibility from the ground; and no strobe lighting shall be permitted, unless expressly required by the FAA.

Section 110.326.70 Shadow Flicker. Wind machines shall be sited in such a manner to minimize shadow flicker on a roadway and on residences located off the property on which the wind machine is constructed. It shall be the responsibility of the owner/developer to modify operations to restrict shadow flicker on existing dwellings and/or existing occupied buildings. If necessary to minimize shadow flicker from crossing occupied structures, the wind machine may be required to be programmed to stop rotating during the time the wind machine shadow crosses these structures. Alternatively, the wind machine owner/operator may obtain a written easement or other written agreement that specifically allows shadow flicker to cross an occupied structure. This easement or agreement shall be recorded with the Washoe County Recorder, a conformed copy of which shall be submitted with the building permit application.

Section 110.326.75 Ice Throw. The potential ice throw or ice shedding from the proposed wind machine shall not cross the property lines of the site to strike adjacent residences or accessory buildings, nor impinge on any public right-of-way or access easement.

Section 110.326.80 Waiver of Parking and Landscaping Regulations. For commercial wind machines, the following requirements are waived:

- (a) Landscaping requirements, as contained in Article 412, Landscaping, of the Development Code, are hereby waived for the wind machines, transmission lines and all related electrical works. Landscaping for any maintenance building, control building or substation located more than one mile from any public local, collector, arterial road or highway, shall also be exempt from landscaping requirements.
- (b) Hard surface parking requirements as contained in Article 410, Parking and Loading, of the Development Code, are hereby waived for the wind machines sites, transmission lines, substations and all related electrical works. Instead, a parking surface consisting of decomposed granite or other material approved by the Engineering Division shall be used for the parking surface. The width of the required parking areas shall be approved by the Washoe County Department of Community Development and the Washoe County Engineering Division. The

parking surface and parking construction requirements shall be determined by the Washoe County Engineering Division.

Section 110.326.85 Roof Mounted Private Wind Machines. Roof mounted wind machines shall be located so that in the event of failure, no part of the machine will fall across any parcel line and onto any adjacent building. Attachment of the wind machine to the building shall be in strict compliance with regulations of the Washoe County Department of Building and Safety.

Section 110.326.90 Repair and Removal of Wind Machines. Any wind machine found to be unsafe by an official of the Washoe County Department of Building and Safety shall be repaired by the owner to meet federal, state, and local safety standards, or, if not repaired, shall be removed in accordance with the provisions of this article within six (6) months of being notified by the Department of Building and Safety of the existence of an unsafe condition. Wind machines that are not operated for a continuous period of twelve (12) months shall be removed by the owner of the wind machine.

- (a) For commercial wind machines, the applicant/developer shall submit a decommissioning plan at the time of application for a special use permit. The plan shall include:
 - (1) The anticipated life of the project,
 - (2) The estimated decommissioning costs net of salvage value in current dollars,
 - (3) The method of ensuring that funds will be available for decommissioning and restoration, and
 - (4) The anticipated manner in which the project will be decommissioned and the site restored.
- (b) When a wind machine is removed from a site, all associated and ancillary equipment, batteries, devices, structures or support(s) for that system shall also be removed. For the purposes of this section, non-operation shall be deemed to include, but shall not be limited to, the blades of the wind machine remaining stationary so that wind resources are not being converted into electric or mechanical energy, or the wind machine is no longer connected to the public utility electricity system.
- (c) In the event a commercial wind machine owner fails to remove the wind machine tower and all associated and ancillary equipment, batteries, devices, structures or support(s) for that system, as required in this section, Washoe County shall have the authority to remove or authorize the removal of the tower and all associated elements of the project. If the performance security is not sufficient to cover the cost of the removal, additional costs associated with the removal shall be assigned as a lien on the personal property of the wind machine owner in question. If the performance security has expired or is not available, the County shall have the authority to have the tower removed and associated costs assigned as a lien on the personal property of the wind machine owner in question.

Section 110.326.100 Meteorological Towers. All meteorological towers provided for under this section shall comply with the following standards:

- (a) A temporary meteorological tower used to site wind machines shall be permitted under the same setback and access standards and requirements that apply to Private Wind Machines. No administrative or special use permit shall be required. Setbacks to property lines shall be equal to the height of the tower.
- (b) A permit for all temporary meteorological towers shall be valid for a maximum of five (5) years. Towers shall be removed within one (1) month after the five (5) year-year period has ended. Failure to remove the tower within the one (1) month period may result in a lean being place against the property for the entire cost to Washoe County to remove and dispose of it; salvage value, if any, shall not be deducted from this amount. An extension of time of one (1) year may be permitted by the Director of the Department of Community Development upon submittal of a letter explaining the need for the extension.
- (c) A permit for a permanent, non-exempt meteorological tower shall require a special use permit from the Board of Adjustment as provided for under Article 810, Special Use Permits, of the Washoe County Development Code.
- (d) All meteorological towers shall comply with applicable requirements of the Federal Aviation Administration. Lighting, signage, aesthetics and maintenance shall comply with the requirements of this article.
- (e) Guy wires shall not extend closer than five (5) feet of a property line. Red navigation marker balls or other acceptable marker devices such as flags, reflectors, or bright colored coils shall be installed and maintained on guy wires that support a tower above seventy (70) feet in height to mitigate potential hazards to aviation and to birds and bats.
- (f) Meteorological towers shall not be climbable for a minimum of twelve (12) feet above the ground, and shall be surrounded by a six (6) foot fence when not enclosed within fencing constructed for a residence.

Section 110.326.105 Compliance with Regulations. The audible noise limit, shadow flicker, maintenance, and ice throw standards are absolute; no variances to these standards may be given. Once wind machines are permitted, the owners have the option of compliance with these standards or discontinuation of operations. If the affected neighboring property owner does not allow such measurements to commence on their property it shall be deemed that the standard is being met. If the operation of the wind machine(s) does not comply with the provisions of this article, the operator shall promptly take all measures necessary to comply with these regulations, including, but not limited to, discontinued operation of one or more wind machines until compliance has been achieved.

