

RENO GAZETTE-JOURNAL

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WASHOE COUNTY
Comptroller's Office
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STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

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

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

_____ Oct. 20, 27, 1998

Signed

Tana Ciccotti

Subscribed and sworn to before me on 10/27/98

Notary Public

Susan V. Dummar

NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO. 1040

NOTICE IS HEREBY GIVEN THAT: BILL No. 1216 Ordinance No. 1040 entitled AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE TO SPECIFICALLY PROHIBIT USE VARIANCES (SECTION 110.302.00), TO DELETE THE REGULATIONS REGARDING HOME OCCUPATIONS (ARTICLE 308), TO REMOVE CONFORMANCE REQUIREMENTS FOR VARIANCES (SECTION 110.804.35), SPECIAL USE PERMITS (SECTION 110.810.45) AND ADMINISTRATIVE PERMITS (SECTION 110.808.25), AND TO ESTABLISH NEW PROCEDURES FOR THE ISSUANCE OF ADMINISTRATIVE PERMITS (ARTICLE 808) was adopted on October 13, 1998, by Commissioners Joanne Bond, Sue Camp, Jim Galloway, and Jim Shaw, with Mike Mouliot absent, and will become effective on Wednesday, October 28, 1998.

Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 75 Court Street, Reno, Nevada.

BETTY J. LEWIS, Washoe County Clerk
No. 4371 Oct. 20, 27, 1998

10/29/98
PLEASE STAMP & SIGN FOR PAYMENT

 **SUSAN V. DUMMAR**
Notary Public - State of Nevada
Appointment Recorded in Washoe County
No: 98-4006-2 - Expires August 17, 2002

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



1040 ✓

SUMMARY: Amends Chapter 110 of the Washoe County Code (Development Code) to specifically prohibit use variances, to delete the regulations regarding home occupations, which have been moved to the business license chapter, to remove the conformance requirements for variances, administrative permits and special use permits, and to establish new procedures for the issuance of administrative permits.

BILL NO. 1216

ORDINANCE NO. 1040

AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE TO SPECIFICALLY PROHIBIT USE VARIANCES (SECTION 110.302.00), TO DELETE THE REGULATIONS REGARDING HOME OCCUPATIONS (ARTICLE 308), TO REMOVE THE CONFORMANCE REQUIREMENTS FOR VARIANCES (SECTION 110.804.35), SPECIAL USE PERMITS (SECTION 110.810.45) AND ADMINISTRATIVE PERMITS (SECTION 110.808.25), AND TO ESTABLISH NEW PROCEDURES FOR THE ISSUANCE OF ADMINISTRATIVE PERMITS (ARTICLE 808).

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

SECTION 1. Section 110.216.15 of the Washoe County Code is hereby amended as set forth in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. Section 110.302.00 of the Washoe County Code is hereby amended as set forth in Exhibit "B" which is attached hereto and made a part hereof.

SECTION 3. Article 308 "Home Occupations" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "C" which is attached hereto and made a part hereof.

SECTION 4. Article 808 "Administrative Permits" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "D" which is attached hereto and made a part hereof.

SECTION 5. Sections 110.804.35 and 110.810.45 of the Washoe County Code are hereby repealed.

SECTION 6. The provisions of this ordinance shall be in force and effect from and after the 1st day of November, 1998.

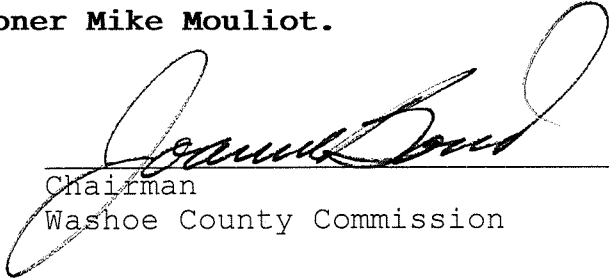
Proposed on the 22nd day of September 1998.
Proposed by Commissioner Jim Shaw.
Passed on the 13th day of October 1998.

