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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:

of ordinance: _____

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:

May 19, 26, 1998

Signed

Fluidth

Subscribed and sworn to before me on 05/26/98

Notary Public

Sandra Taylor



NOTICE OF ADOPTION
WASHOE COUNTY
ORDINANCE NO.1015

NOTICE IS HEREBY GIVEN THAT: BILL
No. 1191 Ordinance No. 1015 entitled

AN ORDINANCE AMENDING THE
WASHOE COUNTY CODE BY REVIS-
ING PROVISIONS OF THE BUSINESS
LICENSE ORDINANCE DEALING WITH
HOME OCCUPATION LICENSES:
DISTINGUISHING BETWEEN DEVELOP-

MENT REQUIREMENTS AND
DEVELOPMENT STANDARDS:
PROVIDING THAT DEVELOPMENT
STANDARDS MAY BE APPEALED:
PROVIDING A PROCEDURE FOR THE
APPEAL; AND OTHER MATTERS
RELATING THERETO.

was adopted on May 12, 1998, by
Commissioners Joanne Bond, Sue
Camp, Jim Galloway, Mike Moulot,
and Jim Shaw, and will become
effective on Friday, May 29, 1998.

Typewritten copies of the ordinance
are available for inspection by all
interested persons at the office of the
County Clerk, 75 Court Street, Reno,
Nevada

JUDI BAILEY,
Washoe County Clerk
No.2060 May 19,26,1998

000952

6/1/98

PLEASE STAMP & SIGN FOR PAYMENT

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



1015 ✓

SUMMARY: Amends Washoe County Code by revising provisions of the business license ordinance dealing with home occupations.

BILL NO. 1191

ORDINANCE NO. 1015

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING PROVISIONS OF THE BUSINESS LICENSE ORDINANCE DEALING WITH HOME OCCUPATION LICENSES; DISTINGUISHING BETWEEN DEVELOPMENT REQUIREMENTS AND DEVELOPMENT STANDARDS; PROVIDING THAT DEVELOPMENT STANDARDS MAY BE APPEALED; PROVIDING A PROCEDURE FOR THE APPEAL; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. Chapter 25 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this ordinance.

SECTION 2.

25.4421 Home Occupations. In accordance with chapter 110, certain business uses shall be allowed in any regulatory zone which allows dwellings or on any parcel of property which has a residential unit currently on the property as long as such uses will clearly not alter the character or appearance of the residential environment.

SECTION 3.

25.4422 Business license required. It is unlawful for any person to operate a home occupation without having first obtained a license from the license division for that purpose.

SECTION 4.

25.4423 Application for home occupation license. A person desiring to operate a home occupation shall file a written application with the license division on a form to be furnished by the license division.

SECTION 5.

25.4424 Development Requirements. All home occupations shall comply with the provisions of this section.

1. Dwelling Unit. The property proposed to support the home business shall contain a minimum of one (1) dwelling unit.

2. Appearance. The appearance of the structure shall not be altered, nor shall the occupation within the dwelling be conducted, in a manner which would cause the premises to differ from its residential character whether by the use of colors, materials, construction, lighting or signs, or by the emission of sounds, noises, dust, odors, fumes, smoke or vibrations.

3. Occupancy Group. The home occupation shall not result in any change in the occupancy group of the structure as defined by the uniform building code.

4. Fire Safety. Activities conducted and equipment or material used or stored shall not adversely change the fire rating of the premises.

SECTION 6.

25.4425 Development standards. All home occupations shall comply with the provisions of this section, unless modified by the board in accordance with section 25.4426.

1. Location and Size. The use of the dwelling for the home occupation shall be clearly incidental and subordinate to its use for residential purposes. The home occupation may be conducted in the principal dwelling or detached accessory structure normally associated with a residential use provided that the area does not exceed thirty-three (33) percent of the habitable floor area of the principal dwelling. When conducted in a garage, the home occupation shall not eliminate the use of the garage as a parking space for a car.

2. Storage. There shall be no storage of toxic or hazardous materials, including ammunition, gunpowder and chemicals, not normally associated with a residence. There shall not be outdoor storage of materials or equipment used or associated with the home occupation nor shall goods or merchandise be displayed in a manner which may be visible from outside the dwelling.

3. Traffic. The home occupation use is limited to only one (1) delivery truck vehicle or visitor/customer vehicle at a time, in addition to one (1) employee vehicle, either on the property or on the residential street in front of the property. In order to protect the visual aspects of the residential neighborhood, no more than two (2) parking spaces can be created for off-street parking relative to the home business. Any need for parking generated by the home occupation use shall be met off the street and other than in a required front yard.

4. Truck Deliveries. Truck deliveries to a licensed home occupation in residential neighborhoods shall be limited to: a) daily delivery by federal or private mail and express package delivery service, and b) two (2) deliveries of products or materials per week by vehicles with no more than two (2) axles and not in excess of sixteen-thousand (16,000) pounds gross unladen weight.

