

Summary: Clarify and codify the contents of Interpretation 96-4 (Location of detached accessory structures) by allowing for an accessory structure or use to be established on vacant land under specific circumstances; put in place mechanisms to prevent the potential for associated code nonconformance situations by requiring the recordation of a deed restriction; clarify when a garage on an adjacent property can be used to satisfy a dwelling's parking requirements; and update associated definitions within the Development Code to reflect these clarifications.

BILL NO. 1768

ORDINANCE NO. ~~1582~~ 1584

TITLE:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 306, *Accessory Uses and Structures*, at Section 110.306.15, *Main Structures Required* to allow an accessory structure or use on a parcel that does not have a main structure or use when adjacent to a parcel with a main structure or use and when both parcels are under the same ownership, subject to the recordation of a deed restriction; within Article 410, *Parking and Loading* at Section 110.410.20(c), *Location of Required Parking Spaces* to clarify that a garage on an adjacent lot may only be used to satisfy a dwelling's parking requirements if it is also in compliance with Section 110.306.15; within Article 902, *Definitions* at Section 110.902.15, *General Definitions* to update the definitions of "Detached Accessory Structure," "Lot" and "Parcel of Land" to better reflect the clarifications identified above; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 16-02 on March 1, 2016; the amendments and this ordinance were drafted in conjunction with the District Attorney; the Planning Commission held a duly noticed public hearing for DCA16-002

on June 7, 2016, and adopted Resolution Number 16-07 recommending adoption of this ordinance; and,

- B. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Board of County Commissioners desires to adopt this Ordinance; and
- C. This Board of County Commissioners has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, and is therefore not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Section 110.306.15 is hereby amended to read as follows:

Section 110.306.15 Main Structures Required. It is unlawful to construct, erect or locate accessory structures and/or uses on any lot without an existing main structure or principal use as provided for under Article 302, Allowed Uses, except under the following circumstances:

- (a) The structure complies with the provisions of Section 110.330.55, Agricultural Buildings; or
 - (b) The proposed accessory structure or use is located on a lot adjacent to another lot that contains an existing main structure or principal use, is under the same ownership, has the same regulatory zone
- and

A deed restriction has been filed with the Washoe County Recorder's Office stipulating that neither lot can be sold separately until the accessory structure or use otherwise allowed under this section is removed, terminated, or any nonconformance resulting from such a sale has been resolved. The deed restriction shall be executed on a form provided by the County through the Planning and Development Division, and the deed restriction shall make the County an intended third party beneficiary with the right, but not the obligation, to enforce its provisions. No accessory structure or use otherwise allowed under this section is allowed until the required deed restriction is executed and recorded against the property that will contain the accessory structure or use and against any other adjacent parcel under the same ownership that is used to satisfy the provisions of this paragraph, as well as any adjacent parcel under the same ownership that will be served by the accessory structure or use. For the purposes of this section, a parcel is under the same ownership if at least one of the owners of each parcel involved is the same.

SECTION 2. Section 110.410.20 is hereby amended to read as follows:

Section 110.410.20 Location of Required Parking Spaces. Required parking spaces shall be located as set forth in this section.

- (a) On Same or Adjacent Lot. For dwellings, motels, automobile-oriented services, and elementary, junior high, and high schools, required parking spaces shall be provided on the same lot as the main building(s) or on an adjoining lot or lots zoned for the main use of the property.
- (b) Other Uses. For uses not listed in Subsection (a) above, required parking spaces shall be located within three hundred (300) feet of the lot on which the main building is located.
- (c) Adjacent and Off-site Lots. If an adjacent or off-site lot is used to satisfy the parking requirements, the lot(s) shall be secured in such a manner that will provide parking for the life of the project. This Requirement does not preclude the use of reciprocal parking agreements, so long as the agreement is in a form acceptable to Washoe County. A garage on an adjacent lot may only be used to satisfy a dwelling's parking requirements if it also complies with the provisions of Section 110.306.15.