Article 328

GEOHERMAL RESOURCES

Sections:

110.328.00	Purpose
110.328.05	Applicability
110.328.10	Required Permits
110.328.15	Geothermal Gradient and Exploration/Development Test Wells
110.328.20	Geothermal Wellfield Gathering Systems and Power Generation Facilities
110.328.25	Geothermal Direct Use Wells

Section 110.328.00 Purpose. The purpose of this article, Article 328, Geothermal Resources, is to manage the exploration, development and use of geothermal resources pursuant to the provisions set forth by NRS 534A.

Section 110.328.05 Applicability. The provisions of this article shall apply to all geothermal projects within the unincorporated areas of the County. All geothermal development for commercial, industrial, residential and private domestic uses shall require an administrative permit pursuant to Article 808, Administrative Permits, unless otherwise specified in the provisions of this article. A geothermal development project consists of all wells, access roads, surface equipment, facilities, pipelines and electric transmission lines on one parcel or two or more contiguous parcels.

Section 110.328.10 Required Permits. All geothermal development shall be required to obtain all necessary permits from the Nevada Department of Minerals, the Nevada Division of Environmental Protection, the Nevada Division of Water Resources, the Washoe County District Health Department and, if the geothermal development is located on any federal lands, the U.S. Bureau of Land Management or U.S. Forest Service prior to the issuance of any building permits for the project.

Section 110.328.15 Geothermal Gradient and Exploration/Development Test Wells. The provisions of this section shall apply to the location and development of geothermal temperature gradient and exploration/development test wells.

- (a) **Fluid or Steam Production.** No fluid or steam shall be used for energy production from the geothermal temperature gradient and exploration/development test well(s).
- (b) **Drilling Materials.** No toxic materials, such as chromate, shall be used in the drilling fluid.
- (c) **Proximity to Water Wells.** Geothermal temperature gradient and exploration/development test wells shall be situated with a minimum separation of five hundred (500) feet from any adjacent private domestic well(s) or state permitted municipal and industrial or quasi-municipal and industrial purpose well(s) unless a monitoring well is required by another permitting agency.

- (d) Reclamation of Site. Upon abandonment, in accordance with the Nevada Department of Mineral requirements, the temperature gradient and exploration/development well pad site shall be revegetated and returned to approximately its original condition. In Washoe County designated scenic corridor areas, any access road constructed to serve the site(s) and thereafter abandoned shall be revegetated and returned to approximately its original condition.
- (e) Special Use Permit Requirements. All geothermal temperature gradient and exploration/development well projects within five hundred (500) feet of an adjacent parcel with an occupied dwelling unit shall require a special use permit pursuant to Article 810, Special Use Permits, instead of an administrative permit pursuant to Article 808, Administrative Permits.

Section 110.328.20 Geothermal Wellfield Gathering Systems and Power Generation Facilities. The provisions of this section shall apply to geothermal wellfield gathering systems and related power generation facilities. This includes the use of fluid or steam for energy production from any geothermal well(s).

- (a) Siting of Geothermal Wellfield Gathering Systems and Power Generation Facilities. Geothermal wellfield gathering systems and related power generation facilities shall be sited in areas designated as either Industrial or General Rural on the Washoe County Regulatory Zone map(s). If necessary, a Master Plan and/or Regulatory Zone map amendment will be requested and obtained prior to any permits for the geothermal wellfield gathering system being issued.
- (b) Drilling Materials. No toxic materials, such as chromate, shall be used in the drilling fluid.
- (c) Proximity to Water Wells. Geothermal wellfield gathering system wells shall be situated with a minimum separation of five hundred (500) feet from any adjacent private domestic well(s) or state permitted municipal and industrial or quasi-municipal and industrial purpose well(s) unless a monitoring well is required by another permitting agency.
- (d) Reclamation of Site. Upon abandonment, in accordance with the Nevada Department of Mineral requirements, a geothermal wellfield gathering system site shall be revegetated and returned to approximately its original condition. In Washoe County designated scenic corridor areas, any access road constructed to serve the site(s) and thereafter abandoned shall be revegetated and returned to approximately its original condition.
- (e) Minimum Standards. A geothermal wellfield gathering system and all related surface structures for power generation will satisfy the following minimum standards:
 - (1) Visual Appearance. Placement of facilities on peaks, ridgelines, bluffs and other prominent topographic features as viewed from the property line of the parcel shall be avoided in order to minimize the impact on the visual character of the site.
 - (2) Height Limits. All facilities shall comply with the Industrial Regulatory Zone height standards as per Table 110.406.05.1, Standards.

- (3) Landscaping and Screening. Landscaping and/or opaque screening with a minimum height of six (6) feet shall be placed around the immediate perimeter of all power generation equipment pursuant to Article 412, Landscaping. Landscaping and/or opaque screening with a minimum height of six (6) feet shall also be required on all property boundaries that are immediately adjacent to public rights-of-way and any immediately adjacent residential developments pursuant to Article 412.
- (4) Noise. All geothermal wellfield gathering system wells and power generation equipment shall not emit noise levels in excess of sixty-five (65) dba as measured at the property line. Acoustical shielding shall be required for all wellheads and equipment to comply with this standard.
- (5) Air Quality. All geothermal wellfield gathering system wells and power generation equipment shall not violate federal, state and Washoe County District Health Department air quality standards.
- (f) Special Use Permit Requirements. All geothermal wellfield gathering systems and power generating facilities require a special use permit pursuant to Article 810, Special Use Permits, instead of an administrative permit pursuant to Article 808, Administrative Permits.

[Amended by Ord. 1447, provisions eff. 9/9/10.]

Section 110.328.25 Geothermal Direct Use Wells. The provisions of this section shall apply to the location and development of geothermal direct use wells for domestic, residential, commercial or industrial space heating and food dehydration applications, and all related wellfield gathering systems.