98-1003

Ayes: **Commissioners Joanne Bond, Sue Camp, Jim Galloway, and Jim Shaw.**

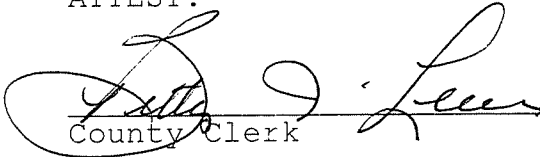
Nays:

Absent: **Commissioner Mike Mouliot.**



Chairman
Washoe County Commission

ATTEST:



County Clerk

This ordinance shall be in force and effect from and after the 28th day of October 1998.

Section 110.216.15 Commercial Center Development Standards. The standards of this section shall apply to all commercial centers.

- (a) Allowed Uses. Most uses allowed in Table 110.302.05.3, Table of Uses, in the General Commercial Regulatory Zone are allowed as a principal use in a commercial center. In addition, a restrictive covenant in favor of the County will be required to prohibit off-premise signs, dwellings or dwelling units, bars, used car lots, cocktail lounges, taverns and other uses which are, in the opinion of the Planning Commission, similar or accessory to the specified uses. A neighborhood commercial center in the Spanish Springs planning area requires a Planning Commission approved special use permit as set forth in Article 810, Special Use Permits.
- (b) Site Area. Any commercial center shall be located on a parcel having an area of at least five (5) acres.
- (c) Height Limitation. In addition to height restrictions set forth in Article 402, Density/Intensity Standards, and Article 406, Building Placement Standards, structures within a commercial center shall be limited to a maximum height of two (2) stories in height.
- (d) Maximum Lot Coverage. The total ground area, occupied by all principal buildings, together with all accessory buildings, shall not exceed twenty-five (25) percent of the total area of the site.
- (e) Building Setback Line. All buildings shall be sited a minimum of eighty (80) feet from all street rights-of-way. A strip twenty (20) feet deep along the front property line shall be maintained as a landscaped buffer strip. The remaining area may be used for parking.
- (f) Side and Rear Yards. Each commercial center site shall have side and rear yards of at least fifty (50) feet in width. A strip twenty (20) feet in width or depth along the side and rear lot lines shall be maintained as a landscaped buffer strip. The remaining area may be used for parking.
- (g) Buffer Requirements Adjacent to Residential Areas. Along any boundary line adjacent to a residential area, an appropriate buffer area shall be provided to screen or block vision, glare, odors or other negative by-products associated with the commercial use. Buffer areas may be utilized for stormwater containment and infiltration.
- (h) Access Ways. Each commercial center site shall have not more than two (2) access points to any street, unless unusual circumstances demonstrate the need for additional access ways is demonstrated. Access to Pyramid Lake Highway (SR 445) shall be permitted only from existing streets or street extensions, unless no other access can be provided. No part of any access shall be closer than two hundred (200) feet to the intersection of any two street right-of-way lines.
- (i) Access Barrier. Each commercial center site, with its buildings, other structures, and parking and loading areas, shall be physically separated from each adjoining street by a curb or other suitable barrier against unchanneled motor vehicle ingress and egress. Except for permitted access ways, the barrier shall be continuous for the entire length of the property line.

- (j) Off-Street Parking and Loading Areas. All off-street parking and loading areas shall comply with Article 410, Parking and Loading.
- (k) Lighting. All parking areas and access ways shall be flood lighted at night during business hours. All outside lighting shall be arranged and shielded to prevent glare or reflection, nuisance, inconvenience or hazardous interference of any kind on adjoining streets or residential properties.
- (l) Waste Pens and Incinerators. Each building shall be provided with an enclosed waste pen of sufficient size to accommodate all trash and waste generated and/or stored on the premises. Waste pens and refuse receptacles shall be designed to ensure adequate odor control and the prevention of wind-blown debris from leaving the site. There shall be no burning of refuse on the premises.

