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PROOF OF PUBLICATION

STATE OF NEVADA
COUNTY OF WASHOE

ss. Tana Ciccotti

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

Ordinance No. 922

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:

Jan. 4, 11, 1995

Signed

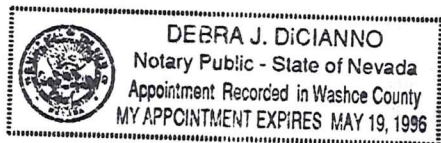
Tana Ciccotti

Subscribed and sworn to before me on 01/11/95

Notary Public

Debra J. DiCianno

NOTICE OF COUNTY ORDINANCE NO. 922
NOTICE IS HEREBY GIVEN that Ordinance No. 922, Bill No. 1097, entitled,
AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO ADDRESS NEW STANDARDS AND REGULATIONS PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PERTAINING TO 100-YEAR FLOOD PLAIN DESIGNATIONS, TO CLARIFY CONSTRUCTION STANDARDS IN ALL FLOOD HAZARD AREAS AND TO CORRECT REFERENCES TO FABRICATED HOUSING REQUIREMENTS THEREFOR,
was adopted on DECEMBER 27, 1994, by Commissioners Larry Beck, Steve Bradhurst, Dianne Cornwall, Gene McDowell, and Jim Shaw, and will become effective on JANUARY 10, 1995.
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. 107 Jan 4, 11, 1995



P.O. BOX 22000, RENO, NEVADA 89520
(702) 788-6200



922 ✓

SUMMARY: Amends chapter 110 of the Washoe County Code (Development Code) by addressing new standards and regulations provided by the Federal Emergency Management Agency (FEMA) pertaining to 100-year flood plain designations, clarifying construction standards in all flood hazard areas and correcting references to fabricated housing requirements therefor.

BILL NO. 1097

ORDINANCE NO. 922

AN ORDINANCE AMENDING CHAPTER 110 OF THE WASHOE COUNTY CODE (DEVELOPMENT CODE) TO ADDRESS NEW STANDARDS AND REGULATIONS PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) PERTAINING TO 100-YEAR FLOOD PLAIN DESIGNATIONS, TO CLARIFY CONSTRUCTION STANDARDS IN ALL FLOOD HAZARD AREAS AND TO CORRECT REFERENCES TO FABRICATED HOUSING REQUIREMENTS THEREFOR.

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

SECTION 1. Sections 110.416.60 through 110.416.80, inclusive, of the Washoe County Code are hereby amended as set forth in Exhibit "A" which is attached hereto and made a part hereof.

SECTION 2. Article 902 "Definitions" 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. Sections 110.416.85 and 110.416.90, inclusive, of the Washoe County Code are hereby repealed.

SECTION 4. The provisions of this ordinance shall be in force and effect from and after the 30th day of September, 1994.

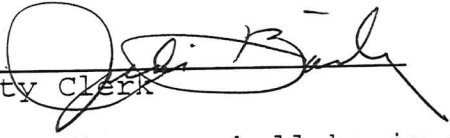
Proposed on the 13TH day of DECEMBER, 1994.
Proposed by Commissioner STEVE BRADHURST.
Passed on the 27TH day of DECEMBER, 1994.

Vote:

Ayes: Commissioners: LARRY BECK, STEVE BRADHURST, DIANNE CORNWALL, GENE McDOWELL, JIM SHAW.
Nays: Commissioners: NO NAYS.
Absent: Commissioners: NO ONE ABSENT.


Chairman of the Board

ATTEST:


County Clerk

This ordinance shall be in force and effect from and after the
11TH day of JANUARY, 1995.

Article 416

FLOOD HAZARDS

Sections:

| | |
|------------|---|
| 110.416.00 | Purpose |
| 110.416.05 | Limitations of Liability |
| 110.416.10 | Applicability |
| 110.416.15 | Areas of Special Flood Hazard |
| 110.416.20 | Compliance |
| 110.416.25 | Relation to Other Restrictions |
| 110.416.30 | Interpretation |
| 110.416.35 | Letter of Map Amendment |
| 110.416.40 | Application Requirements for Permits |
| 110.416.45 | Owner/Developer Responsibilities |
| 110.416.50 | County Responsibilities |
| 110.416.55 | Standards for Subdivision |
| 110.416.60 | Construction Standards |
| 110.416.65 | Flood Zone Requirements |
| 110.416.70 | Flood Hazard Reduction: Prohibited Uses and Structures within Floodways |
| 110.416.75 | Appeals |
| 110.416.80 | Penalties for Violations |

Section 110.416.00 Purpose. The purpose of this article, Article 416, Flood Hazards, is to promote the public health, safety and welfare by establishing guidelines and requirements for the development of property within areas determined to be subject to flood damage.