- (a) Drilling Materials. No toxic materials, such as chromate, shall be used in the drilling fluid.
- (b) Processing of Project. Geothermal direct use facilities proposed in conjunction with a project requiring a special use permit or development approval (e.g. parcel map, subdivision map, development agreements, projects of regional significance, etc.) shall be processed with the larger project.
- (c) Proximity to Water Wells. Geothermal direct use wells shall be situated with a minimum separation of five hundred (500) feet from any adjacent private domestic well(s) or state permitted municipal and industrial or quasi-municipal and industrial purpose well(s) unless a monitoring well is required by another permitting agency.
- (d) Reclamation of Site. Upon abandonment, in accordance with the Nevada Department of Mineral requirements, a geothermal direct use well pad site shall be revegetated and returned to approximately its original condition. In Washoe County designated scenic corridor areas, any access road constructed to serve the site(s) and thereafter abandoned shall be revegetated and returned to approximately its original condition.
- (e) Minimum Standards. A geothermal direct use well and all related heat transfer structures will satisfy the following minimum standards:

- (1) Visual Appearance. Placement of facilities on peaks, ridgelines, bluffs and other prominent topographic features as viewed from the property line of the parcel shall be avoided in order to minimize the impact on the visual character of the site.
 - (2) Height Limits. All facilities shall comply with the Industrial Regulatory Zone height standards as per Table 110.406.05.1, Standards.
 - (3) Landscaping and Screening. Landscaping and/or opaque screening with a minimum height of six (6) feet shall be placed around the immediate perimeter of all geothermal direct use wells and all related heat transfer structures pursuant to Article 412, Landscaping. Landscaping and/or opaque screening with a minimum height of six (6) feet shall also be required on all property boundaries that are immediately adjacent to public rights-of-way and any immediately adjacent residential developments pursuant to Article 412.
 - (4) Noise. All geothermal direct use wells and all related heat transfer structures shall not emit noise levels in excess of sixty-five (65) dba as measured at the property line. Acoustical shielding shall be required for all wellheads and equipment to comply with this standard.
 - (5) Air Quality. All geothermal direct use wells and all related heat transfer structures shall not violate federal, state and Washoe County District Health Department air quality standards.
- (f) Special Use Permit Requirements. Geothermal direct use wells and all related heat transfer structures within five hundred (500) feet of an adjacent parcel with an occupied dwelling unit require a special use permit pursuant to Article 810, Special Use Permits, instead of an administrative permit pursuant to Article 808, Administrative Permits.

Article 330

DOMESTIC PETS AND LIVESTOCK

Sections:

110.330.00	Purpose
110.330.05	Applicability
110.330.10	Keeping of Animals
110.330.15	Poultry and Rabbits
110.330.20	Livestock
110.330.25	Dogs and Cats
110.330.30	Birds
110.330.35	Miniature Pigs
110.330.40	Exotic Animals
110.330.45	4H and Future Farmers of America Livestock Projects
110.330.50	Dog Training Services
110.330.55	Agricultural Buildings

Section 110.330.00 Purpose. The purpose of this article, Article 330, Domestic Pets and Livestock, is to provide the number of permitted animals, standards and conditions for regulating domestic pets and livestock in Washoe County.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.05 Applicability. Domestic pets, livestock and fowl kept for non-commercial private enjoyment and use are subject to the provisions set forth in this article along with structures used to support their shelter and maintenance. Animals kept for commercial or agricultural uses are regulated by Article 304, Use Classification System.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.10 Keeping of Animals. All animals must be kept in compliance with this article, including all provisions of Washoe County Code Chapter 55, Animals and Fowl; all Washoe County Health Department regulations including Regulations for Solid Waste Management; and Nevada Revised Statutes 574, Cruelty to Animals. Animals kept for private, non-commercial use under a non-conforming status in development existing on or before August 3, 1993 must adhere to the above standards.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.15 Poultry and Rabbits. Poultry and rabbits may be raised for domestic, non-commercial use in all Rural and the Low and Medium Density Suburban Regulatory Zones. A minimum lot area of twelve thousand (12,000) square feet shall be required for keeping poultry and rabbits in these regulatory zones.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.20 Livestock. Livestock, including cows, pigs, sheep, goats and horses as defined in Section 55, Animals and Fowl, of the Washoe County Code or any mutations or

hybrids thereof, donkeys, burros, mules, llamas, alpacas and miniature pigs (except as provided for in Section 110.330.35), shall be permitted in all Rural, and the Low and Medium Density Suburban Regulatory Zones, subject to the following provisions:

- (a) Such animals shall not be maintained on any parcel of less than one-half (.5) acre.
- (b) On parcels ranging in size from one-half (.5) acre to less than thirty-five thousand (35,000) square feet in size, two (2) adult livestock may be kept. Offspring of the permitted livestock may remain on the parcel until they reach twelve (12) months of age.
- (c) On any parcel thirty-five thousand (35,000) square feet 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 Chapter 55, Animals and Fowl; Washoe County District Health Department regulations; and not subject to Nevada Revised Statutes 574, Cruelty to Animals.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.25 Dogs and Cats. Dogs, cats and other small household pets are permitted in all regulatory zones. The number of household pets allowed on a property may be restricted by Washoe County Code Chapter 55, Animals and Fowl.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.30 Birds. Birds kept as household pets are permitted in all regulatory zones.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.35 Miniature Pigs. A Vietnamese potbellied pig (*sus scrofa vittatus*) or other similar miniature pig breeds may be considered a domesticated pet, similar to a dog or cat, and shall be permitted in all Urban and Suburban Regulatory Zones on property less than one-half (.5) acre subject to the following conditions:

- (a) The pig must be registered or certified by a veterinarian to be a purebred miniature pig that has received all appropriate vaccinations;
- (b) The pig must be spayed or neutered upon reaching maturity and so certified by a veterinarian;
- (c) No more than one (1) pig will be kept per residence; and
- (d) An outdoor pen or enclosure for the pig must not be located within fifteen (15) feet of a property line and must be kept clean and odor free.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.40 Exotic Animals. Exotic animals including, but not limited to, any bear, canine, feline, hoofed animal, marsupial, primate, raptor or reptile shall be allowed only as set forth in Chapter 55, Animals and Fowl, of the Washoe County Code.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.45 4-H and Future Farmers of America Livestock Projects. In the Medium Density Suburban Regulatory Zone, poultry (hens only), rabbits, cavy, sheep, swine and goats may be raised as 4-H or Future Farmers of America (FFA) projects for a limited time, not to exceed the duration of the project year, subject to the provisions of this section and all provisions of Washoe County Code Chapter 55; all Washoe County District Health Department regulations; Nevada Revised Statutes 574; subject to the code of conduct and standards of the 4H or FFA organization, and the following:

- (a) A minimum lot area of six thousand (6,000) square feet shall be required for the keeping of no more than a total of six (6) poultry (hens only), cavy or rabbits; and
- (b) A minimum lot area of twelve thousand (12,000) square feet shall be required for the keeping of a sheep, swine or goat. No more than one (1) animal may be kept on a property with a lot size from twelve thousand (12,000) square feet to one-half (.5) acre.