[This Section amended by Ord. _____, provisions eff. __/__/__.]

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.

[This Section amended by Ord. ____, provisions eff. __/__/__.]

Article 308 HOME OCCUPATIONS

[This Article amended in its entirety by Ord. 875, provisions eff. 8/3/93; Ord. 965, provisions eff. 10/1/96; Ord. ____, provisions eff. __/__/__.]

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.

Article 808

ADMINISTRATIVE PERMITS

[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. ____, provisions eff. ___/___/___]

Sections:

110.808.00	Purpose
110.808.05	Requirements for Application
110.808.10	Supplemental Guidelines, Standards and Criteria
110.808.15	Concurrent Processing
110.808.20	Projects of Regional Significance
110.808.25	Findings
110.808.30	Review Procedures
110.808.35	Review by the Zoning Administrator
110.808.40	Review by the Board of Adjustment
110.808.45	Appeals
110.808.50	One Year Wait on Denials
110.808.55	Modification of an Administrative Permit
110.808.60	Expiration
110.808.65	Revocation

Section 110.808.00 Purpose. The purpose of this article, Article 808, Administrative Permits, is to provide methods for reviewing proposed uses which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, transportation or facilities in the vicinity. The Board of County Commissioners, the Board of Adjustment, or the Zoning Administrator, as established in Article 914, Establishment of Department, , may require conditions of approval necessary to eliminate, mitigate, or minimize to an acceptable level any potentially adverse effects of a use or to specify the terms under which commencement and operation of the use must comply.

Section 110.808.05 Requirements for Application. Applications for administrative permits may be initiated by the property owner or authorized agent of the property owner. Applications shall be filed with the Department of Community Development. A request for an administrative permit shall include a site plan which clearly delineates the location and characteristics of the proposed use. No administrative permit shall be processed until the information necessary to review and decide upon the proposed administrative permit is deemed complete by the Department of Community Development.

Section 110.808.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Development Code, the Department of Community Development may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 110.808.15 Concurrent Processing. An administrative permit application which also requires additional action by the Board of Adjustment or Planning Commission, such as a variance or special use permit, shall be consolidated into one review before the appropriate

approval authority. Subsequent references to the Zoning Administrator or the Board of Adjustment within this article will also apply to the Planning Commission when that body is the approval authority.

Section 110.808.20 Projects of Regional Significance. If an administrative permit approval is for a project of regional significance or if the approval would cause the project to become a project of regional significance, no permit for development or use of the property pursuant to the administrative permit shall be issued until the Regional Planning Commission and/or the Regional Planning Governing Board has taken final action on the project of regional significance.

Section 110.808.25 Findings. Prior to approving an application for an administrative permit, the Zoning Administrator or the Board of Adjustment shall find that all of the following, if applicable, are true:

- (a) Consistency. The proposed use is consistent with the policies, action programs, standards and maps of the Comprehensive Plan and the applicable area plan;
- (b) Improvements. Adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been or will be provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
- (c) Site Suitability. The site is physically suitable for the type of development and for the intensity of the development; and
- (d) Issuance Not Detrimental. Issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area.

Section 110.808.30 Review Procedures. Two separate review procedures are available for the processing of administrative permits. The first procedure, review by the Zoning Administrator, requires an applicant for an administrative permit to obtain the written consent of the owner of any real property that would be affected and, unless appealed, precludes a public hearing. The second procedure requires a public hearing before the Board of Adjustment and is similar to the process for a special use permit, although the review time is shortened. Either procedure may be appealed directly to the Board of County Commissioners. The first procedure is defined by Section 110.808.35; the second procedure by Section 110.808.40.

Section 110.808.35 Review by the Zoning Administrator. The Zoning Administrator shall review administrative permits and take the appropriate action in accordance with the provisions of this section. The Zoning Administrator may approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. All decisions of the Zoning Administrator shall be in writing.

