

Customer Account # 349008

PO # / ID # 4214

-
- Washoe County Clerk
-
-

Legal Ad Cost \$ 31.82

Extra Proof _____

Notary Fee 2.00

TOTAL \$ 33.82

STATE OF NEVADA
 COUNTY OF WASHOE

SS. Mary Cook

being first duly sworn, deposes and says:
 That as the legal clerk of the RENO GAZETTE-
 JOURNAL, a daily newspaper published in Reno,
 Washoe County, State of Nevada, that the notice:

Of County Ordinance No.890

of which a copy is hereto attached, has been
 published in each regular and entire issue of said
 newspaper on the following dates to wit:

Nov. 22, 29


Signed Mary Cook

Subscribed and sworn to before me this
29th day of November, 1993

Debra J. DiCianno
 Notary Public

PROOF OF PUBLICATION

NOTICE OF COUNTY ORDINANCE
 NO. 890
 NOTICE IS HEREBY GIVEN that
 Ordinance No. 890, Bill No. 1065,
 entitled:
 AN ORDINANCE AMENDING THE
 WASHOE COUNTY CODE TO REVISE
 THE REGULATIONS REGARDING
 THE LOCATION, INSTALLATION,
 APPEARANCE AND SCREENING OF
 ANTENNAS AND THE DEFINITIONS
 RELATED TO ANTENNA SYSTEMS
 BY AMENDING THE FOLLOWING
 ARTICLES AND TABLE: ARTICLE
 324 "ANTENNAS"; TABLE
 110.302.05.1 "TABLE OF USES";
 AND ARTICLE 902 "DEFINITIONS".
 was adopted on November 16, 1993, by
 Commissioners Larry Beck, Steve
 Bradhurst, Dianne Cornwall, Gene
 McDowell, and Jim Shaw, and will
 become effective on November 29,
 1993.
 Typewritten copies of the ordinance are
 available for inspection by all interested
 persons at the office of the County
 Clerk at the County Courthouse,
 Virginia and Court Streets, Reno,
 Nevada.
 Judi Bailey, County Clerk
 No. 4214 Nov 22, 29, 1993

 **DEBRA J. DICIANNO**
 Notary Public - State of Nevada
 Appointment Recorded in Washoe County
 MY APPOINTMENT EXPIRES MAY 19, 1996

SUMMARY: Amends Washoe County Code to revise the regulations regarding the location, installation, appearance and screening of antennas and the definitions related to antenna systems.

BILL NO. 1065

ORDINANCE NO. 890

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO REVISE THE REGULATIONS REGARDING THE LOCATION, INSTALLATION, APPEARANCE AND SCREENING OF ANTENNAS AND THE DEFINITIONS RELATED TO ANTENNA SYSTEMS BY AMENDING THE FOLLOWING ARTICLES AND TABLE: ARTICLE 324 "ANTENNAS"; TABLE 110.302.05.1 "TABLE OF USES"; AND ARTICLE 902 "DEFINITIONS."

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Article 324 "Antennas" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. Table 110.302.05.1 "Table of Uses" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "B" which is attached hereto and made a part hereof.

SECTION 3. Article 902 "Definitions" of chapter 110 of the Washoe County Code is hereby amended as set forth in Exhibit "C" which is attached hereto and made a part hereof.

Proposed on the 26th day of October, 1993.

Proposed by Commissioners Jim Shaw.

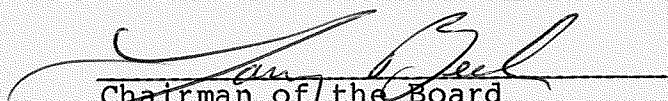
Passed on the 16th day of November, 1993.

Vote:

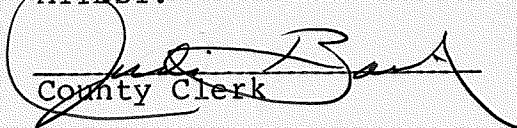
Ayes: Commissioners: Larry Beck, Steve Bradhurst, Dianne Cornwall, Gene McDowell, Jim Shaw

Nays: Commissioners: None

Absent: Commissioners: None


Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the 29th day of November, 1993.

Article 324

ANTENNAS

Sections:

110.324.00	Purpose
110.324.05	Exemptions
110.324.10	Satellite Dish Antennas: General
110.324.15	Satellite Dish Antennas: Ground Mounted
110.324.20	Satellite Dish Antennas: Roof Mounted
110.324.25	Private Communication Antennas: General
110.324.30	Private Communication Antennas: Front Yard
110.324.35	Private Communication Antennas: Height
110.324.40	Commercial Antennas

Section 110.324.00 Purpose. The purpose of this article, Article 324, Antennas, is to set forth the regulations for antenna systems consistent with applicable directives and standards issued by the Federal Communication Commission and the Federal Aviation Administration. Health and safety concerns related to antennas include avoiding property damage from falling antenna support structures, proper placement to avoid visual obstructions along right-of-ways and discouraging access to attractive nuisances by unauthorized people.

Section 110.324.05 Exemptions. The following antenna systems are exempt from this article.

- (a) Residential Television Reception Aerial Antennas. Television reception aerial antenna systems that designed to receive locally transmitted television signals for personal use within a residential dwelling unit are exempt from the provisions of this article.
- (b) Small Diameter TVRO Satellite Dish Antenna Systems. Television reception only (TVRO) satellite dish antenna systems that are 36 inches or less in diameter are exempt from the provisions of this article.

Section 110.324.10 Satellite Dish Antennas: General. Satellite dish antennas are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

- (a) Location. Satellite dish antennas are allowed within any side or rear yard area of a parcel provided they maintain the setbacks from the property lines listed in this article. Satellite dish antennas may be placed in the front area of the parcel between the property line and the face of the building provided they maintain the setbacks from the front property line listed in this article, and obtain an administrative permit consistent with this article.
- (b) Setbacks. Satellite dish antennas shall be erected a minimum of ten (10) feet from the front property line and five (5) feet from the side and rear property lines.
- (c) Color. Solid satellite dish antennas shall be colored light or dark brown, tan, grey, black, or dark green unless another color is justified by the physical setting or the color of the building. Designs on solid dishes may cover up to thirty-five (35)

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percent of the background color. Mesh satellite dish antennas may be colored off-white or muted silver in addition to the colors listed above.

- (d) Building Code. Satellite dish antennas attached to any building, shall obtain a building permit in compliance with the requirements of Chapter 100 "Buildings and Construction" of the Washoe County Code.
- (e) Department of Development Review Authorization. The Department of Development Review shall authorize the placement and installation of all satellite dish antennas after reviewing a plot plan submitted by the property owner to ensure compliance with this article.

Section 110.324.15 Satellite Dish Antennas: Ground Mounted. A satellite dish antenna may be mounted on the ground in accordance with this section.

- (a) Residential Ground Mounted TVRO Satellite Dish Antennas. A television reception only (TVRO) satellite dish antenna may be ground mounted in residential regulatory zones provided:
 - (1) It is physically or electronically linked only to a receiver located on the same parcel of land.
 - (2) The dish antenna shall not exceed ten (10) feet in diameter.
 - (3) The satellite dish mounting support structure shall not exceed a height of twelve (12) feet above the ground surface.
 - (4) Any driving motor is encased in protective guards and is muffled against noise.
 - (5) Front Yard Locations. A satellite dish antenna may be placed in the front area of a parcel pursuant to Article 808, Administrative Permits, obtained in accordance with the provisions of this subsection:
 - (i) The base of the satellite dish antenna and driving motor house shall be screened to the satisfaction of the Zoning Administrator;
 - (ii) The applicant shall demonstrate that locating the satellite dish antenna in the side or rear yard area of the parcel would result in obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant; and
 - (iii) The applicant shall demonstrate that locating the satellite dish antenna in the front area of the parcel will not impair the required line-of-sight from adjacent driveways or streets.
 - (6) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, for placement of a satellite dish antenna in the front area of a parcel, the Zoning Administrator shall make the following findings:

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- (i) Location in the required side or rear yard prevents the private satellite dish antenna from receiving a complete signal;
 - (ii) Location of the satellite dish antenna in the required front yard does not visually impact surrounding properties; and
 - (iii) Location of the antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets.
- (b) Non-Residential Ground Mounted Satellite Dish Antennas. A satellite dish antenna may be ground mounted in non-residential regulatory zones provided:
- (1) It is physically or electronically linked only to a receiver located on the same parcel of land.
 - (2) The dish antenna shall not exceed thirty-six (36) feet in diameter.
 - (3) The satellite dish mounting support structure shall not exceed a height of seventeen (17) feet above the ground surface.
 - (4) Any driving motor is encased in protective guards and is muffled against noise.
 - (5) Screening Required. Screening is required for all satellite dish antennas located in non-residential regulatory zones that exceed ten (10) feet in diameter, and are located adjacent to a residentially zoned property. The required screening shall shield views of the satellite dish antenna from the adjacent residential parcels. The satellite dish antenna may be screened around the base of the antenna or along the common property line. A waiver from the screening requirement can be obtained pursuant to Article 802, Administrative Waivers, if the satellite dish antenna is sufficiently setback from the residential parcel to minimize its impact;
 - (6) Front Yard Locations. A satellite dish antenna may be placed in the front of a parcel pursuant to Article 808, Administrative Permits obtained in accordance with the provisions of this subsection:
 - (i) The base of the satellite dish antenna and driving motor house shall be screened to the satisfaction of the Zoning Administrator;
 - (ii) The applicant shall demonstrate that locating the satellite dish antenna in the side or rear yard area of the parcel would result in obstruction of the antenna's reception window; furthermore, such obstruction involves factors beyond the control of the applicant; and
 - (iii) The applicant shall demonstrate that locating the satellite dish antenna in the front area of the parcel will not impair the required line-of-sight from adjacent driveways or streets.
 - (7) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, for placement of a satellite dish antenna

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in the front area of a parcel, the Zoning Administrator shall make the following findings:

- (i) Location in the required side or rear yard prevents the private satellite dish antenna from receiving a complete signal;
- (ii) Location of the satellite dish antenna in the required front yard does not visually impact surrounding properties; and
- (iii) Location of the antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets.