[Added by Ord. 1238, provisions eff. 6/4/04; amended by Ord. 1247, provisions eff. 9/24/04.]

Section 110.330.50 Dog Training Services. Dog training services shall be permitted with the issuance of a general business license and shall comply with the provisions of this section.

- (a) Location. A minimum lot area of twelve thousand (12,000) square feet in all regulatory zones or within existing commercial, industrial or civic development.
- (b) Incidental Use of Residential Property. If the dog training services are located on a property designated for residential use, the use of the residence for the dog training service shall be clearly incidental and subordinate to its use for residential purposes. The dog training services may be conducted in the principal dwelling, permitted detached accessory structure, rear or side yard, or adjacent property associated with the residential use. When conducted in a garage, the dog training service shall not eliminate the use of the garage as a parking space for a vehicle.
- (c) Outdoor Storage. There shall be no outdoor storage of materials, equipment, supplies or solid waste used or associated with the dog training services that can be viewed from any street, access or adjoining property.
- (d) Business Vehicle. Within residential land use designations, one (1) vehicle used for the dog training services, not to exceed eight thousand (8,000) pounds gross unladen weight and no larger than two (2) axles shall be permitted. Accessory utility trailers or dog boxes may be permitted, provided they are parked off the street, regularly used off-site in the conduct of the dog training and not used solely for storage or advertising.
- (e) Annual Inspection. All dog training services may be required to submit to an annual inspection by Community Development staff for safety and compliance purposes.
- (f) Noise. Noise associated with the use, measured at the property line of residential regulatory zones during times of operation shall be 65dB, A-weighted or less average during the duration of the class. No mechanical amplification of sound shall be allowed during the dog training.

- (g) Light. Light in association with the dog training services shall adhere to the limitations within Section 110.414.21, Light and Glare.
- (h) Control of Dogs. All dogs associated with the dog training services shall be controlled in a manner consistent with the training instruction being given, so as to provide a safe and secure environment for the dogs, their handlers and the public.
- (i) No Boarding. Dogs may not be boarded in association with dog training services. (See Commercial Kennels, Section 110.304.35(c)(1) for classification allowing boarding.)
- (j) Operations Plan Required. An operations plan must be submitted to the Department of Community Development prior to the issuance of a general business license.
 - (1) A sketch, to scale, of the exterior yard area or interior space to be used for the dog training.
 - (2) The plan shall indicate the type of training to be held, the number of dogs in each class, the length of time for each class, the number of classes to be held each day, the days the classes will be held and the maximum number of spectators that may be present for each class.
 - (i) A parking plan indicating the maximum number of vehicles to be parked on and off the site, projected needs for parking at the site and means to satisfy the projected needs. In no case shall a parking plan be approved which obstructs public and/or emergency vehicles or relies on parking adjacent to neighboring residential properties without the consent of the adjacent property owner.
 - (ii) If the dog training services are held outdoors utilizing a property with an established commercial, civic or industrial use, the classes shall not reduce the number of parking spaces needed for the primary use. Sharing of the parking lot during hours when the primary use is not operating is encouraged.
 - (3) A written statement from the applicant agreeing to adhere to the provisions of this section and the conditions placed on the business license.
 - (4) The operations plan shall be reviewed and may be subsequently approved, modified or approved with conditions by the Director of Community Development or his/her authorized representative. The final operations plan will serve as the conditions placed on the business license.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Section 110.330.55 Agricultural Buildings. Agricultural buildings may be established subject to the provisions of this section.

- (a) Agricultural Buildings as a Main Use. Buildings, corrals, coops, pens, stables or structures used in conjunction with agricultural uses or shelter for livestock may be constructed, erected or located, and used without a permissive main residential dwelling in any Rural and Low Density Suburban Regulatory Zone allowing agricultural use types as identified in Table 110.302.05.5, Table of Uses (Agricultural Use Types), or the shelter of livestock provided that the following conditions are met:
- (1) The structures shall be used for the storage of agricultural equipment and products related to an allowed on-site agricultural use or shelter for livestock that must live on the property;
 - (2) The structure shall be located at least one hundred (100) feet from the property line, any street or highway, a public park or school; and
 - (3) The structure shall maintain the height standards for the main structure in the regulatory zone in which it is located as enumerated in Table 110.406.05.1, Standards.
 - (i) The structure may include a second story for the storage of hay, tack or other agricultural related equipment.
 - (ii) No part of the structure shall be classified as habitable space according to the building code in effect in Washoe County at the time the building permit is obtained.
 - (iii) The structure shall be limited to two (2) plumbing fixtures. Automatic watering systems for livestock shall not be considered a plumbing fixture for purposes of this limitation.
 - (iv) Exception: Two (2) story barns with a main dwelling unit incorporated into the design shall be reviewed as a dwelling unit.
- (b) Agricultural Buildings as Accessory Structures. Any structure used for agricultural purposes or the shelter of livestock established within a residential regulatory zone or rural property with an established main residential dwelling shall adhere to the standards in Section 110.306.10, Detached Accessory Structures, with the following exceptions:
- (1) The structure may include a second story for the storage of hay, tack or other agricultural related equipment when the setback is at least one hundred (100) feet from any property line, street or highway, public park or school; and
 - (2) No part of the structure is classified as habitable space according to the building code in effect in Washoe County at the time the building permit is obtained.
 - (3) The structure shall be limited to two (2) plumbing fixtures. Automatic watering systems for livestock shall not be considered a plumbing fixture for purposes of this limitation.
- (c) Requirements for the Agricultural Slaughtering of Animals. Animals must be slaughtered within a building subject to the following conditions:

