



RESOLUTION OF THE WASHOE COUNTY PLANNING COMMISSION

INITIATING AND RECOMMENDING APPROVAL OF AN AMENDMENT TO WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) WITHIN ARTICLE 306, ACCESSORY USES AND STRUCTURES, DETACHED ACCESSORY STRUCTURES 110.306.10(a), LOT COVERAGE, TO ADD A REQUIREMENT REGULATING LOT COVERAGE LIMITATIONS FOR ACCESSORY STRUCTURES, BY SPECIFYING THAT 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 LOT COVERAGE FOR ACCESSORY STRUCTURES 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 FOR OTHER MATTERS NECESSARILY CONNECTED THEREWITH AND PERTAINING THERETO.

Resolution Number 19-03

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 Article 306, Accessory Uses and Structures, on January 2, 2019 as fully described in Attachment A-1 to this resolution; and
- C. Development Code Amendment Case Number WDCA18-0007, came before the Washoe County Planning Commission for a duly noticed public hearing on January 2, 2019; 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 WDCA18-0007:
 - 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 Attachment 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 2, 2019.

ATTEST:



Trevor Lloyd, Secretary

WASHOE COUNTY PLANNING COMMISSION



Sarah Chvilicek, Chair

DRAFT: January 2, 2019

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~~STRIKEOUT TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

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Summary: Amends the Washoe County Code at Chapter 110 (Development Code) by updating the standards in Section 110.306.10(a) to add a requirement regulating lot coverage limitations for accessory structures on non-conforming lots.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), within Article 306, Accessory Uses and Structures, Detached Accessory Structures 110.306.10(a), Lot Coverage, to add a requirement regulating lot coverage limitations for accessory structures, by specifying that 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 lot coverage for accessory structures 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 other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 306 of the Washoe County Code Chapter 110 (Development Code) in order to add a requirement to Section 110.306.10(a) for determining lot coverage Limitations for detached accessory structures on lots which are nonconforming for parcel size; 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 19-03 on January 2, 2019 creating Development Code Amendment Case Number WDCA18-0007; 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 WDCA18-0007 on January 2, 2019, and adopted Resolution Number 19-03 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. Section 306.10(a) of the Washoe County Code is hereby amended to read as follows:

WCC 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:

- (a) Lot Coverage. The establishment of detached accessory structures shall not exceed the following lot coverage limitations:
 - (1) On lots in the High Density Suburban (HDS) and Medium Density Suburban (MDS) Regulatory Zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 50 percent of the total lot acreage;
 - (2) On lots in the Low Density Suburban (LDS) Regulatory Zones, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 25 percent of the total lot acreage;

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- (3) On lots in the High Density Rural (HDR) Regulatory Zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 20 percent of the total lot acreage;
- (4) On lots in the Medium Density Rural (MDR) Regulatory Zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 15 percent of the total lot acreage;
- (5) On lots in the Low Density Rural (LDR) Regulatory Zone, the combined area (i.e. square footage) of all building footprints on the lot shall not exceed 10 percent of the total lot acreage or 80,000 square feet, whichever is less;
- (6) Exemptions to lot coverage limitations. Parcels 40 acres in size or larger in the General Rural (GR) and General Rural Agricultural (GRA) Regulatory Zones, and all parcels in the Commercial, Industrial, and Urban Regulatory Zones, are exempt from the lot coverage limitations of this section.
- (7) **On legal non-conforming lots, when the lot size does not meet the minimum lot size for the regulatory zone applicable to the lot, the allowed lot coverage under this section will be based on the regulatory zone thresholds for that regulatory zone, which most closely matches the actual lot size.**

SECTION 2. General Terms.

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

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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.

DRAFT: January 2, 2019

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2019.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2019.

Vote:

Ayes: Commissioners _____

Nays: Commissioners _____

Absent: Commissioners _____.

ATTEST:

County Clerk

Marsha Berkgigler, Chair
Washoe County Commission

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