Section 110.324.20 Satellite Dish Antennas: Roof Mounted. A satellite dish antenna may be mounted on the roof of a building structure in accordance with the provisions of this section.

(a) **Residential Roof Mounted TVRO Satellite Dish Antennas.** A television reception only (TVRO) satellite dish antenna may be roof mounted in residential regulatory zones provided:

- (1) The satellite dish mounting support structure shall not exceed a height of six (6) feet above the roof surface regardless of whether the roof is flat, or sloping perpendicular to, or parallel with the front lot line;
- (2) The satellite dish antenna shall not exceed ten (10) feet in diameter.

(b) **Non-residential Roof Mounted Satellite Dish Antennas.** A satellite dish antenna may be roof mounted in non-residential regulatory zones pursuant to Article 808, Administrative Permits, obtained in accordance with the provisions of this subsection:

- (1) It is physically or electronically linked only to a receiver located on the same parcel of land;
- (2) In all non residential regulatory zones the dish shall not exceed thirty-six (36) feet in diameter;
- (3) The satellite dish antenna mounting support structure shall not exceed a height of seventeen (17) feet above the roof surface, regardless of whether the roof is flat, or sloping perpendicular to, or parallel with the front lot line;
- (4) The base of the satellite dish antenna and driving motor shall be screened at the discretion of the Zoning Administrator; and
- (5) **Administrative Permit Findings.** In addition to those findings required in Article 808, Administrative Permits, for placement of a satellite dish antenna on a roof in a non-residential zone, the Zoning Administrator shall make the following findings:
 - (i) The size of the satellite dish antenna is necessary to receive or send a signal that meets the applicant's needs;
 - (ii) The size of satellite dish antenna will not pose a hazard to air navigation; and

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- (iii) The satellite dish antenna, including guy wires, supporting structures, and accessory equipment, is located and designed so as to minimize the visual impact on surrounding properties and from public streets.

Section 110.324.25 Private Communication Antennas: General. Private communication antennas, including antenna support structures, are allowed as accessory uses in all regulatory zones pursuant to the provisions of this article.

- (a) **Location.** Private communication antennas are allowed within any side or rear yard area of a parcel provided they maintain the setbacks from the property lines listed in this article. Private communication antennas may be placed in the front area of the parcel between the property line and the face of the building provided they maintain the setbacks from the front property line listed in this article, and obtain an administrative permit consistent with this article.
- (b) **Setback.** Private communication antennas shall be erected a minimum of ten (10) feet from the front property line and five (5) feet from the side and rear property lines.
- (c) **Building Code.** All private communication antenna support structures shall obtain a building permit in compliance with the requirements of Chapter 100 "Buildings and Construction" of the Washoe County Code.

Section 110.324.30 Private Communication Antennas: Front Yard. A private communication antenna may be placed in the front area of a parcel pursuant to Article 808, Administrative Permits, obtained in accordance with the provisions of this section.

- (a) **Application.** In addition to the submittal requirements as stated in Article 808, Administrative Permits, the applicant shall demonstrate that:
- (1) Locating the private antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets;
 - (2) Security fencing or other suitable methods will be provided to prevent climbing on the private communication antenna structure by unauthorized persons; and
 - (3) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna.
- (b) **Administrative Permit Findings.** In addition to those findings required in Article 808, Administrative Permits, for placement of a private communication antenna in the front area of a parcel, the Zoning Administrator shall make the following findings:
- (1) There are no practical locations in the rear or side yard area of the parcel in which to locate the private communication antenna; and
 - (2) Locating the private communication antenna in the required front yard does not impair the required line-of-sight from adjacent driveways or streets.

Section 110.324.35 Private Communication Antennas: Height. A private antenna support structure may exceed sixty-five (65) feet if ground mounted or thirty-five (35) feet if roof mounted

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pursuant to Article 808, Administrative Permits, obtained in accordance with the provisions of this section.

- (a) Additional Setback Requirements. A private communication antenna support structure in excess of sixty-five (65) feet in height shall be located a minimum distance from all property lines equal to forty (40) percent of the height of the antenna support structure (example: A seventy (70) foot tall private communication antenna support structure shall be a minimum of $(0.40 \times 70 =)$ 28 feet from any property line).
- (b) Application. In addition to the submittal requirements as stated in Article 808, Administrative Permits, the application shall state the reason why the additional height of the private antenna support structure is necessary.
- (c) Administrative Permit Findings. In addition to those findings required in Article 808, Administrative Permits, for a private communication antenna support structure in excess of sixty-five (65) feet, the Zoning Administrator shall make the following findings:
 - (1) The height of the private antenna support structure is necessary to receive or transit a signal that meets the applicant's needs; and
 - (2) The height of the private antenna support structure will not pose a hazard to air navigation.

Section 110.324.40 Commercial Antennas. Commercial antennas, including satellite dishes, used for commercial broadcasting/receiving purposes are a principal use and are classified under the Commercial Antennas use type in Article 304, Use Classification System. These antennas shall comply with the provisions of this section.

- (a) General. Commercial antennas are subject to the following provisions:
 - (1) A commercial antennas shall be located a minimum distance from all property lines equal to forty (40) percent of the height of the antenna support structure (example: A one-hundred (100) foot tall commercial antenna shall be a minimum of $(0.40 \times 100 =)$ 40 feet from any property line);
 - (2) All commercial antennas shall obtain a building permit in compliance with the requirements of Chapter 100 "Buildings and Construction" of the Washoe County Code; and
 - (3) Security fencing or other suitable methods will be provided to prevent climbing on the commercial antenna structure by unauthorized persons.
- (b) Application. In addition to the submittal requirements as stated in Article 810, Special Use Permits, the applicant shall submit a statement explaining the purpose of the commercial antenna, including if the antenna is to be used for new or existing service and the proposed access route for antenna site.
- (c) Findings. In addition to the findings required for approval in Article 810, Special Use Permits, the Planning Commission shall make the following findings:

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- (1) The proposed commercial antenna is necessary to meet the applicant's and the public's needs;
- (2) The location of the commercial antenna is compatible with existing and proposed uses in the general vicinity; and
- (3) The proposed commercial antenna is provided with adequate safety equipment and aesthetic treatments to be visually compatible with uses in the general vicinity.

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1. The applicant shall provide a copy of the proposed antenna structure to the local government for review and approval. The local government shall have 30 days to review and approve or disapprove the proposed antenna structure. If the local government disapproves the proposed antenna structure, the applicant shall be notified in writing of the reasons for disapproval. If the local government approves the proposed antenna structure, the applicant shall be notified in writing of the approval. The local government shall also be notified of the applicant's intent to appeal the local government's decision to the county board of supervisors. The applicant shall provide a copy of the proposed antenna structure to the county board of supervisors for review and approval. The county board of supervisors shall have 30 days to review and approve or disapprove the proposed antenna structure. If the county board of supervisors disapproves the proposed antenna structure, the applicant shall be notified in writing of the reasons for disapproval. If the county board of supervisors approves the proposed antenna structure, the applicant shall be notified in writing of the approval. The county board of supervisors shall also be notified of the applicant's intent to appeal the county board of supervisors' decision to the Nevada State Board of Antenna Regulation. The applicant shall provide a copy of the proposed antenna structure to the Nevada State Board of Antenna Regulation for review and approval. The Nevada State Board of Antenna Regulation shall have 30 days to review and approve or disapprove the proposed antenna structure. If the Nevada State Board of Antenna Regulation disapproves the proposed antenna structure, the applicant shall be notified in writing of the reasons for disapproval. If the Nevada State Board of Antenna Regulation approves the proposed antenna structure, the applicant shall be notified in writing of the approval.

Table 110.302.05.1

TABLE OF USES
(See Sections 110.302.10 and 110.302.15 for explanation)

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Family Residential																		
Single Family Detached	A	A	A	A	A	A	A	S ₂	S ₂	-	-	-	-	-	P	-	A	A
Single Family Attached	-	-	-	A	A	A	A	A	A	-	-	-	-	-	P	-	-	-
Duplex	-	-	-	P	P	P	P	P	A	-	-	-	-	-	-	-	-	-
Multi Family	-	-	-	-	-	-	P	P	A	-	-	-	-	-	-	-	-	-
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	-	A
Detached Accessory Dwelling	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	P	P	A	-	-	-	-	-	-	-	S ₁	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	-	-	-	-	-	-	-	A	A
Residential Group Home	P	P	P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-
Manufactured Home Parks	*	*	*	*	*	S ₁	S ₁	*	*	-	-	-	-	-	-	-	*	-
Civic Use Types (Section 110.304.20)																		
Administrative Services	-	-	-	-	-	-	P	P	P	A	A	A	A	A	P	-	-	-
Community Center	-	-	-	-	-	-	P	P	P	A	-	A	-	A	A	-	-	-

Key: - = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit; * = Allowed in areas designated Trailer (TR) overlay zone prior to adoption of this Development Code; ** = GRR only in Warm Springs planning area.