- (1) All agricultural buildings used for the agricultural slaughtering of animals shall conform to the following requirements:
 - (i) Must be located on a parcel of land that is a minimum of two-and-one-half (2.5) acres in size;
 - (ii) Must be located at least one hundred (100) feet from a property line, any street or highway, a public park or school;
 - (iii) Be limited to only one (1) agricultural building for animal slaughtering on any one (1) parcel; and
 - (iv) Must be of a size to accommodate the entire slaughtering process and shall include an area large enough to hold the animal or animals to be slaughtered, an area for preparing the animal product, an area for storing the animal product, animal waste and carcasses, and an area for cleanup.
- (2) All animal waste and carcasses created through the agricultural slaughtering process shall be removed from the premises to an approved District Health Department disposal area within twenty-four (24) hours of the slaughtering of the animal.
- (3) Only animals raised on-site may be slaughtered as part of an agricultural slaughtering process.

[Added by Ord. 1238, provisions eff. 6/4/04.]

Article 332

AGGREGATE FACILITIES

Sections:

110.332.00	Purpose
110.332.05	Applicability
110.332.10	Aggregate Facility Types
110.332.15	Operation Requirements
110.332.20	Special Review Considerations
110.332.25	Responsibilities of Owner and/or Operator
110.332.30	Noncompliance with Conditions
110.332.35	Compliance with Article
110.332.40	Periodic Review of Conditions

Section 110.332.00 Purpose. The purpose of this article, Article 332, Aggregate Facilities, is to ensure compatibility between aggregate facilities and surrounding land uses, to promote the continued access to aggregate resources, and to minimize adverse impacts on the environment and surrounding areas.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.05 Applicability. Aggregate and borrow facilities are classified under the aggregate facilities use type in Section 110.304.30, Industrial Use Types, and as such may be permitted in those regulatory zones set forth in Table 110.302.05.4, Table of Uses. Restricted market temporary aggregate facilities are allowed in any regulatory zone. Uses ancillary to aggregate facilities include concrete and asphalt batch plants, crushers, and other uses deemed appropriate by the Director of Community Development.

[Added by Ord. 1039, provisions eff. 11/1/98, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.332.10 Aggregate Facility Types. Aggregate facilities shall require the granting of a special use permit. The special use permit application shall include a detailed mining plan in accordance with the provisions of this section.

- (a) **Open Market Aggregate Facilities.** An applicant for open market aggregate facilities on private or public lands shall be subject to the provisions of this subsection.
 - (1) The owner and/or operator shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns, including but not limited to hours of operation and maintenance, fencing and signage, storm drainage, stockpiling of topsoil, and erosion control, both during the operation and for the phased reclamation of the site upon completion of mining for each phase of the operation. This plan shall be submitted to the Washoe County Engineering Division and the District Health Department for approval.

- (2) Once the plan is approved, the owner and/or operator shall post adequate financial assurance to the satisfaction of the County Engineer.
 - (3) The Washoe County Engineer shall review the financial assurance as necessary, or at least every three (3) years, and adjust its amount as deemed appropriate by the Washoe County Engineering Division.
 - (4) On public lands, the application shall include confirmation that the public land manager has approved submittal of the application.
 - (5) On public lands, should a federal agency not require an adequate bond for complete restoration of the site, the owner and/or operator shall submit a detailed mining plan to include complete restoration of the site and provide adequate bonding to the satisfaction of the County Engineer.
- (b) Restricted Market Temporary Aggregate Facilities. Aggregate facilities subject to this subsection are allowed in any regulatory zone. Both private projects and public works construction projects are included in this type. An applicant for restricted market temporary aggregate facilities on public or private lands shall be subject to the provisions of subsection (a) and this subsection.
- (1) The temporary aggregate site shall identify the project that it is to serve and the project must be within a five (5) mile radius.
 - (2) No use permit for a temporary facility shall be effective until the project which it is to serve has received all necessary approvals. Concurrent processing of applications will be allowed.
 - (3) No outside sales of the materials will be allowed.
 - (4) The project size must indicate that a minimum of one hundred thousand (100,000) gross cubic yards and a maximum of ten million (10,000,000) gross cubic yards will be required.
 - (5) The temporary pit will remain open as long as the project is active and using aggregate from the pit.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.15 Operation Requirements. The operation of aggregate facilities shall conform to the provisions of this section.

- (a) Notice of Shutdown. During the period of operation, the owner and/or operator shall notify the Department of Community Development of seasonal or permanent shutdown occurrences.
- (b) Drainage Preservation. During the period of operation, the mining plan shall allow for and conserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
- (c) Dust Control. During the period of operation, the owner and/or operator shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.

- (d) Hauling Requirements. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation. Haul routes for all vehicles and equipment, to and from the site, shall be subject to approval by the Washoe County Engineering Division.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.20 Special Review Considerations. In addition to the findings required by Article 810, Special Use Permits, prior to approving an application for aggregate operations, the following special review considerations are addressed in the record:

- (a) Conservation of topsoil;
- (b) Protection of surface and subsurface water;
- (c) Conservation of natural vegetation, wildlife habitats and fisheries;
- (d) Control of erosion;
- (e) Control of drainage and sedimentation;
- (f) Provision of visual and noise buffering;
- (g) Accommodation of heavy traffic on roadways;
- (h) Provision of restoration and/or reuse of the site;
- (i) Provision of a bonding program commensurate with the total costs of requirements imposed; and
- (j) Preservation of the recreation opportunities, air quality, archaeological resources, character of the area and other conditions as necessary.

[Added by Ord. 1039, provisions eff. 11/1/98, amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.332.25 Responsibilities of Owner and/or Operator. The owner and/or operator are responsible for compliance with the provisions of this section.

