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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

**Summary: AMENDS WASHOE COUNTY CODE CHAPTER 110 (DEVELOPMENT CODE) ARTICLE 406 BY ADDING A NEW SECTION ALLOWING A DIRECTOR'S MODIFICATION OF STANDARDS TO DECREASE THE FRONT YARD SETBACK FOR PARCELS ADJACENT TO PUBLIC RIGHT-OF-WAY OF A LOCAL RESIDENTIAL STREET, THE EDGE OF WHICH IS LOCATED MORE THAN 20 FEET FROM THE PARCEL'S FRONT PROPERTY LINE**

BILL NO. 1864

ORDINANCE NO. 1679

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code), Article 406, by adding a new section which allows the Director of the Planning and Building Division to approve a modification of standards (Director's Modification) to reduce the front yard setback (as otherwise required by the underlying regulatory zone) by up to 10 feet when the edge of pavement or curb of the adjacent public right-of-way (ROW) of a local residential street is more than 20 feet from the property line. The Director's Modification must include a finding that the adjacent ROW is not planned for a future road expansion and must consider roadway safety and snow storage. Additionally, the County Engineer may request that Washoe County be released from any liability relating to street maintenance operations; and other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 406 of the Washoe County Development Code (Chapter 110) in order to add a code provision which allows a Director's Modification of standards in certain circumstances for parcels with front property lines adjacent to a local residential street's public right-of-way; and

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Development Code (Chapter 110), Article 406, by Resolution Number 21-07 on October 5, 2021, after a duly noticed public hearing for WCDA21-0001; and
- C. The proposed amendment and this ordinance were drafted in concert with the District Attorney; and
- D. Following a first reading and publication as required by NRS 244.100(1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore, it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

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

SECTION 1. Article 406 of the Washoe County Development Code (Chapter 110) is hereby amended to add a new section as follows:

Section 110.406.24 Modification of Building Placement Standards for Front Yard Setbacks on Parcels Adjacent to Local Residential Streets' Right-of-Way (ROW) Located More than 20 Feet from Front Property Line. The Director of the Planning and Building Division may approve a modification of standards (Director's Modification) to reduce the front yard setback (as otherwise required by the underlying regulatory zone) by up to 10 feet when the edge of pavement or curb of the adjacent public right-of-way (ROW) of a local residential street is more than 20 feet from the property line. The Director's Modification must include a finding that the adjacent ROW is not planned for a future road expansion and must consider roadway safety and snow storage. Additionally, the County Engineer may request that Washoe County be released from any liability relating to street maintenance operations.

SECTION 2. General Terms.

- 1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.

2. The Chair of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.
3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.
4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on November (month) 16 (day), 2021.

Proposed by Commissioner Hill.

Passed on December (month) 14 (day), 2021.

Vote:

Ayes: Lucey, Hartung, Jung, Hill, Herman

Nays: none.

Absent: none.



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Bob Lucey, Chair  
Washoe County Commission

ATTEST:



Jan Galassini  
Janis Galassini, County Clerk

This ordinance shall be in force and effect from and after the 27<sup>th</sup> day of the month of December of the year 2021.