- (a) Affected Property Owners. Upon receipt of a complete application, the Zoning Administrator shall determine the owners of real property that may be affected by the proposed use and provide the applicant with a written list and a consent form for signature within five (5) working days of receipt. All property owners within three hundred (300) feet of the proposed use and homeowners associations or Architectural Control Committees that are registered with the Building and Safety Division of the County will be considered affected property owners.

- (b) Written Consent. The applicant for the administrative permit shall obtain the signature of all affected property owners on the consent forms provided by the Zoning Administrator. Once all signatures have been obtained, the applicant shall submit the consent forms to the Department of Community Development.
- (c) Processing. Upon receipt of the signed consent forms, the Zoning Administrator shall commence processing the administrative permit. The Zoning Administrator shall review the administrative permit to determine its consistency with existing policies, standards and required findings. A decision shall be rendered within five (5) working days of receipt of the signed consent forms. An extension of time for Zoning Administrator action may be granted if mutually agreed upon by the applicant and the Zoning Administrator. No hearing is required.
- (d) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.
- (e) Notice of Decision.
- (1) Recipients of Notice - Approval. Within five (5) days of approval or conditional approval by the Zoning Administrator, the following persons shall be notified by mail of the final decision on the administrative permit:
- (i) All individuals with addresses listed on the application for the administrative permit and the property owner.
 - (ii) All affected property owners for whom consent signatures were required.
 - (iii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located.
 - (iv) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
- (2) Recipients of Notice - Denial. Within five (5) working days of the denial of the request by the Zoning Administrator, all individuals with addresses listed on the application for the administrative permit shall be notified by mail of the final decision.
- (3) Contents of Notice - Approval or Denial. Such notice shall describe the proposed administrative permit request; describe the lot, parcel, properties, or area that are the subject of the administrative permit; describe the decision of the Zoning Administrator and, if the administrative permit has been approved, any conditions made part of the administrative permit; the appellate procedures that can be taken regarding the decision of the Zoning Administrator; and the closing date for filing an appeal of the decision.
- (4) 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.

Section 110.808.40 Review by the Board of Adjustment. The Board of Adjustment, or the Planning Commission on concurrent applications requiring their review, shall review administrative permits in accordance with the provisions of this section.

- (a) General Provisions. The Board of Adjustment shall conduct a public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.
- (b) Time Period for Hearing. Public hearings before the Board of Adjustment shall be held at the next available meeting for which the requirements of noticing can be satisfied. Such time frame shall consider the time necessary to circulate the applications to the reviewing agencies, prepare the notices, obtain the mailing labels, and deliver the notices to the required individuals, but shall not exceed fifty (50) days.
- (c) Notice. Notice shall be given in accordance with the provisions of this section.
 - (1) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:
 - (i) All owners of real property that are the subject of the administrative permit;
 - (ii) Advisory boards created by the Board of County Commissioners for the area in which the property that is the subject of the administrative permit is located;
 - (iii) All owners of real property within three hundred (300) feet of the property which is the subject of the administrative permit;
 - (iv) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the administrative permit; and
 - (v) All General Improvement Districts (GIDs) for the area in which the property that is the subject of the administrative permit is located.
 - (2) Number of Notices. If the number of notices sent pursuant to this sections does not total thirty (30) or more, the County shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners engaged in acquiring the administrative permit.
 - (3) 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 County Assessor. Compliance

with the noticing requirements is established when notice is mailed to the last known address on the records of the County Assessor.

- (d) Time Period for Action. The Board of Adjustment shall take action on the proposed administrative permit at the conclusion of the public hearing. An extension of time for the Board of Adjustment action may be granted if mutually agreed upon by the applicant and the Board of Adjustment.
- (e) Action. The Board of Adjustment may take action to approve, approve with conditions, modify, modify with conditions, or deny the administrative permit request. Failure of the Board of Adjustment to hold a public hearing or take action within the specified time frames shall constitute an automatic appeal to the Board of County Commissioners.
- (f) Effective Date of Action. Action on the administrative permit application, unless otherwise specified, shall be effective upon expiration of the appeal period.