- (a) Compliance with Applicable Laws. All plans shall be in compliance with all applicable local, state and federal statutes, ordinances, rules, regulations and policies in effect at the time of submittal for any required permit.
- (b) Compliance with Special Use Permit Conditions. All plans submitted for any required permit shall be in substantial compliance with the plans and documents approved and made part of the special use permit to the satisfaction of the Department of Community Development. A copy of the approved special use permit shall be attached to any application for a required permit.
- (c) Sale of Site. The owner and any successors shall direct any potential purchaser of the site or aggregate facility to meet with Department of Community Development staff to review the conditions of approval prior to final sale. Any subsequent purchaser or operator shall notify Community Development staff of the name, address and contact person of the new purchaser.

- (d) Cancellation of Special Use Permit. If the operation should cease for a period of twelve (12) months, the special use permit shall become null and void. The applicant will be required to file a new application with the Department of Community Development for appropriate review and approval.
- (e) Financial Assurances. The applicant shall ensure that any financial assurances required by the provisions of the special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, the special use permit shall become null and void.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.30 Noncompliance with Conditions. Compliance with the conditions of the special use permit is the responsibility of the operator, its successors in interest, and all owners and occupants and their successors in interest. Compliance with conditions shall be reviewed on an annual basis. This review shall be based upon submittal of a report by the applicant detailing compliance with conditions of the special use permit. Failure to comply with any of the conditions of approval shall be considered a violation of the Development Code and subject to the provisions of Article 910, Enforcement, of the Development Code and may result in the institution of revocation procedures by the Board of County Commissioners.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.35 Compliance with Article. All active aggregate facilities shall comply with the provisions of Article 332, Aggregate Facilities, by December 31, 2001. Enforcement of this provision shall be accomplished as follows:

- (a) The Director of Community Development shall give written notice by certified mail to the owner and/or operator of all active aggregate facilities of the adoption of Article 332 within one hundred twenty (120) days from the effective date of this article (November 1, 1998).
- (b) Any aggregate facility not securing a new or renewed special use permit consistent with Article 332 by December 31, 2001 shall be scheduled for a revocation hearing before the Board of County Commissioners, or, if no special use permit has been issued therefor, to cease operation.

[Added by Ord. 1039, provisions eff. 11/1/98.]

Section 110.332.40 Periodic Review of Conditions. For aggregate facilities approved for a period of more than five (5) years, a review of the conditions of approval shall occur at least every five (5) years from the initial special use permit approval date to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses. Enforcement of this provision shall be accomplished as follows:

- (a) The owner and/or operator of any aggregate facility approved without a review date shall submit a request to the Community Development Department for a review of conditions within one hundred eighty (180) days of the effective date of this article (November 1, 1998). At this review hearing and at each hearing thereafter, a date shall be established for the next scheduled review of conditions. In no case shall the time between reviews be more than five (5) years. The owner and/or operator shall request these reviews prior to one hundred eighty (180) days of the date set at the previous review.

- (b) The owner and/or operator of any aggregate facility seeking an extension of an approved special use permit shall request an extension and review of conditions no less than one hundred eighty (180) days prior to the expiration of the special use permit. The extension shall consider the required findings and special considerations for aggregate operations to ensure that the conditions of approval adequately provide for compatibility between aggregate operations and surrounding land uses.

[Added by Ord. 1039, provisions eff. 11/1/98, amended by Ord. 1378, provisions eff. 8/1/08.]

Article 334

MINING

Sections:

110.334.00	Purpose
110.334.05	Applicability
110.334.10	Requirements for Application
110.334.15	Operation Requirements
110.334.20	Special Review Considerations
110.334.25	Responsibilities of Owner and/or Operator
110.334.30	Noncompliance with Conditions

Section 110.334.00 Purpose. The purpose of this article, Article 334, Mining, is to ensure compatibility between mining operations on private and public land and surrounding land uses, and to minimize adverse impacts on the environment.

Section 110.334.05 Applicability. Mining is classified under the mining operations use type in Article 304, Use Classification System. Applications for mining operations may be accepted in those regulatory zones as set forth in Article 302, Allowed Uses.

Section 110.334.10 Requirements for Application. Application for mining operations shall require a special use permit and shall include a detailed mining plan in accordance with the provisions of this section, where applicable.

- (a) **Private Land.** An applicant for mining on private land shall be subject to the provisions of this subsection.
 - (1) The owner and/or operator of a mining operation on private land shall submit a detailed mining plan, to include adequate measures addressing safety and environmental concerns including, but not limited to, hours of operation and maintenance, fencing and signage, storm drainage, stockpiling of topsoil and erosion control, both during the operation and for the phased restoration of the site upon completion of mining for each phase of the operation. This plan shall be submitted to the Washoe County Engineering Division and the District Health Department for approval.
 - (2) Once the plan is approved, the applicant shall post an adequate financial assurance to the satisfaction of the County Engineer.
 - (3) The Washoe County Engineer shall review the financial assurance as necessary, or at least every three (3) years, and adjust its amount as deemed appropriate by the Engineering Division.
- (b) **Public Land.** On public land, should a federal agency not require an adequate bond for complete restoration of the site, the applicant shall submit a detailed mining plan to include complete restoration of the site and provide adequate bonding to the satisfaction of the County Engineering Division.

[Amended by Ord. 1039, provisions eff. 11/1/98.]

Section 110.334.15 Operation Requirements. The operation of the mine shall conform to the provisions of this section.

- (a) Notice of Shutdown. During the period of operation, the owner and/or operator shall notify the Department of Community Development and any other agency from which approval to operate has been received, and any other applicable agencies of any seasonal, temporary or permanent shutdown occurrences.
- (b) Drainage Preservation. During the period of operation, the mining plan shall allow for and preserve the historic topographical drainage. In so complying, the applicant shall in no way increase drainage and/or runoff water to or from any adjacent property.
- (c) Dust Control. During the period of operation, the owner and/or operator shall provide adequate on-site dust control in the pit area, on haul roads and for any material processing to the satisfaction of the District Health Department.
- (d) Hauling Requirements. During the period of operation, all loads of material exiting the site shall be tarped or treated for dust or loose material, to the satisfaction of the District Health Department and Nevada Department of Transportation. Haul routes for all vehicles and equipment, to and from the site, shall be subject to approval by the Washoe County Engineering Division.