5. Commercial Vehicle. The home occupation may involve the one (1) vehicle for delivery of materials to or from the property, not to exceed eight-thousand (8,000) pounds gross unladen weight and no larger than two (2) axles. A single vehicle limousine service is permitted.

6. Employees. Employees shall be limited to those persons who reside at the property and one (1) non-resident assistant or employee. Off-site employees are permitted so long as they do not report for work at the property.

7. Visitors and Customers. Visitors and customers shall not exceed that normally and reasonably occurring for a residence, including not more than three (3) business visitors per day. If the home occupation is the type in which classes are held or instruction given, the director of community development may approve up to six (6) students if (s)he finds that the additional students will not generate additional motor vehicular traffic, noise or vibrations emanating from the premises.

8. On-site Sale of Services and/or Merchandise. There shall be no sale of services and/or merchandise to customers on the property except artist's originals, services or merchandise individually made to order on the premises.

9. Off-site Sale of Services and/or Merchandise. Merchandise and/or services which are not "artist's originals" or "individual made to order" may be constructed on-site, using equipment normally found in a residence. The sale of this merchandise may only transpire at an off-site location.

10. Advertising. There shall be no public advertising which calls attention to the fact that the dwelling is being used for business purposes, except when required by Nevada revised statutes. Telephone listings, or any other advertising of the business, shall not include the dwelling address. The name, telephone and purpose of the home occupations may be advertised on not more than one (1) vehicle which is operated by the resident or residents of the dwelling in conjunction with the business. The home address may appear on business cards, letterhead and invoices when the home address is also the business address.

11. Annual Inspection. All home occupations may be required to subject to an annual inspection by relevant county officials for safety and compliance purposes.

12. Equipment. There shall be no use or storage of mechanical or electrical equipment not recognized as being a part of normal household or hobby use.

13. Electromagnetic Interference. Electrical or mechanical equipment which creates audible interference in radio receivers, or visual or audible interference in television receivers, or causes fluctuations in line voltage outside the dwelling unit is prohibited.

14. Use of Facilities and Utilities. The use of utilities and community facilities (water, sewer, telephone, electricity, or garbage) in conjunction with a home occupation shall be limited to that normally associated with the use of the property for residential purposes and shall not exceed the average for residences in the neighborhood.

SECTION 7.

25.4426 Appeal to the board; notice; fee.

1. An applicant for a home occupation license may appeal to the board within ten days after the disapproval of such license by the license division. An applicant may also appeal to the board for a modification of the provisions of section 25.4425, providing the site is physically suitable and such modification will clearly not alter the character and appearance of the residential environment and will not be significantly detrimental to the public health, safety or welfare, injurious to the property or improvements of adjacent properties, or detrimental to the character of the surrounding area. The written appeal shall be filed with the county clerk.

2. Notice shall be given in accordance with the provisions of this section.

(a) Notice of Property Owners by Mail. A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved shall be sent by mail at least ten (10) days before the meeting to the following persons:

(1) All owners of real property that are the subject of the home business;

(2) Advisory boards created by the board for the area in which the property that is the subject of the home business is located;

(3) All owners of real property within three hundred (300) feet of the property which is the subject of the home business;

(4) All tenants of any mobile home park that is located within three hundred (300) feet of the property which is the subject of the home business; and

(5) All general improvement districts (GID) for the area in which the property that is the subject of the home business is located.

(b) Number of Notices. If the number of notices sent pursuant to this section does not total thirty (30) or more, the county shall send out additional notices to make the total number at least thirty (30). These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to Subsection (a) of this section.

(c) Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest county assessor's ownership maps and records. Such notice is complied with when notice is mailed to the last known addresses of such real property owners as identified in the latest county assessor's records. Any person who attends the public hearing shall be considered to be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

3. A filing fee in the sum of \$100 must accompany any appeal.

SECTION 8. Section 25.013 of the Washoe County code is hereby amended to read as follows:

25.013 Definitions. As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners except where, by any other law or section of this code, either the county liquor board or the county gaming board is granted exclusive jurisdiction, in which cases "board" means the board possessing such exclusive jurisdiction.

2. "Contractor" means a person, except a licensed architect or a registered civil engineer acting solely in his professional capacity, who in any capacity (other than as the employee of another with wages as the sole compensation) undertakes to, or offers to undertake to, or purports to have the capacity to undertake to, or submits a bid to, or does himself or by or through others, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish any building, highway, road, railroad, excavation or other structure, project, development or improvement, or to do any part thereof, including the erection of scaffolding or other structures or works in connection

therewith. "Contractor" includes a subcontractor or specialty contractor, but does not include anyone who merely furnishes materials or supplies without fabricating them into, or consuming them in the performance of, the work of a contractor.