Washoe County Development Code
ALLOWED USES

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Table 110.302.05.1
TABLE OF USES (Continued)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Convalescent Services	-	-	-	S ₂	S ₂	S ₂	P	P	P	P	-	-	-	P	-	-	-	-
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	-	A	A	-	A	-
Child Care																		
Family Daycare	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	-	-	-	-	-	-	-	P	-
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	-
Education	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	-	S ₁	S ₁	-	S ₁	-
Group Care	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	-	-	-	-	-	S ₂	-
Hospital Services	-	-	-	-	-	-	-	-	-	A	A	-	-	A	-	-	-	-
Major Services and Utilities																		
Major Public Facilities	-	-	-	-	-	-	-	-	-	S ₁	-	S ₁	S ₁	S ₁	S ₁	-	S ₁	-
Utility Services	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	-
Parks and Recreation																		
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	-
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	-	PR	-
Public Parking Services	-	-	-	-	-	-	-	A	A	A	A	A	A	A	-	-	-	-
Postal Services	-	-	-	-	-	-	P	P	P	A	A	A	A	A	-	-	-	-
Religious Assembly	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	P	P	P	P	P	P	-	S ₁	-
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	-	S ₂	-

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit; * = Allowed in areas designated Trailer (TR) overlay zone prior to adoption of this Development Code; ** = GRR only in Warm Springs planning area.

Table 110.302.05.1

TABLE OF USES (Continued)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Administrative Offices	-	-	-	-	-	-	P	P	P	A	A	A	A	A	P	-	-	-
Adult Entertainment	-	-	-	-	-	-	-	-	-	S ₁	-	S ₁	-	-	-	-	-	-
Animal Sales and Services																		
Grooming and Pet Stores	-	-	-	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	-	-	-	-	-	-	-	-
Commercial Kennels	S ₂	S ₂	S ₂	S ₂	-	-	-	-	-	S ₂	-	-	S ₂	-	-	-	S ₂	S ₂
Commercial Stables	P	P	P	P	-	-	-	-	-	-	-	S ₂	-	-	P	-	P	S ₂
Veterinary Services, Pets	-	-	-	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	-	-	P	-	-	-	-	-
Veterinary Services, Agricultural	P	P	P	P	-	-	-	-	-	S ₂	-	-	-	-	-	-	P	S ₂
Pet Cemeteries	P	P	P	-	-	-	-	-	-	-	-	-	-	A	-	-	P	-
Automotive and Equipment																		
Automotive Repair	-	-	-	-	-	-	-	-	-	P	-	-	A	-	-	-	-	-
Automotive Sales and Rental	-	-	-	-	-	-	-	-	S ₂	A	A	A	A	-	-	-	-	-
Cleaning	-	-	-	-	-	-	S ₂	S ₂	S ₂	A	A	A	A	-	-	-	-	-
Commercial Parking	-	-	-	-	-	-	P	P	P	A	A	A	A	P	-	-	-	-
Equipment Repair and Sales	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-
Storage of Operable Vehicles	-	-	-	-	-	-	-	-	-	S ₂	-	-	A	-	-	-	-	-
Truck Stops	-	-	-	-	-	-	-	-	-	S ₁	-	S ₁	S ₁	-	-	-	-	-
Building Maintenance Services	-	-	-	-	-	-	-	-	-	A	A	-	A	-	-	-	-	-
Commercial Antennas	PS ₁	PS ₁	PS ₁	-	-	-	-	-	-	PS ₁	PS ₁	-	PS ₁	PS ₁	-	-	PS ₁	-

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Washoe County Development Code
 ALLOWED USES

EXHIBIT B

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ATTACHMENT A

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Table 110.302.05.1

TABLE OF USES (Continued)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Commercial Centers																		
Neighborhood Centers	-	-	-	S ₁	S ₁	S ₁	P	P	P	A	A	A	A	-	-	-	-	-
Community Centers	-	-	-	-	-	-	-	-	-	S ₁	-	S ₁	-	-	-	-	-	-
Regional Centers	-	-	-	-	-	-	-	-	-	S ₁	-	S ₁	-	-	-	-	-	-
Commercial Educational Services																		
Commercial Educational Services	-	-	-	-	-	-	P	P	P	A	A	-	A	A	-	-	-	-
Commercial Recreation																		
Indoor Entertainment	-	-	-	-	-	-	-	-	-	A	P	A	-	P	-	-	-	-
Indoor Sports and Recreation	-	-	-	-	-	-	-	-	-	S ₂	S ₂	P	S ₂	P	P	-	-	-
Outdoor Entertainment	-	-	-	-	-	-	-	-	-	-	-	S ₁	S ₁	-	S ₁	-	-	-
Outdoor Sports and Recreation	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	P	P	P	P	S ₁	P	-	P	-
Outdoor Sports Club	S ₂	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	P	-	S ₂	S ₂
Limited Gaming Facilities	-	-	-	-	-	-	-	-	-	P	-	P	S ₂	-	-	-	-	-
Unlimited Gaming Facilities	-	-	-	-	-	-	-	-	-	-	-	S ₁	-	-	-	-	-	-
Destination Resort	-	-	-	-	-	-	-	-	-	-	-	S ₁	-	-	S ₁	-	S ₁	-
Marinas	-	-	-	-	-	-	-	-	-	P	-	P	-	P	P	-	P	-
Commercial Campground Facilities	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	S ₂	-	S ₂	-
Construction Sales and Services																		
Construction Sales and Services	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-
Convention and Meeting Facilities																		
Convention and Meeting Facilities	-	-	-	-	-	-	-	-	-	P	P	P	-	P	S ₂	-	-	-

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Washoe County Development Code
 ALLOWED USES

EXHIBIT B

July 29 October 5, 1993
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ATTACHMENT A

Table 110.302.05.1

TABLE OF USES (Continued)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Eating and Drinking Establishments																		
Convenience	-	-	-	-	-	-	S ₁	S ₁	S ₁	A	A	A	P	-	-	-	-	-
Full Service	-	-	-	-	-	-	S ₁	S ₁	S ₁	A	A	A	P	-	-	-	-	-
Financial Services	-	-	-	-	-	-	S ₁	S ₁	S ₁	A	A	A	P	-	-	-	-	-
Funeral and Internment Services																		
Cemeteries	P	P	P	-	-	-	-	-	-	-	-	-	-	A	-	-	P	-
Undertaking	-	-	-	-	-	-	-	-	-	A	A	-	-	-	-	-	-	-
Gasoline Sales and Service Stations	-	-	-	-	-	-	S ₁	S ₁	S ₁	A	A	A	A	-	-	-	S ₁	-
Helicopter Services																		
Helistop	S ₂	-	-	-	-	-	-	-	-	S ₂	S ₂	S ₂	S ₂	S ₂	-	-	S ₂	-
Heliport	-	-	-	-	-	-	-	-	-	S ₂	-	-	S ₂	S ₂	-	-	S ₂	-
Liquor Sales																		
On-Premises	-	-	-	-	-	-	P	P	P	A	P	A	P	-	-	-	-	-
Off-Premises	-	-	-	-	-	-	P	P	P	A	-	A	P	-	-	-	-	-
Lodging Services																		
Hotels and Motels	-	-	-	-	-	-	-	-	-	A	P	A	-	-	-	-	-	-
Bed and Breakfast Inns	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	-	P	-	-	-	-	S ₂	S ₂
Vacation Time Shares	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-
Hostels	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	-	-	-

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Washoe County Development Code
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Table 110.302.05.1

TABLE OF USES (Continued)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Commercial Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Medical Services	-	-	-	-	-	-	S ₂	S ₂	S ₂	A	A	-	-	A	-	-	-	-
Personal Services	-	-	-	-	-	-	P	P	P	A	A	A	-	-	-	-	-	-
Personal Storage	-	-	-	-	-	-	S ₂	S ₂	S ₂	A	-	-	A	-	-	-	-	-
Professional Services	-	-	-	-	-	-	-	-	-	A	A	-	P	-	-	-	-	-
Repair Services, Consumer	-	-	-	-	-	-	-	-	-	A	A	-	A	-	-	-	-	-
Retail Sales																		
Convenience	-	-	-	S ₁	S ₁	S ₁	S ₁	S ₁	S ₁	A	A	A	A	-	-	-	-	-
Specialty Stores	-	-	-	-	-	-	-	-	-	A	P	A	-	-	-	-	-	-
Comparison Shopping Centers	-	-	-	-	-	-	-	-	-	A	-	A	-	-	-	-	-	-
Secondhand Sales	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-	-	-	-
Transportation Services	-	-	-	-	-	-	-	-	-	A	A	A	A	-	-	-	-	-
Recycle Center																		
Remote Collection Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	A	P	P	-	-	-
Full Service Recycle Center	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-
Residential Hazardous Substance Recycle Center	-	-	-	-	-	-	-	-	-	S ₂	-	-	S ₂	-	-	-	-	-
Nursery Sales																		
Wholesale	S ₂	S ₂	S ₂	-	-	-	-	-	-	A	-	-	A	-	-	-	S ₂	S ₂
Retail	-	-	-	-	-	-	-	-	-	A	-	-	A	-	-	-	-	-

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Washoe County Development Code
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Table 110.302.05.1

TABLE OF USES (Continued)
 (See Sections 110.302.10 and 110.302.15 for explanation)