Section 110.808.45 Appeals. An action of the Zoning Administrator or Board of Adjustment made pursuant to this article may be appealed in accordance with the provisions of this section.

- (a) Appeal Period. An appeal of the decision of the Zoning Administrator or Board of Adjustment may be made to the Board of County Commissioners within fifteen (15) days after the date of the decision by the Board of Adjustment or the notice of decision by the Zoning Administrator has been mailed. 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. Appeals may be filed only by the following:
 - (1) The applicant or the authorized agent; or
 - (2) A person who may be adversely affected by the decision.
- (c) Contents of Appeal. An appeal shall be filed with the Director 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 findings made by the Zoning Administrator or Board of Adjustment. Such reasons shall be based upon the evidence presented to the Zoning Administrator or Board of Adjustment prior to the original decision. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.
- (d) Time Period for Hearing. The Director of Community Development shall schedule a public hearing before the Board of County Commissioners on the appeal within thirty (30) days of the date of the filing of the appeal.
- (e) Notice of Hearing. The public hearing on the appeal shall be noticed as required by 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 administrative permit; describe the final decision on the request; and note other pertinent information.
- (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 record and any additional evidence relative to the application and may confirm, reverse, or modify the appealed action based upon its interpretation of the findings required and the evidence submitted. The action of the Board of County Commissioners shall be final.

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

Section 110.808.50 One Year Wait on Denials. After the denial of an administrative permit, no application for an administrative permit for the same or similar use may be accepted for one (1) year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.

Section 110.808.55 Modification of an Administrative Permit. Proposed modifications of approved administrative permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of Community Development may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
- (1) The building or use expansion is incidental to the existing use;
 - (2) The building or use expansion does not result in a change of use;
 - (3) No building expansion involves more than ten (10) percent increase in floor area covered by existing structures associated with the use;
 - (4) No use expansion involves more than ten (10) percent increase in the overall site area covered by the existing use;
 - (5) The building or use expansion, in the opinion of the Director of Community Development, would not have a substantial adverse effect on adjacent property; and
 - (6) The building or use expansion complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of Community Development.
- (b) Conditions Not Met. If a proposed expansion does not comply with the conditions in Subsection (a) of this section, a new permit shall be required following the same procedure required for the initial application.
- (c) New Permit Required. Modification of the terms of the approved administrative permit itself or the waiver or alteration of conditions imposed incident to the granting of the permit shall require a new application following the same procedure required for the initial permit.

Section 110.808.60 Expiration. An administrative permit shall expire as provided in this section.

- (a) Time Period. An administrative permit shall expire and become null and void at the time specified in the permit.
- (b) Extension. The time specified in the administrative permit may be extended by the Zoning Administrator. Requests for time extensions shall be in writing and

shall be submitted prior to the expiration date. The request shall state the reason for the extension.

Section 110.808.65 Revocation. Revocation of an administrative permit shall be subject to the requirements of this section.

- (a) Initiation of Action. The Zoning Administrator, Board of Adjustment, Planning Commission, or Board of County Commissioners may initiate an action to revoke an administrative permit.
- (b) Grounds for Revocation. An administrative permit may be revoked pursuant to the provisions of this section upon a finding of any one (1) or more of the following grounds:
 - (1) That the administrative permit approval was fraudulently obtained or extended;
 - (2) That one (1) or more of the conditions upon which such development approval was granted have been violated; or
 - (3) 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.
- (c) Action by the Board of County Commissioners. The Board of County Commissioners shall hold a public hearing upon the revocation of the administrative permit. The hearing shall be noticed in accordance with Section 110.808.40. After the public hearing, and upon considering the evidence submitted, the Board of County Commissioners may take action to revoke the administrative permit.