



WASHOE COUNTY

Integrity Communication Service

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STAFF REPORT

BOARD MEETING DATE: May 9, 2023

DATE: April 10, 2023

TO: Board of County Commissioners

FROM: Roger Pelham, MPA, Senior Planner, Community Services Department
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THROUGH: Kelly Mullin, AICP, Planning & Building Division Director
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SUBJECT: Introduction and first reading of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 302 Allowed Uses, Article 304 Use Classification System, Article 406 Building Placement Standards, and Article 902 Definitions to:

- Provide clarity on single-family accessory uses;
- Allow Child Care, Family Daycare use type within the General Rural and Neighborhood Commercial regulatory zones;
- Allow Large-Family Daycare use type with an Administrative Permit instead of a Special Use Permit in the Neighborhood Commercial Regulatory Zone;
- Allow Personal Services use type within the Industrial and Public and Semi-Public Facilities regulatory zones;
- Include information technology services within the definition of the Administrative Offices use type;
- Include contractors' office with or without an equipment yard as an example of the Construction Sales and Services use type;
- Create a definition for "security fence" and provide standards for allowing security fencing on parcels of land that do not have an established main use;
- Allow for tall specialty fencing for uses such as ballparks and sports fields; and
- Place Communication Facilities in the "Civic" rather than the "Commercial" use table; and all matters necessarily connected therewith and pertaining thereto.

AND

If introduced, set the public hearing and second reading of the ordinance for June 13, 2023. (All Commission Districts.)

SUMMARY

The Washoe County Commission may introduce and hold the first reading of an ordinance amending the Washoe County Code Chapter 110 (Development Code) within

AGENDA ITEM # _____

Article 302 Allowed Uses, Article 304 Use Classification System, Article 406 Building Placement Standards, and Article 902 Definitions, as provided in the subject above.

If the Board introduces the ordinance, it is recommended to set the public hearing and second reading of the ordinance for June 13, 2023.

Washoe County Strategic Objective supported by this item: Stewardship of Our Community.

PREVIOUS ACTION

On February 8, 2023, Planning staff conducted a community workshop on the proposed amendments. Clarification of proposed amendments was provided to those who participated, but no particular changes to the proposed amendments were suggested.

On April 4, 2023, Planning staff brought the proposed amendments to the Planning Commission which held a duly-noticed public hearing. The Planning Commission voted unanimously to recommend approval of the amendments to the Board of County Commissioners.

BACKGROUND

The Planning and Building Division is always in a process of continual improvement. Washoe County Planning staff respond to dozens, if not hundreds, of inquiries regarding potential uses on specific properties and within specific regulatory zones each month. It is to be expected that, as times change, with new industries and activities being created and older industries and activities falling out of favor, the uses within the Development Code need to be evaluated and occasionally amended to respond to such changing conditions in the pursuit of continual improvement.

It is also true that some typical residential, commercial, civic and industrial uses do not fit neatly within the use types as they are currently defined within Article 304, Use Classification system. It is for this reason, also, that periodic maintenance of the code is required.

Each of the proposed amendments follow, and are **highlighted**, with a brief explanation of why the amendment is desired.

Table 110.302.05.1 Residential Use Types

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	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	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
Single Family, Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Single Family, Detached Accessory Dwelling	AR	AR	AR	AR	S ₂	--	--	--	--	--	--	--	--	--	--	--	A	A
Single Family, Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A

Locating uses that are accessory to a single-family residence adjacent to that use, within the use table does not change any allowed use, but it facilitates greater understanding on the part of those using this use table.

Table 110.302.05.2 Civic Use Types

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
Family Daycare	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	--	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
Large-Family Daycare	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	S₂	--	P	--	--	--	--	--	P	S₂
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	--
Communication Facilities																		
Commercial Antennas	S₂	S₂	S₂	--	--	--	--	--	--	S₂	S₂	--	S₂	S₂	--	--	--	S₂
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--

Family Daycare use type is proposed to be allowed in the General Rural and Neighborhood Commercial regulatory zones. This is consistent with the other types of daycare uses.

Communication Facilities use type is proposed to be moved from the “Commercial” use table to the “Civic” use table, because these types of uses are generally under the purview of the Public Utilities Commission and are generally of a civic nature, in that they provide a service to the public (generally cellular phone service).

Table 110.302.05.3 Commercial Use Types

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					

The excerpt from the “Commercial” use table, above, simply shows where Communication Facilities use type has been deleted, as it is proposed to be moved to the “Civic” use table.

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
Marijuana Establishments																		
Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Marijuana Product Manufacturing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Marijuana Testing Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Retail Marijuana Store/ Medical Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Marijuana Distributor	--	--	--	--	--	--	--	--	--	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 Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--
Personal Storage							S ₂	S ₂	S ₂	A	S ₂		A					

Personal services use type includes activities such as hair salons and driving schools. There have been inquiries regarding such uses in the industrial (I) and public and semi-public facilities (PSP) regulatory zones. Such uses are appropriate and less intense than

many other uses that are currently permissible in those zones. For that reason, allowing those uses within those zones is appropriate.

Section 110.304.25 Commercial Use Types

(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, photocopying and reproduction, **information technology services**, 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.

The proposed change to add information technology services to the administrative offices use type definition is simply a response to the increasing use of technology and provides additional clarity for classification of businesses.

(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 **contractors' office with or without an equipment yard**, tool and equipment rental, or sales and building material stores.

The proposed change to add contractors' offices with or without an equipment yard as an example of the construction sales and services use type simply codifies the very common use that is often requested. Again, this is intended to add clarity for classification of businesses.

Section 110.406.50 Fences, Walls or Perimeter Planting.