Section 110.416.05 Limitations of Liability. This section provides for limitations of County liability.

- (a) **Rationale for Article.** The degree of flood protection required by this article is considered reasonable for purposes of complying with the minimum standards required by the Federal Insurance Administration for maintaining eligibility for Washoe County property owners who desire flood insurance, the availability of which, or the rates for which, may be dependent upon the existence of this article, and for maintaining eligibility for the Washoe County area for federal disaster relief.
- (b) **Responsibility of Washoe County.** The degree of flood protection required by this article is not intended to create a standard or duty of care on the part of Washoe County or any other person or entity related to the design, construction, inspection or maintenance of flood or drainage facilities. This article does not imply that land outside flood hazard areas or limited flooding areas or uses permitted within such areas will be free from flooding or flood damage. Larger floods can and will occur. This article shall not create liability on the part of Washoe County, any officer or employee thereof or the Federal Insurance

Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

- (c) Flood Control Facilities. Nothing in this article may be construed as a determination that any flood or drainage facility is adequate in any respect including, without limitation, adequacy of design, construction, inspection or maintenance. Failure of any person or entity to comply with this article is not intended to provide a basis for negligence or any other type of claim for relief; failure to comply has the sole effect of jeopardizing eligibility for federal funding or other federal assistance respecting flood damage or flood insurance.
- (d) Property Rights. This article is not intended to alter the rights, obligations or liabilities of property owners who develop real estate in areas subject to this article or in areas subject to flooding. Such legal status shall remain as provided by other law, without reference to this article. The minimum standards of this article do not relieve a property owner of the responsibility to do more than this article requires if more is required to provide adequate protection for the property being developed and for other properties that may be affected.

Section 110.416.10 Applicability. This article applies to all flood hazard areas and limited flooding areas within the unincorporated areas of Washoe County, pursuant to NRS 543.

Section 110.416.15 Areas of Special Flood Hazard. The flood hazard areas and limited flooding areas identified by the Federal Insurance Administration through the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for Washoe County, Nevada, Unincorporated Areas" dated February 1, 1984, and subsequent revisions, with the accompanying Flood Insurance Rate Maps, are hereby adopted and incorporated into the provisions of this article. The "Flood Insurance Study for Washoe County, Nevada, Unincorporated Areas" and subsequent revisions and the accompanying Flood Insurance Rate Maps are on file at the office of the Washoe County Department of Public Works.

Section 110.416.20 Compliance. All structures or land constructed, located, extended, converted or altered after August 1, 1984 shall be in full compliance with this article and other applicable laws and regulations.

Section 110.416.25 Relation to Other Restrictions. This article is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. If those sections or an article of this Development Code or any easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent requirement shall prevail.

Section 110.416.30 Interpretation. In the interpretation and application of this article, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of Washoe County, and shall be deemed to neither limit nor repeal any other powers granted under state or local statute, ordinance or regulation.

Section 110.416.35 Letter of Map Amendment. If an owner or developer of property believes the property to be inappropriately designated as being in a flood hazard area or an area of limited flooding on the Flood Insurance Rate Maps, appeal may be made to the Federal Emergency Management Agency (FEMA).

- (a) Appeals Procedure. All appeals must be submitted to the Public Works Director for review. The Public Works Director shall transmit the appeals to the Federal Emergency Management Agency for its consideration. Appeals must include the provisions set forth in this subsection and current FEMA regulations.

- (1) An actual stamped copy of the recorded plat of the property showing official recordation and proper citation, or a photocopy of the property's legal description as shown on the recorded deed (e.g. lot, block and plot number, etc.), together with a photocopy of the appropriate page of the County Assessor's parcel map.
 - (2) A copy of the Flood Insurance Rate Map (FIRM) with the location of the property identified.
 - (3) Certification by a Nevada registered engineer or surveyor stating:
 - (i) The type of structure;
 - (ii) The elevation of the lowest finished grade adjacent to the structure, which must be above the base flood elevation; and
 - (iii) The elevation of the top of the lowest finished floor.
 - (4) When appealing the elevation or boundaries of the base flood, a thorough technical hydrological study, certified by a Nevada registered engineer, of the contributing area which will substantiate the appeal shall be submitted.
 - (5) A signed copy of the statement asserting the accuracy of the information, submitted on the form entitled "Request for Letter of Map Amendment".
- (b) Letter of Map Amendment. If the appellant shows either that the property is higher in elevation than the base flood, that the elevation of the base flood is incorrect, or that the boundaries of the base flood are incorrect, the Federal Emergency Management Agency will provide the owner or developer with a Letter of Map Amendment (LOMA) which will exempt the property from the requirements of this article, and which may exempt the owner from the mandatory purchase of flood insurance.