Industrial Use Types (Section 110.304.30)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Custom Manufacturing	S ₂	S ₂	S ₂	-	-	-	-	-	-	S ₂	-	S ₂	A	-	-	-	S ₂	-
Energy Production	S ₁	S ₁	-	-	-	-	-	-	-	-	-	-	S ₁	S ₁	-	S ₁	S ₁	-
General Industrial																		
Limited	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-
Intermediate	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	S ₁	-	-	-	-	-
High Technology Industry	-	-	-	-	-	-	-	-	-	S ₁	S ₁	-	A	-	-	-	S ₁	-
Inoperable Vehicle Storage	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	-	-
Laundry Services	-	-	-	-	-	-	-	-	-	P	-	-	A	-	-	-	-	-
Mining Operations	S ₁	-	-	-	-	-	-	-	-	-	-	-	S ₁	-	-	-	S ₁	-
Petroleum Gas Extraction	-	-	-	-	-	-	-	-	-	-	-	-	S ₁	-	-	S ₁	S ₁	-
Wholesaling, Storage, and Distribution																		
Light	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	-	-
Heavy	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
Salvage Yards	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	-	-	-	-	-

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Washoe County Development Code
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Table 110.302.05.1
TABLE OF USES (Continued)
(See Sections 110.302.10 and 110.302.15 for explanation)

Agricultural Use Types (Section 110.304.35)	LDR	MDR	HDR	LDS	MDS	HDS	LDU	MDU	HDU	GC	OC	TC	I	PSF	PR	OS	GR	**GRR
Agricultural Processing	-	-	-	-	-	-	-	-	-	-	-	-	A	-	-	-	S ₂	A
Agricultural Sales	S ₂	-	-	-	-	-	-	-	-	A	-	-	A	-	-	-	S ₂	A
Animal Production	A	A	A	A	-	-	-	-	-	-	-	-	-	-	S ₂	S ₂	A	A
Animal Slaughtering	-	-	-	-	-	-	-	-	-	-	-	-	S ₁	-	-	-	-	-
Crop Production	A	A	A	A	-	-	-	-	-	-	-	-	-	-	S ₂	S ₂	A	A
Game Farm	S ₂	S ₂	S ₂	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	S ₂	S ₂
Forest Products	S ₂	S ₂	S ₂	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	P	-
Produce Sales	S ₂	S ₂	S ₂	S ₂	-	-	-	-	-	-	-	-	-	-	-	-	S ₂	A

Sources: Sedway Cooke Associates and Washoe County Department of Comprehensive Planning.

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ARTICLE 902

DEFINITIONS

Sections:

110.902.00	Purpose
110.902.05	Applicability
110.902.10	Rules of Interpretation
110.902.15	General Definitions

Section 110.902.00 Purpose. The purpose of this article, Article 902, Definitions, is to promote consistency and precision in the interpretation of the Development Code.

Section 110.902.05 Applicability. The meaning and construction of words and phrases as set forth therein shall apply throughout the Development Code, except where the context of such words and phrases clearly indicates a different meaning or construction. Definitions contained in the adopted version of the Uniform Building Code shall be applicable except when in conflict with definitions contained in the Development Code, in which case the Development Code definitions shall control. Additional definitions which apply only within one article or section may be contained within that article or section.

Section 110.902.10 Rules of Interpretation. The following general rules of interpretation shall apply to the textual provisions of the Development Code:

- (a) **Article and Section References.** "Article" means an article of the ordinance codified in this Development Code unless some other ordinance is specifically mentioned. "Section" means a section of the ordinance codified in this Development Code unless some other ordinance is specifically mentioned. "Subsection" means a subsection of the section in which the term occurs unless some other section is specifically mentioned.
- (b) **Definitions.** The Director of Development Review shall have the authority to determine the applicable definition source (e.g. Websters, Uniform Building Code, Uniform Fire Code, etc.) in the event of a conflict.
- (c) **Headings.** Section and subsection headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any provision of this Development Code.
- (d) **Illustrations.** In case of any differences of meaning or implication between the text of any section or article and any illustration, the text shall control.
- (e) **Gender.** The masculine gender includes the feminine and neuter.
- (f) **Number.** The singular number includes the plural, and the plural the singular.
- (g) **Tense.** The present tense includes the past and future tenses, and the future tense includes the present tense.

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- (h) Oath and Affirmation. "Oath" includes "affirmation".
- (i) Shall and May. "Shall" is mandatory and "may" is permissive.
- (j) Signature or Subscription and Mark. "Signature" or "subscription" includes "mark" when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two (2) witnesses so sign their own names thereto.
- (k) Statutory References. Whenever reference is made to any portion of the ordinance codified in this Development Code, or of any other ordinance of this County or of any law of this state, the reference applies to all amendments and additions now or hereafter made.

Section 110.902.15 General Definitions. Unless otherwise specified, the following definitions shall be applicable throughout the Development Code:

A-Weighted Sound Level. "A-weighted sound level" means the sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. Sounds measured with an A-weighted filter are abbreviated dba or db(a).

Accessory Building. "Accessory building" means a subordinate building, the use of which is incidental to that of the main building or potential main building.

Accessway. "Accessway" means vehicular ingress and egress to a property or use.

Adequate Public Facilities Management. "Adequate public facilities management" means a method for ensuring that the infrastructure necessary to support a development project will be available concurrently with the impacts of that development, without causing the level of service provided by said infrastructure to fall below adopted standards.

Affordable Housing. "Affordable housing" means housing which is affordable to low-income households (not exceeding eighty (80) percent of the County median income) or moderate-income households (not exceeding one-hundred twenty (120) percent of County median income).

Approved Access. "Approved access" means a way or means of approach to a parcel from either an abutting public road or from a private road, street or right-of-way approved by the County.

Area of Shallow Flooding. "Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Maps. The base flood depths range from 1 to 3 feet, a clearly defined channel does not exist, the path of flooding is unpredictable and indeterminate, and velocity flow may be evident.

Area Plan. "Area plan" means plans adopted by Washoe County which cover specific subareas of the unincorporated County. These plans provide basic information on the natural features, resources and physical constraints that affect the development of the planning area. They also specify detailed land use designations which are then used to review specific development proposals and to plan services and facilities.

Arterial. "Arterial" means a main highway that is a through street.

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Attached Accessory Dwelling. "Attached accessory dwelling" means a portion of a single family dwelling that may provide complete, independent living facilities for living, sleeping, eating, cooking and sanitation within the main dwelling unit, but which is separate from the main dwelling unit's cooking area, bathroom(s) and living areas. An attached accessory dwelling does not exceed twenty-five (25) percent of the total square footage of the main dwelling unit. Attached accessory dwellings are often referred to as guest rooms, guest apartments and "granny flats".

Base Flood Calculation. "Base flood calculation" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. See "Flood, One Hundred (100) Year".

Basement. "Basement" means the portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling.

Bed and Breakfast Establishment. "Bed and breakfast establishment" means a single-family dwelling containing not more than five (5) guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.

Berm. "Berm" means a mound or embankment of earth.

Billboard. "Billboard" means an outdoor advertisement making a material or services known, such advertisement being remote from the point of sale of such material or service.

Board. "Board" refers to the Board of County Commissioners of Washoe County.

Boardinghouse. "Boardinghouse" means a building or portion thereof (not a motel) where, for compensation, meals and lodging are provided for more than three (3) guests.

Building. "Building" means any structure having a permanent foundation, a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home) or tent.

Building Height. "Building height" is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five (5) foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten (10) feet above lowest grade.
2. An elevation ten (10) feet higher than the lowest grade when the sidewalk or ground surface described in Item 1 above is more than ten (10) feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Building Intensity. "Building intensity" refers to the bulk and concentration of physical development of uses permitted in a district. Lot coverage and height are examples of measures of building intensity.

Cellar. "Cellar" means the portion of a building between floor and ceiling which is wholly or partially below grade and so located that vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling.

ATTACHMENT A

Certificated Water Rights. "Certificated water rights" means the right to put surface water or groundwater to beneficial use that is identified by a record document issued by the Nevada State Engineer after satisfactory proof of "perfection of application" for a permitted water right has been filed in accordance with NRS Chapter 533.

Climatic Adaptive Planting Material. "Climatic adaptive planting material" means vegetation which is adapted to the climate or microclimate of the planting site and can flourish given the soil and water environment surrounding its roots. Microclimates, large bodies of water, soil drainage, soil pH, adequate moisture, the presence of soil salts, and both summer and winter wind affect a plant's ability to grow and survive.

Cluster or Clustered Development. See "Common Open Space Development".

Collector. "Collector" means the highest order of residential streets.

Commercial Coach. "Commercial coach" means structure without motive power which is designed and equipped for human occupancy for industrial, professional or commercial purposes.

Commission. "Commission" means the Washoe County Planning Commission.

Common Interest Community. "Common interest community" means real estate in which a person, by virtue of ownership of a unit, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty (20) years in a unit, including options to renew.

Common Open Space Development. "Common open space development" means a technique whereby minimum lot sizes may be reduced below the regulatory zone requirements for residential and commercial use types, if compensating amounts of open space are provided within the same development (also called "cluster development"). This type of development allows for structures to be grouped on smaller lots, provided the total density for the development is not exceeded.

Comprehensive Plan. "Comprehensive Plan" means the Washoe County Comprehensive Plan, including the area plans.

Consistency. "Consistency" means free from variation or contradiction.

Constraints. "Constraints" mean limitations or actions which cannot be taken or which must be taken.

Construct. "Construct" includes "erect", "reconstruct", "alter", "move in" and "move upon".

Corner Lot. See "Lot, Corner".

Cost. "Cost" means the price paid or what is given up in order to acquire, produce, accomplish or maintain anything.

