



# WASHOE COUNTY

Integrity Communication Service

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## STAFF REPORT

BOARD MEETING DATE: July 9, 2019

**DATE:** June 7, 2019

**TO:** Board of County Commissioners

**FROM:** Julee Olander, Planner, Community Services Department  
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**THROUGH:** Mojra Hauenstein, Arch., Planner, Division Director, Planning & Building Community Services Dept., 328-3619,  
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**SUBJECT:** Public Hearing: Second reading and adoption of an ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto. (All Commission Districts.)

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### SUMMARY

To conduct a second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapter 110.406:

1. To Section 110.406.05, General, add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone of the lot; and
2. To remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993.

Washoe County Strategic Objective supported by this item: Stewardship of our community.

### PREVIOUS ACTION

On June 25, 2019, the Washoe County Board of Commissioners (Board) introduced and conducted a first reading of an ordinance amending Washoe County Code Chapter 110 to

AGENDA ITEM # \_\_\_\_\_

Section 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots and to remove Section 110.406.35(e) Side Yards, Prior Zoning.

On May 7, 2019, the Washoe County Planning Commission heard this item, initiated the code amendment and voted unanimously to recommend approval of proposed development code amendment Case No. WDCA19-0001.

### **BACKGROUND**

Development Code Article 406, Building Placement Standards, provides the standards and requirements for building placement on a lot that are determined by the regulatory zone of a property. For nonconforming lots, that requirement can be challenging and the proposed development code amendment will allow nonconforming lots to be reviewed by the lot size and not the regulatory zoning for building placement standards. This change will codify for nonconforming lots, providing a better and fairer review procedure of building placement.

### **FISCAL IMPACT**

No fiscal impact.

### **RECOMMENDATION**

It is recommended the Board of County Commissioners conduct a second reading and adopt an ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 406, Building Placement Standards 110.406.05, General, to add a requirement regulating setbacks on legal non-conforming lots, when the lot size does not meet the minimum lot size for the actual regulatory zone applicable to the lot, the allowed setbacks will be based on the regulatory zone thresholds for the next densest regulatory zone for which the actual lot size does meet the minimum lot size requirements; and to remove Section 110.406.35(e) Side Yards, Prior Zoning, regarding the option to use the side yard setback requirements of the land use category comparable to the parcel size for lots created prior to May 26, 1993; and other matters necessarily connected therewith and pertaining thereto.

It is further recommended that the Board affirm the four findings of fact that the Washoe County Planning Commission made on May 7, 2019, as recorded within Resolution Number 19-12 (Attachment B).

If adopted, the Ordinance will be effective on July 19, 2019.

### **POSSIBLE MOTION**

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

“Move to adopt Ordinance Number (insert ordinance number as provided by the County Clerk); and to affirm the four findings of fact that the Washoe County Planning Commission made on May 7, 2019, as recorded with Resolution Number 19-12 and attached to the staff report for this item.”

- Attachments: A- Proposed Draft Ordinance  
B - Planning Commission Signed Resolution 19-12  
C - Planning Commission Staff Report for WDCA19-0001  
D - Planning Commission Draft Minutes for May 7, 2019 Meeting