

# *Division Nine - General Provisions*

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# Article 900

## GENERAL PROVISIONS: TITLE AND CONTENTS

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### Sections:

110.900.00	Title
110.900.05	Contents

**Section 110.900.00 Title.** Division Nine of Chapter 110, Development Code, is entitled General Provisions.

**Section 110.900.05 Contents.** Division Nine consists of the following articles:

- (a) ARTICLE 900 GENERAL PROVISIONS: TITLE AND CONTENTS
- (b) ARTICLE 902 DEFINITIONS
- (c) ARTICLE 904 NONCONFORMANCE
- (d) ARTICLE 906 FEES
- (e) ARTICLE 908 ISSUANCE OF PERMITS AND LICENSES
- (f) ARTICLE 910 ENFORCEMENT
- (g) ARTICLE 912 ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINERS
- (h) ARTICLE 914 ESTABLISHMENT OF DIVISION
- (i) ARTICLE 916 ESTABLISHMENT OF COMMITTEES
- (j) ARTICLE 918 ADOPTION OF DEVELOPMENT CODE



# Article 902

## DEFINITIONS

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### 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 International 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.

*[Amended by Ord. 1356, provisions eff. 12/21/07.]*

**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 Community Development shall have the authority to determine the applicable definition source (e.g. Webster's Collegiate Dictionary, International Building Code, International 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.

*[Amended by Ord. 873, provisions eff. 6/7/93; Ord. 1356, provisions eff. 12/21/07.]*

**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 Structure. "Accessory structure" means a subordinate structure, the use of which is incidental to that of the main structure or potential main structure, or main dwelling.

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).

Agricultural Building. "Agricultural building" is a structure designed and constructed to store farm implements and equipment or hay, grain, poultry, livestock, fruit and other agricultural products. Cold storage warehouses are not agricultural buildings. An agricultural building shall not be used for human habitation; processing, treating, packaging agricultural products; or as a place used by the public. The term shall not include dwellings, but does include greenhouses.

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 Unit. "Attached accessory dwelling unit" means a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceiling and accessed through a lockable exterior or interior door. The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or one thousand (1,000) square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. 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.

Breezeway. A "breezeway" means a covered walkway, passageway, or corridor that has at least one (1) side entirely or partially open (except for necessary supporting columns), is not intended nor designed as habitable space, and which may or may not be connected to a structure.

**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.

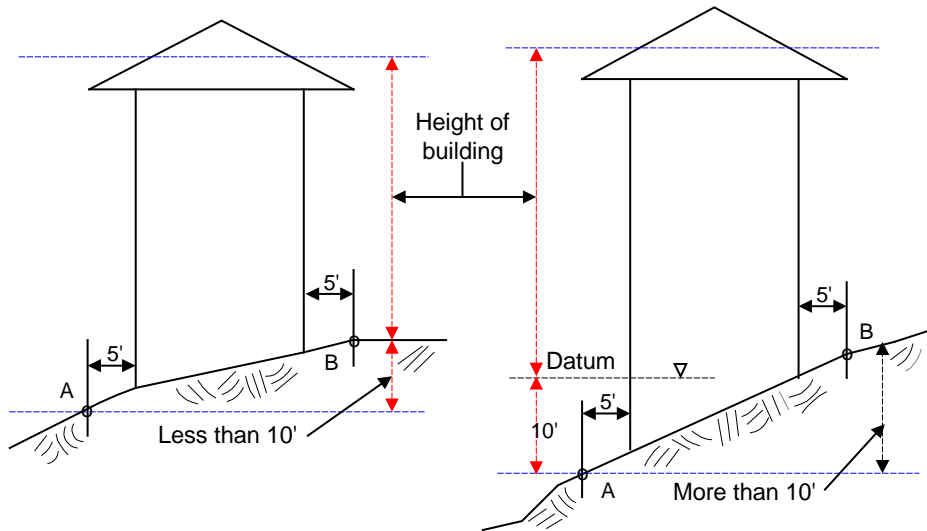
**Building Height.** "Building height" is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. As illustrated in Figure 110.902.15.BH1, the reference datum shall be selected by either of the following, whichever yields a greater height of building:

- (a) 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.
- (b) 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.