3. "Intoxicating liquor" is synonymous with "alcoholic liquor" and "alcoholic beverage," and includes the four varieties of liquor: Alcohol, spirits, wine and beer, and every liquor or solid, patented or not, containing alcohol and intended for consumption by human beings as a beverage.

4. "License division" means the license division of the department of community development.

5. "Outdoor community event" has the meaning ascribed to an outdoor assembly in NRS 244.354 to 244.3548, inclusive, except that an outdoor community event applies to assemblies of more than 100 persons and less than 1000 persons.

6. "Outdoor festival" has the meaning ascribed to an outdoor assembly in NRS 244.354 to 244.3548, inclusive.

7. "Restaurant" includes any place where food or drink (other than intoxicating liquor) is prepared or served to the public for consumption on the premises.

SECTION 9. Section 25.037 of the Washoe County Code is hereby amended to read as follows:

25.037 Inspections.

1. Whenever inspections of the premises used for or in connection with the operation of a licensed business or occupation are provided for or required by this code, or are reasonably necessary to secure compliance with any code provision or to detect violations thereof, the licensee or the person in charge of the premises to be inspected shall admit any person authorized by the license division or the sheriff for the purpose of making the inspection at any reasonable time that admission is requested. Whenever an analysis of any commodity or material is reasonably necessary to secure conformance with any code provision or to detect violations thereof, the licensee shall, upon request, give to any authorized officer or employee of the governmental entity requesting them sufficient samples of such material or commodity for such analysis.

2. In addition to any other penalty which may be provided, the board may revoke the license of any licensed proprietor of any licensed business in the county who refuses to permit any person who is authorized to make such inspection or take such sample to make the inspection or take an adequate sample of the commodity, or who interferes with such officer or employee while in the performance of his duty in making

such inspection. However, no license shall be revoked for such cause unless written demand is made upon the licensee or person in charge of the premises, in the name of the county, stating that such an inspection or sample is desired at the time it is sought to make the inspection or obtain the sample.

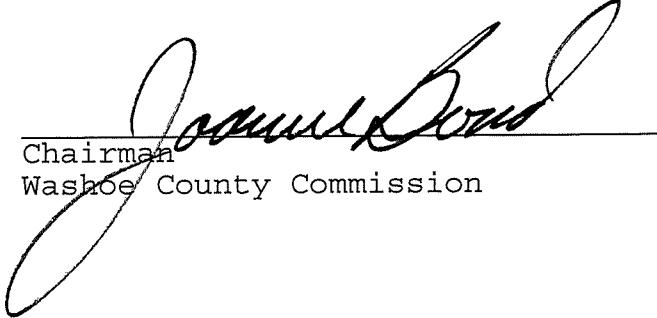
Proposed on the 21st day of April 1998.
Proposed by Commissioner Galloway:
Passed on the 12th day of May 1998.

Vote:

Ayes: **Joanne Bond, Sue Camp, Jim Galloway,
Mike Mouliot, Jim Shaw**

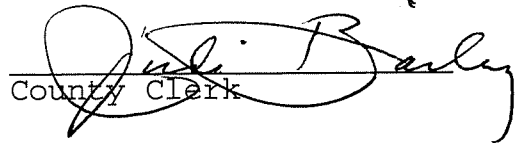
Nays:

Absent:



Chairman
Washoe County Commission

ATTEST:



County Clerk

This ordinance shall be in force and effect from and after the 29th day of May, 1998.



WASHOE COUNTY COMMISSION

1001 E. 9th Street
P.O. Box 11130
Reno, Nevada 89520
(702) 328-2005

**RESOLUTION
INITIATING AN AMENDMENT TO THE WASHOE COUNTY DEVELOPMENT CODE
RELATING TO HOME OCCUPATIONS**

WHEREAS, In response to citizen concern and input from various County Commissioners, the Washoe County staff has identified potential modifications aimed at improving the implementation of the Home Occupations standards in the WASHOE COUNTY DEVELOPMENT CODE;

WHEREAS, There is a need to initiate an amendment to the WASHOE COUNTY DEVELOPMENT CODE to increase the flexibility in code provisions; and

WHEREAS, There is no one person, group or entity who might appropriately file a WASHOE COUNTY DEVELOPMENT CODE amendment application on this subject; now, therefore, it is hereby

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Board does hereby initiate an amendment to the WASHOE COUNTY DEVELOPMENT CODE, Article 308, Home Occupations, as authorized by Sections 110.818.05(a) and 110.820.05(b) of the Development Code, without prejudice to the final dispensation of the proposed amendments.

ADOPTED This 21st day of April, 1998.

WASHOE COUNTY COMMISSION

A large, stylized cursive signature of Joanne Bond, written in black ink.

Joanne Bond, Chair

ATTEST:

A cursive signature of Judi Bailey, written in black ink.

Judi Bailey, County Clerk