County. "County" refers to the unincorporated area of Washoe County, Nevada.

County Standards. "County standards" means improvement standards set forth in this Development Code or adopted by the Board of County Commissioners.

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Cross-Section. "Cross-section" is a drawing or photograph showing a cutting through something, especially at right angles to its axis. A cross section of a roadway usually indicates the width of the street, the number of lanes, and the width of any median, parkways, sidewalks and bicycle lanes.

Cumulative Impact. "Cumulative impact" means an effect which is a result of several related projects. Each increment from each project may not be noticeable but cumulative impacts may be noticeable when all increments are considered.

Decibel. "Decibel" means a unit for describing the amplitude of sound, equal to twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of the sound measured to the reference pressure, which is twenty (20) micropascals (20 micronewtons per square meter).

Density or Residential Density. "Density" or "residential density" means the number of dwelling units per gross acre for residential uses.

Density Bonus. "Density bonus" means an increase in residential density over and above the density specified in the Development Code. A "density bonus unit" is one of the additional housing units built as a result of granting a density bonus.

Destination Resort. "Destination resort" is a self-contained development that provides for visitor-oriented accommodations and developed recreational facilities in a setting with high natural amenities. Visitor-oriented accommodations are overnight lodging and facilities designed for visitors, not permanent residents, and overnight lodging excludes RV and mobile home parks. Visitor accommodations must include meeting rooms and restaurants.

Detached Accessory Dwelling. "Detached accessory dwelling" means a dwelling unit on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. An accessory dwelling unit may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. A detached accessory dwelling unit is at least six hundred forty (640) square feet, but does not exceed twelve hundred (1,200) square feet or fifty (50) percent of the floor area of the main unit, whichever is smaller. Detached accessory dwellings may also be referred to as guest houses, second units, detached "granny flats" and caretaker's quarters.

Development. "Development" means any man-made change to improved or unimproved real estate including the construction of buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials.

Development Agreement. "Development agreement" means an agreement entered into by Washoe County and any person having a legal or equitable interest in land concerning the development of that land, pursuant to NRS Chapter 278.

Development Code. "Development Code" refers to Chapter 110 of the Washoe County Code which incorporates all County development-related ordinances and standards to ensure conformity with the Comprehensive Plan.

Division into Large Parcels. "Division into large parcels" means division of land if each proposed lot is at least forty (40) acres in area including roads and easements or at least one-sixteenth (1/16) of a section as described by a government land office.

Domestic Water. "Domestic water" means water supplied to individual dwellings and other land uses which is suitable for drinking.

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Dwelling. "Dwelling" means any building or portion thereof used exclusively for residential purposes but does not include hotels, clubs, boardinghouses or rooming houses, fraternity or sorority houses, or institutions.

Dwelling Unit. "Dwelling unit" means any building or portion thereof, including a fabricated home or portion thereof, which contains living facilities including provisions for sleeping, eating, cooking and sanitation as required by the Development Code, the Uniform Building Code, and/or the National Manufactured Home and Safety Standards Act.

Endangered Species. "Endangered species" means any species listed as such in the Federal Register which is in danger of extinction throughout all or a significant portion of its range.

Engineer. "Engineer" means a Nevada registered engineer pursuant to NRS Chapter 625.

Erosion. "Erosion" means the detachment and movement of soil from the land surface by wind, water or gravity.

Fabricated Home. "Fabricated home" means a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site. Fabricated homes include modular homes, manufactured homes and mobile homes.

Family. "Family" means one (1) or more persons related by blood, marriage or legal adoption, or a group of six (6) or fewer unrelated persons and two additional persons who act as house parents or guardians, living together in a dwelling unit.

Fence. "Fence" means a wall or barrier constructed of boards, masonry, wire or any other material for the purpose of enclosing space or separating parcels of land. The term "fence" does not include retaining walls, but does include fence gates and gateposts.

Final Map. "Final map" means the map or recording instrument for subdivisions of land as described in Article 610. A final map may also be used to record an approved parcel map at the option of either the subdivider or the County.

Fire Management. "Fire management" means activities required for the protection of resources and values from fire, or the use of fire to meet land management goals and objectives.

Flood or Flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; or the unusual and rapid accumulation of runoff of surface waters from any source.

Flood, One Hundred (100) Year. "One hundred (100) year flood" means a flood estimated to occur on an average once in one hundred (100) years. The boundaries of the one hundred (100) year flood include both the floodway and the flood fringe areas.

Flood Boundary and Floodway Maps (Floodway). "Flood Boundary and Floodway Maps" means the official maps on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

Flood Elevation. "Flood elevation" means the elevation of the water surface of the base flood based on the National Geodetic Vertical Datum (NGVD) of 1929.

Flood Elevation, Increase In. "Increase in flood elevation" means an increase in flood elevation of more than one (1) foot at any point.

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Flood Fringe. "Flood fringe" means the area of the one hundred (100) year flood, exclusive of the floodway, as shown on the Flood Insurance Rate Maps, and any area determined by the Floodplain Administrator to have a one (1) percent or greater probability of flood in a given year.

Flood Hazard Areas. "Flood hazard areas" means the area designated by the Federal Emergency Management Agency as being flooded by the base flood, and is designated as "Zone A, AO, AH, A1-30 and A99" on the Flood Insurance Rate Maps.

Flood Height. "Flood height" means the depth of the floodwater during the one hundred (100) year flood, computed as the difference between the elevation of the one hundred (100) year floodwater surface and the elevation ground surface at a given point in the flooded area.

Flood Insurance Rate Maps (FIRM). "Flood Insurance Rate Maps" means the official maps on which the Federal Insurance Administration has delineated the flood hazard area, the limited flooding area and the risk premium zones applicable to the community.

Flood Insurance Study (FIS). "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Maps, the Flood Boundary and Floodway Maps, and the water surface elevation of the base flood.

Floodplain. "Floodplain" means any land area susceptible to being inundated by water from any source.

Floodplain Administrator. "Floodplain Administrator" means the person appointed to administer and implement the provisions of Article 416 of this Development Code.

Floodplain Management. "Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage.

Floodproofing. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved property.

Floodway. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. The floodway is delineated on the Flood Boundary and Floodway Maps.

Floor Area Ratio (FAR). "Floor area ratio" means the ratio of floor area permitted on a lot to the size of the lot. For example, a permitted FAR of 6.0 on a 10,000 square foot lot would allow a building with a total floor area of 60,000 square feet.

Front Line. "Front line" means the narrowest lot dimension fronting on a street.

Front Yards. See "Yard, Front".

Fuel Management. "Fuel management" means treating or controlling any vegetative material which adversely affects meeting fire management direction based upon resource management goals and objectives.

Fuelbreak. "Fuelbreak" means a strip of land, strategically placed for fighting anticipated fires, where hazardous fuels have been replaced with less burnable fuels (like grass). They divide fire-prone areas into smaller parcels for easier fire control and provide access for fire fighting.

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Fuels. "Fuels" mean any material capable of sustaining or carrying a wildfire, usually natural material both live and dead.

Gaming. "Gaming" means any legally constituted gambling enterprise authorized under the laws of the State of Nevada other than slot machines when such machines are operated incidentally to the conduct of a licensed retail business.

Geothermal Resource. "Geothermal resource" means the natural heat of the earth and the energy associated with the natural heat, pressure and all dissolved or entrained minerals, but excluding hydrocarbons and helium, that may be obtained from the medium used to transfer that heat.

Governing Body. "Governing body" refers to the Washoe County Board of County Commissioners, unless otherwise clearly indicated.

Grade. "Grade" is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Grading. "Grading" means removal of trees and shrubs with surface soil grading for smoothness.

Greenbelt. "Greenbelt" means an area where measures such as fuel management, land use planning and development standards are applied to mitigate fire, flood and erosion hazard. More traditionally, an irrigated landscaped buffer zone between development and wildlands, usually put to additional uses (e.g. golf course, park, etc.).

Gross Density. "Gross density" is the ratio of the total number of units to the total site area.

Ground Cover. "Ground cover" means low, dense-growing plants such as shrubs or vines, or inert materials such as rock or bark used to cover bare ground.

Hedge. "Hedge" means a dense row of plant material, such as shrubs, which are arranged to form a boundary or screen.

Highest Existing Grade. "Highest existing grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Hillside Development. "Hillside development" means any development including individual lots which has an average slope equal to or greater than ten (10) percent or slopes that exceed fifteen (15) percent on twenty-five (25) percent or more of the site.

Hotel. "Hotel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with an interior hall and lobby.

House Construction Factory. "House construction factory" means a building used for the construction of a single or multiple family dwelling, or the assembly of prefabricated single or multiple family dwelling components, or a combination of the above-described procedures, which results in a completed single or multiple family dwelling that can be transported to a lot for which service has been provided and which has been improved to accommodate the installation of the dwelling.

Household. "Household" means the person or persons occupying a housing unit.

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Impervious Surface. "Impervious surface" means the surface through which water cannot penetrate, such as a roof, road, sidewalk or paved parking area.

Incorporated City. "Incorporated city" means a city incorporated under the laws of the State of Nevada.

Infrastructure. "Infrastructure" means the basic facilities such as roads, schools, power plants, transmission lines, transportation and communication systems on which the continuance and growth of a community depends.

Interior Lot. See "Lot, Interior".

Junkyard. "Junkyard" means any space for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts.

Kitchen. "Kitchen" is an area within a dwelling containing facilities for the storage, preparation, cooking and disposal of food.

