



WASHOE COUNTY

Integrity Communication Service

www.washoecounty.us

STAFF REPORT

BOARD MEETING DATE: April 24, 2018

DATE: March 27, 2018

TO: Board of County Commissioners

FROM: Eva Krause, AICP, Planner, Community Services Department
328-3628, ekrause@washoecounty.us

THROUGH: Mojra Hauenstein, Arch., Planner, Division Director, Planning &
Building Community Services Dept., 328-3619,
mhauenstein@washoecounty.us

SUBJECT: Public Hearing: Second reading and adoption of an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, to amend Section 110.306.10 Detached Accessory Structures, to define how the height of an accessory structure is measured both (1) when the structure is located within the required rear or side yard setback (12 feet maximum height as measured from the lowest finished grade of the structure to the average height of the highest of a pitched or hipped roof), and (2) when it is located outside of all applicable setbacks (35 feet maximum height as currently measured per Article 902); and to address other matters necessarily connected therewith and pertaining thereto. The Board of County Commissioners introduced and conducted a first reading of the proposed ordinance on April 10, 2018. (All Commission Districts.)

SUMMARY

To conduct a second reading of, and possibly adopt, an ordinance amending Washoe County Code Chapter 110 within Article 306 to define how the height of an accessory structure is measured when located within a rear yard or side yard setbacks, and how it is measured when the structure is located outside of all setbacks.

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

PREVIOUS ACTION

On April 10, 2018, the Washoe County Board of Commissioners (Board) introduced and conducted a first reading of an ordinance amending Washoe County Code Chapter 110, (Development Code), Article 306, Accessory Uses and Structures.

AGENDA ITEM # _____

On February 6, 2018 the Washoe County Planning Commission initiated and voted unanimously to recommended approval of proposed development code amendment WDCA17-0010.

BACKGROUND

The Washoe County Code (WCC) Chapter 110, (Development Code), Article 306, Accessory Uses and Structures allows an accessory structure to be located in the rear or side yard setback, within 5 feet of the property line if the building is 12 feet or less in height. The intent is to allow sheds, animal shelters and similar small structures in the rear and side yard, but to limit the height of the building so that it does not create a significant impact on the adjoining property.

The Development Code definition for how a building height is measured allows flexibility when measuring the height of a building when the property is sloped or has irregular or uneven contours. The Code allows the height of the building to be measured from the highest point within five feet of any side of the structure, when the high point is less than 10 feet above the lowest ground point.

The issue arises when an accessory structure is located five feet from a property line, and built on a slope or next to a grade change (such as a retaining wall). In that situation, the accessory structure could be much taller than 12 feet in height and still meeting the letter of the code, but violating the intent. A ±21 foot tall building located 5 feet from the property line can have a significant impact on the abutting property.

The proposed amendment would continue to use current definition for how a building height is measured for structures that are built outside of the required setbacks, and only change how a building height is measured when an accessory structure is located within the rear and side yard setbacks. Accessory structures located within the setbacks would be limited to 12 feet in height when measured from the lowest finished grade.

PROPOSED AMENDMENT

REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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:

(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. **The height of an accessory structure located within the required rear and side yard setback as provided in this subsection shall be measured from the lowest finished grade of the structure to the average height of the highest gable of a pitched or hipped roof.** ~~Accessory~~ **Except as otherwise specifically provided, all 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 306, Building Placement Standards. ~~The height of a structure is determined by using the building code currently adopted by Washoe County. Except as otherwise specifically provided, no accessory structure shall exceed 35 feet in height.~~
- (c) Height Limits. The height of an accessory structure **located outside of all required setbacks shall be measured in accordance with the building height provision in Article 902 of this Code.** ~~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.~~

FISCAL IMPACT

No fiscal impact.

RECOMMENDATION

It is recommended the Board conduct a second reading and adopt an ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, to amend Section 110.306.10 Detached Accessory Structures, to define how the height of an accessory structure is measured both (1) when the structure is located within the required rear or side yard setback (12 feet maximum height as measured from the lowest finished grade of the structure to the average height of the highest of a pitched or hipped roof), and (2) when it is located outside of all applicable setbacks (35 feet maximum height as currently measured per Article 902); and to address 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 February 6, 2018, as recorded within Resolution Number 18-07 (Attachment D).

If adopted, the Ordinance will be effective on May 4, 2018.

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 February 6, 2018, as recorded with Resolution Number 18-07 and attached to the staff report for this item.”

Attachments: A- Proposed Ordinance
B –Planning Commissions minutes
C – Planning Commission Staff Report
D – Planning Commission Signed Resolution