SECTION 3. The definitions of "Detached Accessory Structure," "Lot" and "Parcel of Land" as found in Section 110.902.15 are hereby amended to read as follows:

Detached Accessory Structure. Except as provided for under Section 110.306.15, "detached accessory structure" means a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit provisions contained in Article 306, Accessory Uses and Structures. Typical uses include storage buildings, sheds, barns, and detached garages.

Lot. "Lot" means a distinct part or parcel of land divided with the intent to transfer ownership or for building purposes, which abuts upon a permanent means of access and is assigned a single parcel number by the Washoe County Assessor's Office.

Parcel of Land. "Parcel of land" means any unit or contiguous units of land assigned a single parcel number by the Washoe County Assessor's Office.

SECTION 4. General Terms.

1. All actions, proceedings, matters and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and the officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to

revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

- 4. Each term and provision of this ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then it shall be excised from this ordinance. In any event, the remainder of this ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

PASSAGE AND EFFECTIVE DATE

This ordinance was proposed on July 26, 2016 by Commissioner Hartung.

This ordinance was passed on August 9, 2016.

Those voting "aye" were Jung, Lucey, Berkbigler, Hartung & Herman.

Those voting "nay" were none.

Those absent were none.

Those abstaining were none.

This ordinance shall be published and shall be in force and effect from and after the 19th day of the month of August of the year 2016 as set forth in NRS 244.100.

Kitty K. Jung
Kitty K. Jung, Chair
Washoe County Commission

ATTEST:

Jean Galassini Chief Deputy for
Nancy Parent, County Clerk

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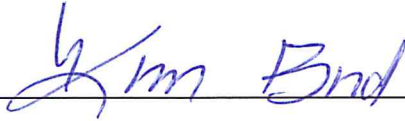
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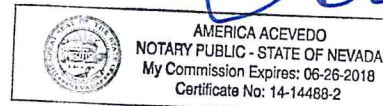
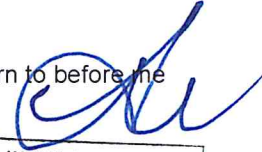
STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the date: 08/12/2016 - 08/19/2016, for exact publication dates please see last line of Proof of Publication below.

Signed: _____



Subscribed and sworn to before me



**NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE
NO. 1584 (NEW NUMBER) Ordinance No. 1582
(previously assigned) BILL NO. 1768 NOTICE IS
HEREBY GIVEN that typewritten**

Publish Dates:
08/12/16, 08/19/16

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1584 (NEW NUMBER)
Ordinance No. 1582 (previously assigned) BILL NO. 1768**
NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on July 26, 2016 by Commissioner Hartung and was passed and adopted without amendment at a regular meeting held on August 9, 2016 by the following vote of the Board of County Commissioners: An ordinance amending the Washoe County Code of Chapter 110 (Development Code) within Article 306, Accessory Uses and Structures, at Section 110.306.15, Main Structures Required to allow an accessory structure or use on a parcel that does not have a main structure or use when adjacent to a parcel with a main structure or use and when both parcels are under the same ownership, subject to the recordation of a deed restriction; within Article 410, Parking and Loading at Section 110.410.20(c), Location of Required Parking Spaces to clarify that a garage on an adjacent lot may only be used to satisfy a dwelling's parking requirements if it is also in compliance with Section 110.306.15; within Article 902, Definitions at Section 110.902.15, General Definitions to update the definitions of "Detached Accessory Structure," "Lot" and "Parcel of Land" to better reflect the clarifications identified above; and other matters necessarily connected therewith and pertaining thereto.

Those Voting Aye: Kilty Jung, Bob Lucey, Marsha Berkbigler, Vaughn Hartung and Jeanne Herman.
Those Absent: None.

This Ordinance shall be in full force and effect from and after August 19, 2016. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this Ordinance to be published by title only. DATED August 9, 2016.

Nancy Parent, Washoe County Clerk and Clerk of the Board of County Commissioners

No 1500886

August 12, 19, 2016

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