[Renumbered from Section 110.334.20 by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 1039, provisions eff. 11/1/98.]

Section 110.334.20 Special Review Considerations. In addition to the findings required by Article 810, Special Use Permits, prior to approving an application for mining operations, the record shall demonstrate that the following special review considerations are addressed:

- (a) Preservation of topsoil;
- (b) Protection of surface and subsurface water;
- (c) Preservation of natural vegetation, wildlife habitats and fisheries;
- (d) Control of erosion;
- (e) Control of drainage and sedimentation;
- (f) Provision of visual and noise buffering;
- (g) Accommodation of heavy traffic on roadways;
- (h) Provision of restoration and reuse of the site;
- (i) Provision of a phased bonding program and liability commensurate with total costs of requirements imposed; and
- (j) Preservation of the recreation opportunities, air quality, archaeological resources, character of the area and other conditions as necessary.

[Section 110.334.25 entitled "Findings" renumbered to Section 110.334.20 by Ord. 875, provisions eff. 8/3/93. Renamed from "Findings" and amended by Ord. 1039, provisions eff. 11/1/98. Amended by Ord. 1378, provisions eff. 8/1/08.]

Section 110.334.25 Responsibilities of Owner and/or Operator. The owner and/or operator are responsible for compliance with the provision of this section.

- (a) Compliance with Applicable Laws. All plans shall be in compliance with all applicable local, state and federal statutes, ordinances, rules, regulations and policies in effect at the time of submittal for any required permit.
- (b) Compliance with Special Use Permit Conditions. All plans submitted for any required permit shall be in substantial compliance with the plans and documents approved and made part of the special use permit to the satisfaction of the Department of Community Development. A copy of the approved special use permit shall be attached to any application for a required permit.
- (c) Sale of Site. The owner and any successors shall direct any potential purchaser of the site or mining operation to meet with Department of Community Development staff to review the conditions of approval prior to final sale. Any subsequent purchaser shall notify Community Development staff of the name, address and contact person of the new purchaser.
- (d) Cancellation of Special Use Permit. If the operation should cease for a period of twelve (12) months, the special use permit shall become null and void. The applicant will be required to file a new application with the Department of Community Development for appropriate review and approval.
- (e) Financial Assurances. The applicant shall ensure that any financial assurances required by the provisions of the special use permit are maintained for the life of the project to the satisfaction of the Engineering Division. Should transfer of the site or the special use permit occur without the continuation of the financial assurances, the special use permit shall become null and void.

[Renumbered from Section 110.334.30 by Ord. 875, provisions eff. 8/3/93. Renamed from "Responsibilities of Applicant and Operator" and amended by Ord. 1039, provisions eff. 11/1/98.]

Section 110.334.30 Noncompliance with Conditions. Compliance with the conditions of the special use permit is the responsibility of the operator, its successors in interest, and all owners and occupants and their successors in interest. The special use permit shall be reviewed on an annual basis by the Department of Community Development during the period of operation. This review shall be based upon submittal of a report by the applicant detailing compliance with conditions of the special use permit. Failure to comply with any of the conditions of approval shall be considered a violation of the Development Code and may result in the institution of revocation procedures by the Board of County Commissioners.

[Renumbered from Section 110.334.35 by Ord. 875, provisions eff. 8/3/93. Amended by Ord. 1039, provisions eff. 11/1/98.]

[Section 110.334.15 entitled "Conditions of Approval" repealed by Ord. 875, provisions eff. 8/3/93.]

Article 336

AFFORDABLE HOUSING INCENTIVES

This section reserved for future ordinance.

Article 338
**CHILD DAYCARE DEVELOPMENT
INCENTIVES**

This section reserved for future ordinance.

Article 340

INDUSTRIAL PERFORMANCE STANDARDS

Sections:

110.340.00	Purpose
110.340.05	Applicability
110.340.10	Compliance
110.340.15	Measurements
110.340.20	General Standards
110.340.25	Odors
110.340.30	Lighting
110.340.35	Vibration
110.340.40	Dust, Smoke and Other Air Emissions
110.340.45	Access
110.340.50	Traffic Reports
110.340.55	Transportation Improvements
110.340.60	Public Services and Facilities
110.340.65	On-Site Hazardous Substance Holding

Section 110.340.00 Purpose. The purpose of this article, Article 340, Industrial Performance Standards, is to prescribe standards for development that promote compatibility with surrounding areas and land uses.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.05 Applicability. The provisions of this article shall apply to the development of all uses in the Industrial Regulatory Zones, as set forth in Section 110.302.05, Table of Uses.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.10 Compliance. Prior to the issuance of a building permit or business license, applicants shall provide evidence to the Department of Community Development that the proposed development is in full compliance with the requirements set forth in this article and other applicable articles in this Development Code.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.15 Measurements. Measurements necessary to determine compliance with the provisions of this article shall be performed in accordance with accepted engineering practices.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.20 General Standards. Proposed development shall be in compliance with the requirements of this section.

- (a) Noise. Proposed development shall conform to the noise standards set forth in Article 414, Noise and Lighting Standards.
- (b) Setbacks. Proposed development shall conform to the setback standards set forth in Article 406, Building Placement Standards.
- (c) Screening and Buffering. Screening and buffering requirements for proposed development shall be as set forth in Article 434, Site Compatibility Standards, and Article 412, Landscaping.
- (d) Parking. Proposed development shall provide sufficient on-site parking in accordance with the provisions of Article 410, Parking and Loading.
- (e) Signs. Signs for uses subject to this article shall be consistent with Division Five of this Development Code.

[Added by Ord. 908, provisions eff. 10/15/94. Amended by Ord. 919, provisions eff. 2/1/95.]