Section 110.416.40 Application Requirements for Permits. Any person desiring to construct, locate, extend, convert or alter a structure or alter any land within any flood hazard area or limited flooding area must obtain a building permit, grading permit and/or a special use permit. The Washoe County Department of Public Works shall determine whether the proposed development is within any flood hazard area or limited flooding area. If the development is within either of those zones, the procedures and requirements set forth in Sections 110.416.45 to 110.416.70, inclusive, must be satisfied before either a building permit, grading permit, and/or a special use permit, is issued.

Section 110.416.45 Owner/Developer Responsibilities. The responsibilities of the owner and developer are as set forth in this section.

- (a) Information Requirements. The owner or developer shall submit the information contained within this subsection for review by the Department of Public Works:
 - (1) The elevation of the base flood at each site proposed for development within a flood hazard area or a limited flooding area;
 - (2) In a numbered Zone A1-A30 (e.g. A2, A4, A6), proposed elevation in relation to mean sea level of the top of the lowest floor of all structures,

certified by a Nevada registered engineer or land surveyor; in an unnumbered Zone A, Zone AO and Zone B, elevation of highest existing grade and proposed elevation of the top of the lowest floor of all structures, certified by a Nevada registered engineer or land surveyor;

- (3) Proposed elevation in relation to mean sea level to which any structure will be floodproofed, certified by a Nevada registered engineer or land surveyor;
 - (4) Certification by a Nevada registered engineer that the floodproofing methods used for any nonresidential structure meet the floodproofing criteria in Section 110.416.65, Flood Zone Requirements;
 - (5) Plans for any watercourse proposed to be altered or relocated, which must be designed by a Nevada registered engineer in conformance with the requirements of Washoe County. The flood carrying capacity of the unaltered watercourse shall be maintained in the altered watercourse; and
 - (6) An operation and maintenance plan for any acceptable flood protection measures (e.g. levees, dams, dikes, reservoirs).
- (b) Permit Requirement. The owner or developer shall obtain a permit from the State of Nevada Division of State Lands, Nevada Division of Environmental Protection, and any other applicable agency before altering or relocating any waterway under the jurisdiction of such agency. A copy of the permit will be provided to the Department of Public Works.
- (c) Certification Requirements. The owner or developer is responsible for compliance with all provisions of this article. Additionally, the owner or developer shall provide the Department of Public Works with "as-built" certification by a Nevada registered engineer or land surveyor as to the elevation requirements or, if floodproofing is a permissible means of compliance, shall provide the Department of Public Works with "as-built" certification by a Nevada registered engineer as to the floodproofing requirements for any applicable nonresidential structure. Said certification shall be provided prior to issuance of a Certificate of Occupancy. Certification requirements by a Nevada registered engineer or land surveyor as required in this article shall be provided on an "Elevation Certificate" form supplied by the Washoe County Public Works Department. Signing of the Elevation Certificate by a Nevada registered engineer or land surveyor constitutes their assurance that compliance with all requirements of this article have been met.

Section 110.416.50 County Responsibilities. The responsibilities of the County are as set forth in this section.

- (a) Permit Review. The Department of Public Works shall review all permit applications to determine:
- (1) That the requirements of this article have been satisfied; and
 - (2) That the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the

water surface elevation of the base flood more than one (1) foot at any point.

- (b) Availability of Certifications. The Department of Public Works shall maintain for public inspection and make available as needed for flood insurance policies all certifications required by this article.
- (c) Notification Requirements. The Department of Public Works shall insure that adjacent affected communities and the State of Nevada Division of Emergency Management are notified prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
- (d) Flood Area Delineation. The Department of Public Works shall provide interpretations, where needed, as to the location of the boundaries of the flood hazard areas and limited flooding areas, and the elevation of the base flood, if known.
- (e) Flood Elevation Determination. If base flood elevation data have not been provided in accordance with Section 110.416.15, Areas of Special Flood Hazard, the Department of Public Works shall obtain, review and reasonably utilize any base flood elevation and floodway data available from federal, state or other acceptable sources as criteria for requiring that new construction, substantial improvements or other improvements in flood hazard areas as shown on the existing Flood Insurance Rate Maps meet the standards in Sections 110.416.55 to 110.416.70. If deemed necessary by the Department of Public Works, the owner or developer may be required to provide an engineered hydrological study to determine the base flood flow and elevations.
- (f) Availability of Plans. The Department of Public Works shall maintain on file all operation and maintenance plans submitted by the developer for every acceptable flood protection measure.