- (c) Specialty Fences. Specialty fences are permitted in all regulatory zones with the following provisions:
- (1) A specialty fence shall only be for the purposes of enclosing a tennis court, racquetball court, basketball court or other court-type recreational activity, and for exotic animals when a fence is pursuant to the issuance of a permit from the Washoe County Exotic Animal Board.
 - (2) A specialty fence shall comply with the following provisions:
 - (i) The court or enclosure for which the fence is erected shall be located entirely to the side or rear of the main structure permitted on the property.
 - (ii) The fence may not be greater than ten (10) feet in height.

- (iii) The fence may not prevent viewing through the fence. It may not be solid.
- (iv) The fence must be of a color that blends with the background and in no instance may it be of a reflective material.
- (v) The fence shall not be located closer than five (5) feet to the side or rear property lines.

(3) A specialty fence may be up to 30 feet in height for a baseball or softball backstop. A specialty fence may be any height, subject to approval of a Directors Modification of Standards, only when the fence is constructed for a civic use, such as a sports field.

(e) Security Fences. Security Fences are permitted in all regulatory zones on parcels of land that do not have a main use established, subject to compliance with all of the following standards:

(1) A security fence shall only be for the purpose of enclosing a vacant parcel of land to control access to that parcel of land.

(2) The allowable height of a security fence is defined at WCC 110.406.50.

(3) A building permit is required for construction of a security fence.

(2) A security fence shall comply with the following provisions:

(i) The security fence shall only be located on the perimeter of the subject site, or adjacent to a public access easement.

(ii) The security fence shall be constructed only of chain link and shall not prevent viewing through it. No slats are allowed. It shall not be solid.

(iii) Construction of a security fence using any material other than chain link may be permitted, subject to approval of a Directors Modification of Standards, when the alternative material provides an equivalent level of security and does not inhibit view of the parcel of land. It shall not be solid.

(iv) The security fence must be supported by steel pipes, and those supports must be set securely in the ground and stabilized with concrete.

Section 110.902.15

Fence, Security. "Security Fence" means a fence that is located on the property lines of a parcel of land that does not have a main use established and complies with WCC 110.406.50 (e).

Planning staff has brought proposed amendments relating to fencing to address a problem that has been observed on many occasions. It is relatively common for a property owner to wish to enclose their property. While there may be several reasons why a property owner may wish to enclose their property without first establishing a main use, the reason that is most often given is that vacant parcels are often used by individuals, other than the owner, for disposal of trash and inoperable vehicles. This often results in difficult and expensive clean-up on the part of the owner.

As the code currently exists, enclosure of a parcel of land that does not have a main use established is generally not permissible, as a fence has been determined to be an accessory use. Accessory uses are not permitted without a main use.

Currently, there is one exception. When the parcel is being used for agricultural purposes, Agricultural Fences are permissible, but Agricultural Fences may consist only of t-posts and wire, which is generally not effective in controlling unauthorized access to parcels of land.

Enclosure of an otherwise vacant parcel of land presents certain challenges as it is often then seen as a storage area and used for vehicles, trailers and equipment. Storage of such items on a parcel of land without a main use is not permitted. For that reason, standards have been crafted to require that security fences be constructed of chain link only, and may not be solid. This will provide for the security that is often desired without creating a problem for enforcement activities related to storage on the parcel of land. Use of alternative fencing materials that provide similar security without obscuring view of the property are proposed to be permissible, subject to approval of a director's modification of standards.

Shortcomings within the code have also been identified with regards to specialty fences, which are permissible for the enclosure of sports courts and fields. However, specialty fences are limited to a maximum of 10 feet in height.

It has come to the attention of staff that any number of situations may occur in which additional height is needed. Some of these may be a backstop of a baseball diamond or along a golf course or driving range to ensure that balls are not hit onto roadways. For this reason, staff is proposing that specialty fences be permitted to be any height necessary, provided that the fence is for a civic use, subject to approval of a director's modification of standards, which will allow the Director to evaluate the unique characteristics of each situation and make a determination as to the reasonable height of a fence.

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended that the Board of County Commissioners introduce and conduct a first reading of an ordinance which amends Washoe County Code Chapter 110 (Development Code) within Article 302 Allowed Uses, Article 304 Use Classification System, Article 406 Building Placement Standards, and Article 902 Definitions to:

- Provide clarity on single-family accessory uses;

- Allow Child Care, Family Daycare use type within the General Rural and Neighborhood Commercial regulatory zones;
- Allow Large-Family Daycare use type with an Administrative Permit instead of a Special Use Permit in the Neighborhood Commercial Regulatory Zone;
- Allow Personal Services use type within the Industrial and Public and Semi-Public Facilities regulatory zones;
- Include information technology services within the definition of the Administrative Offices use type;
- Include contractors' office with or without an equipment yard as an example of the Construction Sales and Services use type;
- Create a definition for "security fence" and provide standards for allowing security fencing on parcels of land that do not have an established main use;
- Allow for tall specialty fencing for uses such as ballparks and sports fields; and
- Place Communication Facilities in the "Civic" rather than the "Commercial" use table.

AND

If introduced, set the public hearing and second reading of the ordinance for June 13, 2023.

POSSIBLE MOTION

Staff offers the following motion for the Board's consideration:

"Move to introduce Bill Number (insert bill number as provided by the County Clerk) and set the public hearing and second reading of the Ordinance for possible adoption during the County Commission meeting of June 13, 2023."

Attachments: A. Draft BCC Ordinance (Working Copy)
B. PC Resolution of 4/4/2023
C. PC Staff Report and Exhibits