Section 110.340.25 Odors. All uses subject to this article shall be so operated as not to emit odorous matter which are perceptible by the average person at or beyond the lot line of the lot containing the proposed development.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.30 Lighting. Uses subject to this article shall be operated consistent with the provisions of this section.

- (a) Placement. All lights shall be placed so as to prohibit spillover illumination or glare onto adjoining properties.
- (b) Bulb Type. No bare bulbs shall be permitted unless they are effectively screened and shielded so as to prevent spillover illumination and glare onto adjacent property.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.35 Vibration. Uses subject to this article shall be operated consistent with the provisions of this section.

- (a) Perceptibility Beyond Lot Line. Uses shall not generate ground vibration which is perceptible without instruments by the average person at or beyond the lot line of the lot containing such activities.
- (b) Adjoining Equipment and Facilities. Uses shall not generate ground vibration which interferes with the operations of equipment and facilities of adjoining lots.
- (c) Exceptions. Vibrations caused by motor vehicles, trains, aircraft, demolition and construction are exempt from the provisions of this section.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.40 Dust, Smoke and Other Air Emissions. Uses which emit, or may emit, any air contaminant shall register and operate in accordance with the Washoe County District Health Department.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.45 Access. Access for uses subject to this article shall be in accordance with the provisions of this section.

- (a) Access Points. Access to any development shall be limited to one (1) point for each property or two (2) per street provided they are at least two hundred (200) feet apart, except along limited access freeways where direct access is prohibited.
- (b) Additional Access Points. If, in the opinion of the County Engineer, additional access points are required to ensure public safety and traffic operation, one (1) additional driveway may be permitted for properties with a street frontage greater than two hundred fifty (250) feet, or two (2) additional driveways may be permitted for properties with a street frontage greater than five hundred (500) feet.
- (c) Common Access. Adjoining parcels with less than one hundred (100) feet of street frontage each shall share a common access constructed on or within a prescribed distance from the property line. This provision may be waived by the Director of Community Development upon the submission of evidence that this provision cannot be met or creates a hardship.
- (d) Frontage Road. When determined by the County Engineer, a frontage road shall be constructed for large or adjoining parcels rather than allowing multiple access routes to a roadway.
- (e) Access to Residential Streets. Truck route traffic shall not have access to a local street that primarily serves residential uses, with the exception of providing emergency access routes.
- (f) Access to Arterial and Collector Roads. Uses subject to this article shall have direct access to an existing or planned arterial or collector road or indirect access if the use is within an industrial park with local industrial-serving streets which have no impact on non-compatible uses.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.50 Traffic Reports. A traffic report shall be required if the proposed use will generate eighty (80) or more peak hour trips as determined by the latest edition of the *Institute of Transportation Engineers Trip Generation Report* or other such sources as approved by the Regional Transportation Commission (RTC).

- (a) Preparation Guidelines. Traffic reports shall be prepared in accordance with Department of Community Development "Traffic Report Guidelines."
- (b) Submittal. Traffic reports shall be included in the submittal of an application for development.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.55 Transportation Improvements. Uses subject to this article shall comply with the provisions of this section.

- (a) Level of Service (LOS). Uses shall be required to make use-related off-site transportation improvements necessary to maintain adopted County LOS Thresholds for Roadways and LOS Criteria for Unsignalized and Signalized Intersections.
- (b) Off-Site Transportation Improvements. Off-site transportation improvements shall be sized for the number of projected trips per day and peak trips per hour, and as approved by the County Engineer.
- (c) On-Site Transportation Improvements. The proposed development shall be responsible for all on-site transportation improvements including, but not limited to, driveways, internal circulation system and roadways required to connect uses to arterial roadways.
- (d) Demand Management. Uses which generate over seven hundred fifty (750) average daily trips shall include, as part of an application for development, a description of existing or proposed public transportation services, park and ride programs, employer sponsored shuttles, or other similar programs or policies to reduce demand for automobile trips.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.60 Public Services and Facilities. Public services and facilities shall be provided in accordance with County requirements and the following provisions:

- (a) Fire and Emergency Medical Services. The proposed development site shall have a maximum ten (10) minute response time for fire and emergency medical services, as verified by the agency designated for fire protection.
- (b) Police Services. The proposed development site shall have a maximum fifteen (15) minute response time for police services, as verified by the agency designated for police protection.
- (c) Community Water System. The proposed development shall be connected to a community water system and shall dedicate to Washoe County or other appropriate water purveyor at least one (1) acre-foot/year/acre of water, unless otherwise determined through development review.
- (d) Community Disposal System. Consistent with the provisions of Article 704, Adequate Public Facilities: Sanitary Sewer, new development shall be connected to a community disposal system and shall provide four hundred fifty-seven (457) gallons/day per acre of waste water disposal capacity, unless otherwise determined through development review.

[Added by Ord. 908, provisions eff. 10/15/94.]

Section 110.340.65 On-Site Hazardous Substance Holding. All applicants for proposed development that include on-site hazardous substance holding shall be required to obtain a special use permit pursuant to Article 810, Special Use Permits, and shall be in accordance with the provisions of this section.

- (a) Inventory. Applicants shall complete hazardous substance inventories in accordance with reporting requirements as regulated by the following:

- (1) Federal Superfund Amendments and Re-authorization Act (SARA), Title III, Tier II;
 - (2) NRS 477, Statutes of the State Fire Marshal; and
 - (3) NRS 459.3828, Registration of Highly Hazardous Substances and Registration of SARA Facilities and Substances.
- (b) Risk Management and Prevention Plan. Applicants shall be required to prepare a detailed risk management and prevention plan and obtain approval from the agency designated for fire protection. This plan shall be submitted at the time that the application for the special use permit is submitted.
- (c) Compliance. Proposed development shall be in full compliance with the *Uniform Fire Code*, the *Uniform Building Code*, National Fire Protection Association standards, Nevada Revised Statutes, and applicable federal regulations.
- (d) Review. Proposed development shall be reviewed by and shall obtain approval from the Washoe County District Health Department and appropriate agency designated for fire protection as a condition of approval.

[Added by Ord. 908, provisions eff. 10/15/94.]

