



## RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) ARTICLE 406, BUILDING PLACEMENT STANDARDS, TO ADD A NEW SECTION TO ALLOW FOR VARIANCE OR MODIFICATION OF THE BUILDING PLACEMENT STANDARDS INCLUDING SETBACKS, MINIMUM LOT SIZE, OR MINIMUM LOT WIDTH FOR COMMERCIAL OR INDUSTRIAL REGULATORY ZONE PARCELS IN CONJUNCTION WITH THE APPROVAL OF A SPECIAL USE PERMIT OR TENTATIVE SUBDIVISION MAP APPLICABLE TO THE SUBJECT PROPERTY AND WITHOUT THE NEED TO FILE A SEPARATE APPLICATION FOR A VARIANCE OR MODIFICATION, PROVIDED THAT THE STANDARDS TO BE VARIED OR MODIFIED ARE INCLUDED IN THE NOTICE FOR THE HEARING ON THE SPECIAL USE PERMIT OR TENTATIVE MAP APPLICATION; AND OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 20-03

### WHEREAS

- A. Washoe County Code Section 110.818.05 requires that amendments to Washoe County Code Chapter 110 (Development Code) be initiated by resolution of the Washoe County Board of Commissioners or the Washoe County Planning Commission; and
- B. The Washoe County Planning Commission initiated amendments to the Washoe County Code Chapter 110 (Development Code) within 406, *Building Placement Standards*, on January 7, 2020 as fully described in Exhibit A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA19-0006, came before the Washoe County Planning Commission for a duly noticed public hearing on January 7, 2020; and
- D. The Washoe County Planning Commission gave reasoned consideration to the information it received regarding the proposed Development Code Amendment; and
- E. Whereas, pursuant to Washoe County Code Section 110.818.15(e), the Washoe County Planning Commission made the following findings necessary to support its recommendation for adoption of the proposed Development Code amendment Case Number WDCA19-0006:
  - 1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Washoe County Master Plan;
  - 2. Promotes the Purpose of the Development Code. The proposed Development Code amendment will not adversely impact the public health, safety or welfare, and will

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promote the original purposes for the Development Code as expressed in Article 918, Adoption of Development Code;

3. Response to Changed Conditions. The proposed Development Code amendment responds to changed conditions or further studies that have occurred since the Development Code was adopted by the Board of County Commissioners, and the requested amendment allow for a more desirable utilization of land within the regulatory zones; and,
4. No Adverse Affects. The proposed Development Code amendment will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Master Plan.

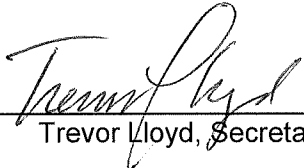
**NOW, THEREFORE, BE IT RESOLVED** that the Washoe County Planning Commission recommends approval of the ordinance attached hereto as Exhibit A-1.

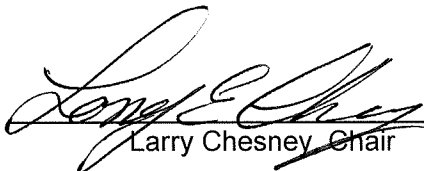
A report describing this amendment, discussion at this public hearing, this recommendation, and the vote on the recommendation will be forwarded to the Washoe County Board of County Commissioners within 60 days of this resolution's adoption date.

ADOPTED on January 7, 2020

WASHOE COUNTY PLANNING COMMISSION

ATTEST:

  
\_\_\_\_\_  
Trevor Lloyd, Secretary

  
\_\_\_\_\_  
Larry Chesney, Chair

DRAFT: November 13, 2019

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INFORMATION ONLY

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT:~~ DELETE LANGUAGE

**BOLD TEXT: NEW LANGUAGE**

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

*Summary: Amends the Washoe County Code at Chapter 110 (Development Code) by adding standards in Article 406, Building Placement Standards, for parcels with a regulatory zone designation of either commercial or industrial.*

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 406, Building Placement Standards, to add a new section, Commercial and Industrial Building Placement Standards, which will allow for variance or modification of the building placement standards including setbacks, minimum lot size, or minimum lot width for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Development Code (Chapter 110) in order to add language to Section 110.406 for adding commercial and industrial building standards and,

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- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 20-03 on January 7, 2020; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA19-0006 on January 7, 2020, and adopted Resolution Number 20-03 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Article 406 of the Development Code, Chapter 110 of the Washoe County Code, is hereby amended by adding the following section there:

**Section 110.406.23 Variance or Modification of Certain Building Placement Standards on Commercial or Industrial Parcels in Conjunction with Special Use Permit or Tentative Map Applications.** Building placement standards including setbacks, minimum lot size, or minimum lot width may be varied or modified for commercial and industrial regulatory zone parcels in conjunction with the approval of a special use permit or tentative subdivision map applicable to the subject property and without the need to file a separate application for a variance or modification, provided that the standards to be varied or modified are included in the notice for the hearing on the special use permit or tentative map application.

SECTION 2. General Terms.

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1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2020.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2020.

Vote:

Ayes:

Nays:

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Absent:

\_\_\_\_\_  
Chair  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
Nancy Parent, County Clerk

This ordinance shall be in force and effect from and after the  
\_\_\_\_\_ day of the month of \_\_\_\_\_ of the year \_\_\_\_\_.