Section 110.416.55 Standards for Subdivision. The standards for subdivisions subject to flood damage are as set forth in this section.

- (a) All tentative subdivision maps shall identify the flood hazard area, the limited flooding area, and the elevation of the base flood.
- (b) All subdivision improvement plans shall identify the flood hazard area, the limited flooding area, the elevation of the base flood, and the elevation of every proposed structure, pad and adjacent grade. If the site is filled above the base flood, the final pad elevation shall be certified by a Nevada registered engineer or land surveyor and provided to the Department of Public Works.
- (c) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (d) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (e) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

- (f) No subdivision improvement shall be placed in a floodway, except as provided in Section 110.416.70, Flood Hazard Reduction: Prohibited Uses and Structures within Floodways.

Section 110.416.60 Construction Standards. In all flood hazard areas and limited flooding areas, the standards for construction materials and methods, as set forth in this section, are required.

- (a) All Construction. All new construction and substantial improvements shall be designed and adequately anchored to prevent flotation, collapse or lateral movement of the structure; and be elevated on stemwalls, pilings, columns or armored fill so that the top of the lowest floor is elevated in conformance with provisions of Section 110.416.65, Flood Zone Requirements.
- (b) Manufactured Homes. All manufactured homes shall meet the anchoring standards of Section 110.416.65, Flood Zone Requirements.
- (c) Materials. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (d) Methods. All new construction and substantial improvements shall use methods and practices that minimize flood damage, and provide adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.
- (e) Mechanical and Electrical. All elements that function as part of the structure (such as furnace, water heater, air conditioner and other electrical equipment) shall be elevated to one (1) foot or more above the base flood elevation or depth number specified on the Flood Insurance Rate Maps.
- (f) Methods of Hydrostatic Equalization. All new construction and substantial improvements, except those located in limited flooding areas, which have fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall be certified by a Nevada registered engineer and must meet or exceed the provisions of this subsection.
- (1) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided.
- (2) The bottom of all openings shall be no higher than one (1) foot above original grade. Openings may be equipped with screens, louvers or other cover devices, provided that they permit the automatic entry and exit of floodwaters.
- (3) The exterior walls of all new construction and substantial improvements which have fully enclosed areas below the lowest floor that are subject to impact forces and drag forces shall also be designed by a Nevada registered engineer to withstand these and all hydrodynamic flood forces.
- (g) Utilities. The construction standards for utilities shall be as set forth below:

- (1) Water and Wastewater Systems. All new and replacement water supply and sanitary sewerage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.
- (2) On-site Systems. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

Section 110.416.65 Flood Zone Requirements. In all flood hazard areas and limited flooding areas, elevation and floodproofing standards shall be in accordance with the provisions of this section. Elevations shall be certified by a Nevada registered engineer or land surveyor.

- (a) Zone A1-A30 Requirements. In a numbered Zone A1-A30 (e.g. A2, A4, A6), new construction and substantial improvement of any structure shall have the top of the lowest floor (including basement floor) elevated to one (1) foot or more above the base flood elevation. Nonresidential structures must meet the standards in subsection (g) of this section.
- (b) Zone AO Requirements. Zone AO, areas subject to alluvial fan flooding, have irregular flow paths that result in erosion of existing channels and the undermining of fill material. In every such zone, the provisions of this subsection shall be met.
 - (1) All structures must be securely anchored to minimize the impact of the flood and sediment damage.
 - (2) New construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to at least one (1) foot above the depth number specified on the Flood Insurance Rate Maps. Nonresidential structures must meet the standards in subsection (g) of this section.
 - (3) Use of all fill materials must be armored to protect the material from the velocity of the flood flow.
 - (4) All proposals for subdivision development must provide a mitigation plan that identifies the engineering methods used to:
 - (i) Protect structures from erosion and scour caused by the velocity of the flood flow; and
 - (ii) Capture or transport flood and sediment flow through the subdivision to a point of deposition that will not create a health or safety hazard.
- (c) Zone A Requirements. In an unnumbered Zone A, new construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to either of the standards in this subsection. Non-residential structures must meet the standards subsection (g) of this section.
 - (1) A height of at least two (2) feet above the highest adjacent undisturbed ground elevation if no base flood elevation has been determined; or