Figure 110.902.15.BH1

**DETERMINATION OF BUILDING HEIGHT IN FEET**



Source: International Building Code Interpretation Manual.

**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.

**Cargo Container.** "Cargo Container" means an Intermodal Container, Sea-land Container, ISO Container, or Conex Box that is not designed for independent or "In-tow Trailer" highway use, and



that was originally designed and constructed as a standardized, reusable storage and shipping vessel to be loaded on a truck, rail car or ship.

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.

Child Care Institution. "Child care institution" means a facility which provides care and shelter during the day and night and provides developmental guidance to sixteen (16) or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

- (a) Education to the children according to a curriculum approved by the Department of Education;
- (b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or
- (c) Emergency shelter to children who have been placed in protective custody pursuant to Chapter 432B of NRS.

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.

Commercial Vehicle. "Commercial vehicle" means any vehicle designed, maintained or used for business, commercial, construction or industrial purposes that infringes on the residential character of residential districts; or for the transportation of property in furtherance of commercial enterprise; or having more than two (2) axles on the road; or, any vehicle in excess of eight thousand (8,000) pounds unladen weight. Commercial vehicles includes, but is not limited to: a cement truck, commercial tree-trimming equipment, construction equipment, dump truck, garbage truck, panel truck, semi-tractor, semi-trailer, stake bed truck, step delivery van, tank truck, tar truck, and other vehicles customarily used for 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.

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."

Contiguous Parcel of Land. "Contiguous parcel of land" means a parcel of land either abutting directly on the boundary or separated by a street, alley, public right-of-way, creek, river or the right-of-way of a railroad or other public service corporation of another parcel of land.

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 Unit. "Detached accessory dwelling unit" means a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. toilet) facilities, but which may also include living, sleeping, and eating facilities. Except in the Medium Density Suburban (MDS) Regulatory Zone, a detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main unit, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. Detached accessory dwelling unit are also commonly referred to as guest houses, second units, detached "granny flats" and caretaker's quarters.

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.

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 Master 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.

Dog Training Center. "Dog training center" means a facility where dogs are boarded and trained for a long-term period of time.

Dog Training Services. "Dog training services" means the training of dogs with their owners or owners' designee, where both owner and dog participate in dog training.

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 at a minimum permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities as required by the Development Code, the International Building Code, and/or the National Manufactured Home and Safety Standards Act.

Electronic Notice. "Electronic notice" means any notice required by law that is transmitted via electronic means and which provides a method of verifying receipt to the sender that the receiver has received the notice. Electronic includes, but is not limited to, e-mail, facsimile transmission that identify the receiver and have a time and date stamp.

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.

Ephemeral Stream. "Ephemeral stream" means a stream that flows only in direct response to precipitation, and thus discontinues its flow during dry seasons. Such flow is usually of short duration. Most of the dry washes of more arid regions may be classified as ephemeral streams.

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. The term "fabricated home" does not include a "recreational vehicle."

Facility for Transitional Living for Released Offenders. "Facility for transitional living for released offenders" means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering

alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs. As used in this section, person who has been released from prison means:

- (a) A parolee.
- (b) A person who is participating in:
  - (1) A judicial program pursuant to NRS 209.4886 or 213.625; or
  - (2) A correctional program pursuant to NRS 209.4888 or 213.371.
- (c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement.
- (d) A person who has been released from prison by expiration of his or her term of sentence.

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" also called the "base flood" means a flood having a one (1) percent chance of being equaled or exceeded in any given year. The boundaries of the one hundred (100) year flood include both the floodway and the flood fringe areas as shown on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps.

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, AE 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 structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents.

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.

Government Patent Easement. "Government patent easement" means an easement granted through a patent by the federal government for a public purpose, generally for public access and utility purposes.

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.

Ground Water Recharge. "Ground water recharge" means the infiltration of water into the earth. It may increase the total amount of water stored underground or only replenish the groundwater supply depleted through pumping or natural discharge. The natural or intentional infiltration of surface water into the Zone of Saturation (i.e. into the Ground Water). Also, the inflow of water to a ground water reservoir (Zone of Saturation) from the surface. Infiltration of precipitation and its movement to the water table is one form of natural recharge.