Landscaped Buffer. "Landscaped buffer" means an area of landscaping which separates two (2) distinct land uses, or a land use and a public right-of-way, and which acts to soften or mitigate the effects of one (1) land use on the other.

Landscaping. "Landscaping" means an area devoted to and maintained with a mixture of existing or new native or exotic plants such as turf, groundcover, shrubs, flowers, vines and trees, as well as additional complementary decorative features such as rocks, decorative pavement, fountains, pools, sculpture and decorative wall.

Ldn. "Ldn" means the average equivalent A-weighted sound level during a 24-hour day obtained by adding ten decibels to the hourly noise levels measured during the night (10:00 p.m. to 7:00 a.m.). In this way, Ldn takes into account the lower tolerance of people for noise during nighttime periods. Ldn noise level measurements are typically plotted onto a map to identify noise contours around a significant noise generator (e.g. freeways, airports, etc.).

Limited Flooding Area. "Limited flooding area" means the area between the limits of the base flood and the five hundred (500) year flood; or certain areas subject to the base flood with average depths less than one (1) foot or where the contributing drainage area is less than one (1) square mile; or areas protected by levees from the base flood. This area is designated as "Zone B" on the Flood Insurance Rate Maps.

Limited Gaming. "Limited gaming" means gaming enterprises authorized by the State Gaming Control Board whereby any person or gaming establishment may be issued a limited gaming license or have such conditions placed on a gaming license as necessary to protect the public interest.

Livestock. "Livestock" means:

- (a) All cattle or animals of the bovine species;
- (b) All horses, mules, burros and asses or animals of the equine species;
- (c) All goats or animals of the caprine species;
- (d) All swine or animals of the porcine species; and

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- (e) All sheep or animals of the ovine species.

Loading Space. "Loading space" means an off-street space or berth on the same lot with a building or contiguous to a group of buildings for the temporary parking of vehicles while handling merchandise or materials.

Lot. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes and which abuts upon a permanent means of access.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two (2) or more streets having an interior angle of less than 135 degrees.

Lot, Interior. "Interior lot" means a lot bounded by a street on only one (1) side or situated at the intersection of (2) streets having an interior angle of 135 degrees or more.

Lot, Through. "Through lot" means a lot bounded by two (2) streets that do not intersect at the boundaries of the lot.

Lot Coverage. "Lot coverage" is a measure of intensity of land use which represents the portion of a site that is impervious (i.e. does not absorb water). This portion includes, but is not limited to, all areas covered by buildings, parking structures, driveways, roads, sidewalks, and any areas of concrete asphalt. In the case of lumberyards, areas where lumber is stored also constitutes impervious surfaces.

Lot Depth. "Lot depth" is the distance between the front and rear lot lines measured in the mean direction of the side lines.

Lot Size. "Lot size" is the total square footage of a lot.

Lot Width. "Lot width" is the distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear line.

Lowest Floor. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements.

Main Building. "Main building" means a building devoted to the principal use of the lot on which it is situated.

Major Subdivision. "Major subdivision" means a subdivision which contains five (5) or more lots, parcels, sites, units, plots or interests.

Manufactured Home. "Manufactured home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing the label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards in effect on the date of manufacture. A manufactured home is further defined by Nevada Revised Statute (NRS 489.113). A manufactured home is not a mobile home, nor a modular home.

Manufactured Home Park Site. "Manufactured home park site" is the entire tract of land used for a manufactured home park.

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Manufactured Home Space. "Manufactured home space" is the area in a manufactured home park that is rented or leased to the occupant or occupants of a manufactured home.

Manufactured Home Subdivision. "Manufactured home subdivision" is a subdivision designed and/or intended for the sale of lots for siting manufactured homes.

Median Income or County Median Income. "Median income" or "County median income" means the level of income in Washoe County whereby one-half (1/2) of the population earns greater than that level of income and one-half (1/2) of the population earns less than that level of income. Median income is determined on a yearly basis by the Department of Housing and Urban Development.

Minor Subdivision. "Minor subdivision" means a subdivision which contains four (4) or less lots, parcels, sites, units, plots or interests.

Minute Action. "Minute action" means an official final decision made by the Board of County Commissioners, as recorded in the County Clerk's minutes.

Mobile Home. "Mobile home" is a transportable, fabricated home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. A mobile home, further defined by Nevada Revised Statute (NRS 489.120), does not bear an insignia of approval that the dwelling unit was built in compliance with NRS Chapter 461. A mobile home is not a manufactured home, nor a modular home.

Mobile Home Park. "Mobile home park" means a tract of land under single ownership within which two (2) or more manufactured homes are occupied as residences on a permanent or semi-permanent basis. The homes are located on spaces that are rented or leased. Special facilities for the common use of the occupants may be included.

Mobile Home Park Site. "Mobile home park site" is the entire tract of land used for a mobile home park.

Modular Home. "Modular home" is a dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with local Uniform Building Code standards and further meets all requirements of County Code Chapter 100. Modular homes shall be subject to the same permit process as site-built homes. A modular home is not a manufactured home, but includes what is commonly referred to as a panelized home.

Motel. "Motel" means a building occupied or intended to be occupied, for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere, with access to each room or unit from an outside porch or landing (whether or not such outside porch or landing is enclosed with screen, glass, plastic or similar material).

Mulch. "Mulch" means an organic or inorganic material applied to landscaped areas to help minimize evaporation from the soil, reduce weeds, moderate soil temperatures and slow erosion.

National Register of Historic Places. "National Register of Historic Places" means the listing maintained by the U.S. National Park Service of areas which have been designated as historically significant. The Register includes places of local and state significance, as well as those of value to the nation in general.

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Net Density. "Net Density" is the ratio of the total number of units to the site area minus the area of the streets, parking areas and undevelopable land.

Nevada Natural Heritage Site. "Nevada Natural Heritage Site" means areas of land or water which either:

- (a) Have unusual flora, fauna, geological, scenic or similar features of scientific, educational or recreational interest; or
- (b) Retain some degree, or have re-established, a natural character (although it need not be completely undisturbed).

New Construction. "New construction" means (for floodplain management purposes) structures for which the start of construction commenced on or after August 1, 1984.

NRS. "NRS" means Nevada Revised Statutes.

Open Space, Common. "Common open space" means the total land area, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents or occupants of the development. Common open space includes swimming pools, putting greens and other recreational-leisure facilities; areas of scenic or natural beauty and habitat areas; hiking, riding or off-street bicycle trails; and landscaped areas adjacent to roads which are in excess of minimum required rights-of-way.

Open Space, Private. "Private open space" means the outdoor living area directly adjoining a dwelling unit or building which is intended for the private enjoyment of the residents or occupants of the dwelling unit or building and which is defined in such a manner that its boundaries are evident.

Open Space Use. "Open space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies or preserve sites designated as historic pursuant to law, provided such land has a greater value for another use than for open space use.

Parcel Map. "Parcel map" means a map for a minor subdivision.

Parcel of Land. "Parcel of land" means any unit or contiguous units of land in the possession of or recorded as the property of one person.

Parking Area. "Parking area" means an open area, excluding a street or other public right-of-way, used for the parking of vehicles and available to the public, whether for free or for compensation.

Permitted Water Rights. "Permitted water rights" means the right, in accordance with NRS Chapter 533 and as approved by the Nevada State Engineer, to appropriate public waters, or to change the place of diversion, manner of use or place of use of water already appropriated.

Person. "Person" means a firm, association, corporation, partnership or an individual.

Planting Area. "Planting area" means an area devoted to or maintained predominantly with native or exotic plants including turf, groundcover, shrubs, flowers, vines and trees with a limited portion of complementary decorative features.

Police Powers. "Police powers" means powers reserved to the states by the U.S. Constitution and delegated to cities and counties through the Nevada Constitution and the Nevada Revised Statutes;

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it is the authority to create and enforce ordinances and regulations that are not in conflict with general laws in order to promote the health, safety and general welfare of the public.

Print. "Print" means and includes a blueprint, photostat, direct process print or other copy which reproduces exactly the original drawing from which it was made.

Private Communication Antenna. "Private communication antenna" means any system of wires or poles or similar devices, excluding satellite dish antennas, used for the transmission or reception of electromagnetic waves by federally licensed amateur radio or citizen band radio operators, which system is external to or attached to the exterior of any building.

Private Garage. "Private garage" means a space intended for or used by the private automobiles of families resident upon the lot.

Public Garage. "Public garage" means a building for the repair, storage or hire of motor vehicles.

Rear Yard. See "Yard, Rear".

Recreational Vehicle. "Recreational vehicle" means a vehicular structure that is primarily designed as temporary living quarters for travel, recreation and camping uses. A recreational vehicle can be self-propelled, mounted on, or towed by a separate vehicle.

Recreational Vehicle Park. "Recreational vehicle park" means a tract of land for the transient use by two or more recreational vehicles.

Regional Plan. "Regional Plan" means the Truckee Meadows Regional Plan.

Required Area. "Required area" means the minimum area of a lot or parcel necessary to permit its use under the provisions of the Development Code. Required area refers to:

- (a) Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law;
- (b) Any parcel of land separated as a lot prior to the adoption and effective date of the original Washoe County Land Use Ordinance or the adoption of additional regulatory zones; or
- (c) Any lot or parcel of land which has an area not less than that required in the respective regulatory zone.

Right-of-way. "Right-of-way" is a strip of land occupied or intended to be occupied by a publicly dedicated street, including the pavement, sidewalks and parkways, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade streets or other special use.

Riparian. "Riparian" means related to or located on the bank of a natural water course.

Riparian Habitat. "Riparian habitat" means the land and plants bordering a watercourse or lake.