- (2) A height of at least one (1) foot above the base flood elevation as determined by an engineered hydrological study provided by the owner or developer, if deemed necessary by the Department of Public Works.
- (d) Shaded Zone X Requirements. In Shaded Zone X, new construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to at least two (2) feet above the highest adjacent undisturbed ground.
- (e) Fabricated Housing Requirements. All fabricated homes, as specified in Article 312, Fabricated Housing, and additions to fabricated homes shall be installed using method and practices in conformance with subsections (a), (b) or (c) of this section which minimized flood damage. Fabricated homes shall be constructed and elevated in accordance with the requirements set forth in this section. Fabricated homes will be set on a safe and secure foundation system and anchored to resist flotation, collapse and lateral movement. The foundation shall be designed by a registered engineer.
- (f) Recreational Vehicle Requirements. All recreational vehicles placed on sites within Zones A, A1-30, AH, AE and AO shall meet the following requirements:
- (1) Be on site for fewer than 180 days;
 - (2) Be fully licensed and ready for highway use; or
 - (3) Meet the standards in subsection (e) of this section.
- (g) Nonresidential Requirements. Nonresidential construction shall either be elevated in conformance with subsection (a), (b), (c) or (d) of this section, or together with attendant utility and sanitary facilities, be floodproofed to the same appropriate elevations as the top of the lowest floor elevations as indicated in subsection (a), (b), (c) or (d) of this section. All floodproofing measures shall be designed by a Nevada registered engineer. Examples of floodproofing include, but are not limited to:
- (1) Installation of watertight doors, bulkheads and shutters;
 - (2) Reinforcement of walls to resist water pressure;
 - (3) Use of paints, membranes or mortars to reduce seepage through walls;
 - (4) Addition of mass or weight to the structure to resist flotation; and
 - (5) Armor protection of all fill materials from scour and erosion.

Section 110.416.70 Flood Hazard Reduction: Prohibited Uses and Structures within Floodways.

- (a) Prohibited Floodway Encroachments. Every new encroachment, including fill, new construction, substantial improvement and other development, is prohibited in a designated floodway, except as provided in subsection (b) of this section.
- (b) Exceptions.

- (1) Improvements may be allowed in the floodway if it is demonstrated through hydrologic and hydraulic analysis and certified by a Nevada registered engineer that the proposed improvements shall not result in any increase in flood levels during the occurrence of the base flood discharge, and that the improvements meet the standards in Sections 110.416.55 to 110.416.65 inclusive.
- (2) Manufactured homes may be installed in an existing manufactured home park or subdivision which was completed prior to August 1, 1984 if the manufactured home meets the standards in Sections 110.416.55 to 110.416.65 inclusive.
- (3) A dwelling unit may be constructed on a lot in an existing subdivision which was recorded prior to August 1, 1984 if the dwelling unit meets the standards in Sections 110.416.55 to 110.416.65 inclusive.

Section 110.416.75 Appeals. Appeals shall be as set forth in this section.

- (a) Appeals for Variances. The Board of County Commissioners shall hear and decide appeals and requests for variances from the requirements of this article.
- (b) Appeals for Errors. The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination.
- (c) Appeals Considerations. In passing upon such applications, the Board of County Commissioners shall consider all technical evaluations and all relevant requirements, factors and standards specified in this article and shall also consider the provisions of this subsection:
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations that are not subject to flooding or erosion damage and would suffice for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the Comprehensive Plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood, for ordinary and emergency vehicles;

- (10) The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities (such as sewer, gas, electrical and water systems, and streets and bridges).
- (d) Issuance of Variance. Variances shall only be issued when in compliance with the provisions of this section.
- (1) A showing of good and sufficient cause such as renovation, rehabilitation or reconstruction. It is not good and sufficient cause for a variance to be issued upon the basis of economic considerations, aesthetics or because variances have been used in the past.
- (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant.
- (3) A determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization to the public, or conflict with existing local laws or ordinances.
- (e) Extent of Variance. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (f) Conditions of Variance. Upon consideration of the factors set forth in subsection (c) of this section and the purpose of this article, the Board of County Commissioners may attach such conditions to the granting of variances as it deems necessary to further the purpose of this article.
- (g) Historic Resources. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in this section.
- (h) Increase in Flood Levels. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (i) Written Notice. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance may be commensurate with the increased risk resulting from the reduced lowest floor elevation.
- (j) Responsibilities of Department of Public Works. The Washoe County Department of Public Works shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Section 110.416.80 Penalties for Violations. Any person who violates a provision of this article is guilty of a misdemeanor and shall be punished as provided in Article 910, Enforcement.

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. Webster's Collegiate Dictionary, 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.

- (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.

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 Envelope. "Building envelope" means the area to be occupied by any structure and associated development.

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.

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.

Company Town. "Company town" means employee housing and supporting commercial, office, recreational, professional, administrative and other ancillary uses associated with the functioning of an isolated industrial, mining, energy production, utilities, resorts or agricultural based use. This development may occur on a single parcel or multiple parcels.

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.

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.

Cut. "Cut" means shaping of the land surface by removing soil, rock or other materials.

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.

Dormitory/Bunkhouse. "Dormitory/bunkhouse" means a building or a portion of a building where, for compensation or a benefit of employment, meals and lodging are provided.

Drainage, Natural. "Natural drainage" means any channel, swale or depression which conducts water as part of the natural drainage pattern of a site.

Driveway, Residential. "Residential driveway" means a private paved or unpaved area used for ingress or egress of vehicles, and allowing access extending from a property line to a building or other structure or facility on the subject parcel.

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.

Fill. "Fill" means shaping of the land surface by depositing soil, rock or other materials.

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.

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, A1-30AE 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.

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.

Gradient. "Gradient" is the slope of a lot measured as the difference in elevation of finished grade between the midpoint of the front property line and the farthest opposite point of the lot depth.

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 slopes greater than fifteen (15) percent on twenty (20) 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.

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. Junkyard shall be synonymous with salvage yard.

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
- (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.

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.

Natural Area. "Natural area" means a land area which is unimproved and not occupied by any structures or man-made elements, and set aside for the conservation of permanent, undisturbed open space.

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.

Permanent Employee Housing. "Permanent employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a permanent basis year round. This development may occur on a single parcel or multiple parcels.

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; 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.

Revegetation. "Revegetation" means stabilizing disturbed or graded soils after construction by replanting with indigenous or natural appearing plants.

Ridgeline. "Ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, running center and parallel to the long axis of the ridge and from which all water drains down.

Ridgeline, Significant. "Significant ridgeline" means the topmost line connecting the series of highest elevation points of a ridge, as identified on the Development Suitability map for each planning area included in Volume Two: Area Plans of the Washoe County Comprehensive Plan.

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.

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

Runoff. "Runoff" means that part of precipitation which flows over the land without filtering into the soil.

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.

Sedimentation. "Sedimentation" means the process of depositing soil particles detached and transported by erosion.

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.

Slope. "Slope" means an inclined ground surface expressed as a ratio of horizontal distance to vertical distance.

Slaughter House, Agricultural. "Agricultural slaughter house" means a building used as an ancillary structure on a farm or ranch for the non-profit slaughtering of animals raised on-site and the processing and storage of animal products and waste that results from a slaughtering process.

Slaughter House, Commercial. "Commercial slaughter house" means a building used for the for-profit slaughtering of animals that are either raised on-site or transported to the building and the processing and storage of animal products and waste that results from a slaughtering process.

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, 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 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.

Temporary Employee Housing. "Temporary employee housing" means housing for employees of an isolated industrial, mining, railroad, highway, utilities or agricultural based use where those employees occupy the housing on a seasonal basis not more than six (6) months per year. This development may occur on a single parcel or multiple parcels.

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.

Terrace. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage, maintenance and/or development purposes.

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.

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".

Vegetation, Native. "Native vegetation" means plants that grow naturally in Washoe County, Nevada and have adapted to the climate, soil, location and rainfall patterns of their area.

Vegetation, Natural. "Natural vegetation" means plants which exist on a site before clearing or grading.

Viewshed. "Viewshed" means the surface area that can be seen from a specific viewpoint.

Vista. "Vista" means an area of high ground or projecting earth from which there is a dominant and unobstructed view of surrounding areas.

Watercourse. "Watercourse" means any natural or artificial watercourse, stream, river, creek, ditch, channel, canal, conduit, culvert, drain, gully, ravine, arroyo or wash in which water flows in a definite channel, bed or bank.

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.