Room. "Room" is space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space and therefore, not a room.

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Roominghouse. "Roominghouse" means a building or portion thereof (not a motel) where, for compensation, lodging is provided for more than three (3) guests.

Rural Regulatory Zones. "Rural regulatory zones" means the Low Density Rural Regulatory Zone, Medium Density Rural Regulatory Zone, and High Density Rural Regulatory Zone.

Satellite Dish Antenna. "Satellite dish antenna" means a device incorporating a reflective surface that is solid, open mesh or bar configured and is in the shape of a shallow dish, cone, horn or cornucopia. Such device shall be used to transmit and/or receive radio or electromagnetic waves between terrestrially and/or orbitally based uses. This definition is meant to include, but not be limited to, what are commonly referred to as satellite earth stations, TVROs (television reception only satellite dish antennas), and satellite microwave antennas.

Scenic Corridor. "Scenic corridor" means a roadway with recognized high quality visual amenities that include background vistas of mountains, open country or city.

School. "School" means an institution of learning which offers instructions in the several branches of learning required to be taught in the public schools of the State of Nevada.

Screen. "Screen" means the combination or individual use of a fence, decorative wall, earth berm or dense landscaping to physically and visually separate one area from another area.

Service Standards. "Service standards" means a measurement of municipal services used to monitor or compare services provided by the County and other service providers.

Setback. "Setback" means the required distance between every structure and the lot line of the lot on which the structure(s) is located.

Shrubs. "Shrubs" means a self-supporting woody species of plants characterized by persistent stems and branches springing from the base.

Side Yard. See "Yard, Side".

Site-Built Home. "Site-built home" means a dwelling unit where the major components are fabricated and assembled at the building site or a dwelling unit constructed at a house construction factory located within Washoe County. Site-built homes shall comply with Washoe County building codes and other adopted local codes.

Solar Energy. "Solar energy" means energy derived from the sun's rays.

Specific Plan. "Specific plan" means a plan prepared for a portion of an area plan which prescribes uses and development standards for that portion.

Story. "Story" is that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused under-floor space is more than six (6) feet above grade as defined herein for more than fifty (50) percent of the total perimeter or is more than twelve (12) feet above grade as defined herein at any point, such usable or unused under-floor space shall be considered as a story.

Story, First. "First story" is the lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one (1) floor level shall be classified as a first story,

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provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) percent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Street. "Street" means a public right-of-way or easement which affords a primary means of access to abutting property.

Structure. "Structure" means a walled and roofed building or manufactured home, including a gas or liquid storage tank that is primarily above ground. "Structure" does not include a tent, trailer or vehicle.

Subdivider. "Subdivider" means any person or persons, firm, corporation, partnership or association that causes land to be divided into a subdivision for himself or itself or for others. A consultant, engineer or surveyor who does not hold title to the land is not considered a subdivider.

Subdivision. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided vacant or improved, into two (2) or more lots, parcels, sites, units or plots for the purposes of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:

- (a) "Subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land each of which comprise forty (40) or more acres of land, or 1/16 of a section, including roads and roadway easements, which is subject to the provisions of Article 612.
- (b) Any joint tenancy or tenancy in common shall be deemed a single interest in land.
- (c) Unless a method of disposition is adopted for the purpose of evading this Development Code or would have the effect of evading this Development Code, the term "subdivision" does not apply to:
 - (1) Any division of land which is ordered by any court in this state or created by operation of law;
 - (2) A lien, mortgage, deed of trust or any other security instrument;
 - (3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - (4) Cemetery lots; or
 - (5) An interest in oil, gas, minerals or building materials which are not or hereafter severed from the surface ownership or real property.
- (d) "Subdivision" does not apply to creation of parcels of more than (10) acres for agricultural purposes if a street, road or highway opening, widening or easement of any kind is not involved.
- (e) For the purposes of the definition "subdivision", any interest in land created or established as joint tenancy or a tenancy in common shall be a single interest and not an interest in common, if, and only if, the use or development or the proposed use or development of such land would not be a subdivision as defined in this

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section if undertaken or proposed by a single entity, whether corporate or an individual. See "Major Subdivision" and "Minor Subdivision".

Substantial Improvement. "Substantial improvement" means any repair, reconstruction, additions or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either before the improvement or addition is started or, if the structure has been damaged, before the damage occurred, regardless of the actual repair work performed. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. "Substantial improvement" does not include:

- (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications; or
- (b) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
 - (1) "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure; and
 - (2) "Substantial improvement" does not include improvement of a structure solely to comply with existing state or local health, sanitary or safety code specifications, or any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Suburban Regulatory Zones. "Suburban regulatory zones" means the Low Density Suburban Regulatory Zone, Medium Density Suburban Regulatory Zone, and High Density Suburban Regulatory Zone.

Surface Runoff. "Surface runoff" means water that results from precipitation which is not absorbed by the soil, evaporated into the atmosphere or entrapped by ground surface depressions and vegetation, and which flows over the ground surface to adjoining properties, storm drains or waterways.

Surveyor. "Surveyor" means a land surveyor registered pursuant to NRS Chapter 625.

Tentative Parcel Map. "Tentative parcel map" means a map which is filed pursuant to Article 606, conforming to the standards and requirements set forth therein.

Tentative Subdivision Map. "Tentative subdivision map" means a preliminary map made to show lot lines, roads, buildings, rights-of-ways and other design factors of a proposed subdivision.

Threatened Species. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and which has been designated in the Federal Register as a threatened species.

Through Lot. See "Lot, Through".

Topography. "Topography" means configuration of a surface, including its relief and the position of natural and man-made features.

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Topsoil. "Topsoil" means the upper part of the soil profile that is relatively rich in humus, known in agronomy as the "A-horizon".

Total Developed Land Area. "Total developed land area" means that portion of a property which is disturbed for development purposes including, but not limited to, areas covered by buildings, landscaping, impervious surfaces and other areas graded or excavated to support the development.

Trailer Coach. See "Mobile Home".

Travel Trailer. See "Recreational Vehicle".

Tree. "Tree" means a large, woody perennial plant with one main trunk or multiple trunks, and many branches.

Uplighting. "Uplighting" means a source of light where the center of the light beam is at an angle greater than the horizontal.

Urban Regulatory Zones. "Urban regulatory zones" means the Low Density Urban Regulatory Zone, Medium Density Urban Regulatory Zone, and High Density Urban Regulatory Zone.

Use or Land Use. "Use" or "land use" means the primary or primary and secondary use(s) of land such as single family residential, multi-family residential, commercial, industrial, agriculture, etc. The description of a particular land use should convey the dominant character of a geographic area and, thereby, establish types of activities which are appropriate and compatible with primary use(s).

Used. "Used" includes "arranged", "designed" or "intended to be used".

Will Serve Letter. "Will serve letter" means a letter from a utility purveyor assuring the provision of services for proposed development.

Yard. "Yard" means an open space on the same lot or parcel used with the building, extending from the setback line to the nearest lot line, to be unoccupied and unobstructed except as provided in the Development Code.

Yard, Front. "Front yard" means a yard lying between the setback line and the front lot line and extending across the full width of the lot or parcel.

Yard, Rear. "Rear yard" means a yard between the setback line and the rear lot line and extending across the full width of the lot or parcel.

Yard, Side. "Side yard" means a yard lying between the setback line and the side lot line and extending from the front yard line to the rear yard line.

Zone or Regulatory Zone. "Zone" or "regulatory zone" means a portion of the unincorporated area of Washoe County which is specifically designated in Article 106 of this Development Code.

Zoning Administrator. "Zoning Administrator" means an official, designated by the Director of Development Review, charged with the responsibility of administering the Development Code and issuing other permits.

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*Washoe County Comprehensive Planning***PLANNING COMMISSION STAFF
REPORT**

September 29, 1993

OCTOBER 5, 1993 MEETING: AGENDA ITEM 14

PUBLIC HEARING: DEVELOPMENT CODE AMENDMENT CASE NO. DCA93-6 (DIVISION 3 REGULATION OF USES, AND DIVISION 9 GENERAL PROVISIONS) - To consider a request to amend the Washoe County Development Code, to revise Article 324 ANTENNAS regarding the location, installation, appearance and screening regulations. Article 302 ALLOWED USES, Table 110.302.05.1 "Table of Uses" for Commercial Antennas, and Article 902 DEFINITIONS related to antenna systems. (Dean Diederich)

RECOMMENDATION AND FINDINGS**RECOMMENDATION: Approval**

Staff recommends approval of the proposed Development Code amendment. Staff recommends that the Planning Commission conduct a public hearing to determine:

1. If the request is an appropriate amendment to the Washoe County Development Code; and
2. If the proposed amendment is consistent with the goals, policies and standards of the elements of the Washoe County Comprehensive Plan; and
3. If any modifications, revisions, additions, or deletions are necessary to the proposed Article 324 Antenna standards and regulations, and related sections, to be revised in the Washoe County Development Code.

Based upon staff analysis and comments received, staff recommends the following motion and findings for your consideration:

The Washoe County Planning Commission approves the Development Code amendment to incorporate the proposed revisions to Article 324 Antenna standards, and the related changes to Article 302 Allowed Uses and Article 902 Definitions to the Washoe County Development Code. The Washoe County Planning Commission authorizes the Chairman to sign the appropriate resolution and forwards the Development Code amendment to the Washoe County Commission for their concurrence of approval. This recommended action is based upon the following findings:

1. The proposed amendment to the Washoe County Development Code is in substantial compliance with the policies and action programs of the Comprehensive Plan.

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2. The proposed amendment to the Washoe County Development Code for antenna standards will not adversely impact the public health, safety, or welfare.
3. The proposed amendment to the Washoe County Development Code responds to changed conditions and further studies that have occurred since the Development Code was adopted by the County Commission. The Antenna Review Group have met since July, 1993 to develop the proposed standards and regulations that respond to the unique needs for the County, and have forwarded their work to the Washoe County Planning Commission and the Washoe County Commission for adoption.
4. The proposed amendment to the Washoe County Development Code for antenna standards will not adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
5. The Washoe County Planning Commission public hearing prior to the adoption of the proposed amendment to the Development Code has been properly noticed in a newspaper of general circulation in the County as prescribed under Development Code Section 110.820.(c) and Nevada Revised Statutes 278.260.
6. The Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing(s).

If the Planning Commission is compelled to recommend denial of the Washoe County Development Code Plan amendment request for revision to the antenna standards, then staff would recommend the following findings be considered as part of that action:

- A. The proposed amendment to the Washoe County Development Code is not in substantial compliance with the policies and action programs of the Washoe County Comprehensive Plan.
- B. The proposed amendment to the Washoe County Development Code would adversely impact the public health, safety or welfare.
- C. The proposed amendment to the Washoe County Development Code will adversely affect the implementation of the policies and action programs of the Conservation Element or the Population Element of the Washoe County Comprehensive Plan.
- D. Public testimony provided during the public hearing before the Washoe County Planning Commission has demonstrated that the proposed antenna standards amendment to the Washoe County Development Code does not result in the least amount of natural resource impairment for the County.

A motion for approval or denial of an amendment to the Washoe County Development Code requires a simple majority vote by the Planning Commission.

ATTACHMENT B

BACKGROUND AND ANALYSIS

The Washoe County Commission adopted the Washoe County Development Code on December 22, 1992. The Development Code went into effect on the May 26, 1993 as per Ordinance 865. The time between adoption and implementation was intended to be used by Washoe County staff and the interested public to review the entire document and identify any potential problems that may need to be corrected. During one of the review hearings with the County Commission, several representatives of the local ham radio operators and satellite dish vendors requested a review of Article 324 Antennas to ensure that Federal Communications Commission directives and recent court opinions were being observed. The County Commission directed staff to form an "Antennas Review Group" to review all the material and identify any necessary amendments to the Development Code. The Antennas Review Group has been meeting since July, 1993 with staff to revise the antenna standards. Attachment One lists the individuals who served on the Antennas Review Group.

The primary consideration for any ordinance that sets standards for private antenna systems is that access to electromagnetic signals (e.g. radio, television) has been legally defined as a right protected under the first amendment of the U.S. Constitution. Local entities can continue to regulate the health and safety aspects of antenna systems, but regulations that have a primary or secondary effect of limiting any practical access to electromagnetic signals have been preempted by Federal regulations. Aesthetic standards (e.g. Antenna support structure construction or appearance, prohibition of satellite dishes, etc.) that result in limitations on signal access have been the most frequently invalidated standard in local regulations. Regulations that limit antenna height as a part of the zoning district standards which results in lower communication effectiveness for the receiver is also counter to the First Amendment protections. Local regulations that specify what are "acceptable" antenna shapes or configurations, and therefore preclude other antenna systems have also been invalidated by the courts. Attachment Two is the Federal Communications Commission "Memorandum Opinion and Order in PRB-1" which identifies the Federal involvement in private communications. Attachment Three is a letter from the American Radio Relay League (ARRL) to a local jurisdiction which identifies the some of the acceptable and unenforceable provisions of a typical local ordinance. Attachment Four is a memorandum from the Satellite Broadcasting and Communications Association identifying their understanding of the legal protections afforded to satellite dish owners.

One issue of concern explored by the Antenna Review Group was how close an antenna tower could be placed to the property line without adversely affecting the neighboring property should it fall over. This issue is addressed on the last page of the ARRL correspondence. Their research suggests that *"in tall broadcast tower installations, assume, worst case, that an antenna will fall within a radius of no more than 40 percent of its height, due to the general dynamics of towers and stress factors"*. Please note that this standard is included in the proposed revisions for private communication antennas in excess of 65 feet in height and for all commercial antennas. Smaller private communication antennas would have a minimum setback of five (5) feet from side and rear property lines, and ten (10) feet from the front property line in the proposed revisions.

Attachment Five includes the proposed amendments to Article 324 Antennas, Article 302 Allowed Uses and Article 902 Definitions. When reading the material, please note that an edit bar appears on the left-hand side of the modified text line of the currently adopted Development Code Article, with text additions underlined and text deletions struck-through. To make it easier to read, a "clean" version incorporating all of the edits is also provided. The antenna standards apply to all new development in the unincorporated portion of the County. It specifically exempts television reception antennas and small diameter satellite dishes.

ATTACHMENT B

The overall options available to the Planning Commission in the review of the proposed revisions to the antenna standards for the Washoe County Development Code include:

- 1) Return the proposed revisions to the antenna standards to the Antenna Review Group and staff with further instructions on the desired regulatory approach and content for Article 324 - Antennas;
- 2) Edit and/or modify the proposed revisions to Article 324 Antennas standards based on community input at the Planning Commission hearing(s) which reflect the County's ability to regulate antennas consistent with the Washoe County Comprehensive Plan and Federal Communication Commission standards;
- 3) Adopt the proposed revisions to Article 324 Antennas standards as attached to this report to the Planning Commission.

Staff recommends that the Planning Commission consider the third option in order to recognize the consensus opinion of the Antenna Review Group.

COMPREHENSIVE PLAN CONSISTENCY

The proposed revisions to Article 324 Antenna standards do not conflict with the intent and policies of the Washoe County Comprehensive Plan. The Comprehensive Plan does not include any specific policies in the Plan Elements which address antenna standards or regulatory criteria.

AREA PLAN CONSISTENCY

The proposed revisions to Article 324 Antenna standards do not conflict with the intent and policies of the twelve (12) Area Plans. Several of the Area Plans include policies for scenic corridors and peaks which would encompass commercial communication towers, including the Forest Area Plan (F.1.1), the North Valleys Area Plan (NV.1.1 and NV.1.2), the South Valleys Area Plan (SV.1.1), the Southeast Truckee Meadows Area Plan (SETM.1.1), the Southwest Truckee Meadows Area Plan (SWTM.1.1), the Spanish Springs Area Plan (SS.1.1), the Sun Valley Area Plan (SUN.1.1), the Truckee Canyon Area Plan (TC.1.1 and TC.1.3), the Verdi Area Plan (V.1.1) and the Warm Springs Area Plan (WS.1.1 and WS.1.3). The following Area Plan policies and action programs specifically reference communication towers:

North Valleys Area Plan

- NV.4.4 LIMIT PERMANENT STRUCTURES TO NO MORE THAN TWO STORIES EXCEPT WHERE CRITICAL TO THEIR FUNCTION (E.G. COMMUNICATION TOWERS, ETC.).**

South Valleys Area Plan

- SV.4.4 PROTECT THE VISUAL QUALITY OF THE PEAKS AND RIDGES SURROUNDING THE SOUTH VALLEYS PLANNING AREA.**

- SV.1.1.1 The Washoe County Department of Comprehensive Planning, in coordination with the U.S. Bureau of Land Management and the U.S. Forest Service, will develop standards (i.e. access, siting, height, material) for communication towers.**

ATTACHMENT B**Sun Valley Area Plan**

SUN.5.3 LIMIT PERMANENT STRUCTURES TO NO MORE THAN TWO STORIES EXCEPT WHERE CRITICAL TO THEIR FUNCTION (E.G.. COMMUNICATION TOWERS, ETC.).

Verdi Area Plan

V.5.1 ENCOURAGE WASHOE COUNTY TO WORK JOINTLY WITH THE U.S. FOREST SERVICE AND THE U.S. BUREAU OF LAND MANAGEMENT OT DEVELOP STANDARDS FOR COMMUNICATION FACILITIES ON PEAVINE PEAK TO PROTECT ITS VISUAL QUALITY.

These policies and action programs are general in nature and should be sufficiently addressed by the proposed standards contained in Article 324 Antennas.

REGIONAL PLAN CONSISTENCY

The proposed revisions to Article 324 Antenna standards do not conflict with the intent and policies of the Truckee Meadows Regional Plan. The Regional Plan does not include any specific policies in the Plan which address antenna standards or regulatory criteria.

CITIZEN INVOLVEMENT AND ISSUES

The Antenna Review Group met twice to review the previously adopted standards in Article 324 Antennas and to provide direction for further research and proposed text amendments. The proposed text changes related to antenna systems were mailed to every member of every Citizen Advisory Board consistent with Development Code Section 110.818.20(b), as well as the Design Review Committee, the Board of Adjustment and the Consulting Engineers/Planners mailing list. Staff invited these groups to participate in a workshops held on Monday, September 27th in order to solicit comments, questions, concerns and additional revisions of the proposed antenna standards. Attendance at the workshop was very low and no additional changes were identified.

ATTACHMENTS

1. Antennas Review Group Membership.
2. Federal Communications Commission "Memorandum Opinion and Order in PRB-1".
3. Letter from the American Radio Relay League.
4. Memorandum from the Satellite Broadcasting and Communications Association.
5. Proposed revisions to Article 324 Antenna standards, and the related changes to Article 302 Allowed Uses and Article 902 Definitions.

cc: John Hester, Director, Department of Comprehensive Planning
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 403-04

AUGUST 18, 1993

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