Group Foster Home. "Group foster home" means a natural person, partnership, firm, corporation or association who provides full-time care for seven (7) to fifteen (15) children who are:

- (a) Under eighteen (18) years of age;
- (b) Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and received, cared for, and

- (c) Maintained for compensation or otherwise, including the provision of permanent free care.

Halfway House for Recovering Alcohol and Drug Abusers. "Halfway house for recovering alcohol and drug abusers" means a residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.

Hallway. "Hallway" means a completely enclosed corridor, passageway, or other similar enclosed space that connects two (2) separate rooms, or ingress and egress points, and which is not intended nor designed as habitable space. A hallway shall not be used to connect two (2) separate dwelling units.

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.

Historic Structure. "Historic structure" means any structure that is:

- (a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district;
- (c) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved state program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in states without approved programs.

Home for Individual Residential Care. "Home for individual residential care" means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two (2) persons with mental retardation or with disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:



- (a) A halfway house for recovering alcohol and drug abusers; or
- (b) A home in which supported living arrangement services are provided to assist individuals in maximizing his independence, including without limitation training and habitation services.

Hoop House/High Tunnel. "Hoop House" or "High Tunnel" means an enclosure that is used to cover and protect crops from sun, wind, excessive rainfall, or cold, to extend the growing season in an environmentally safe manner and having a life span of approximately 5 years. The coverings for these enclosures utilize flexible, not rigid materials.

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.

Inoperable Vehicle. "Inoperable vehicle" means a vehicle, as defined by NRS 482.135, which:

- (a) Does not display current license plates (from any state) registered to the vehicle; and,
- (b) Is visibly damaged, wrecked, dismantled, in serious disrepair, deteriorating (rusting, rotting) or missing major components, or is being salvaged, parted out, prepared for crushing, shredding or scrapping; and,
- (c) Is not awaiting disposition instructions as a result of a collision.

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" means a room or space within a room equipped with such electrical or gas hook up that would enable the installation of a range, oven, or like appliance using 220/40 volts or

natural gas (or similar fuels, such as propane) for the preparation of food, and also containing either or both a refrigerator and sink for the washing and/or 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 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, which abuts upon a permanent means of access and is assigned a single parcel number by the Washoe County Assessor's Office.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two (2) or more streets or a lot that abuts one (1) street that changes directions, curves or turns around the lot with an interior angle of 135 degrees or less.

Lot, Interior. "Interior lot" means either (a) a lot bounded by a street on only one (1) side; or, (b) a lot situated at the intersection of (2) streets having an interior angle of one hundred thirty-five (135) degrees or more; or, (c) a lot that has continuous street frontage on only one (1) street and when the curvature of the lot along the street frontage exceeds one hundred thirty-five (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.

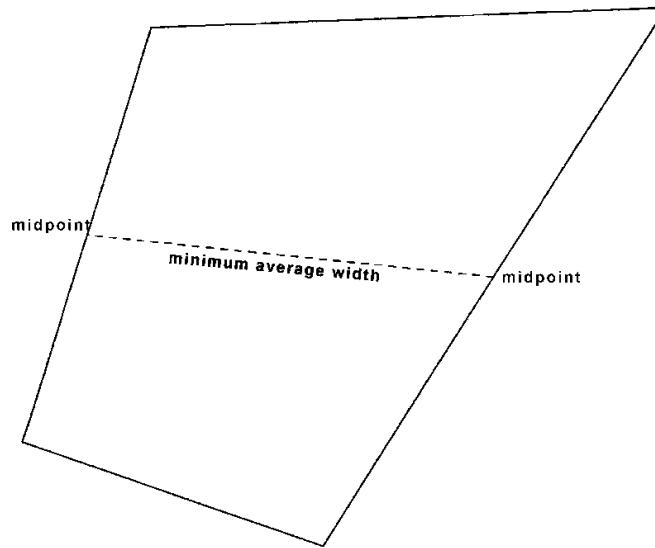
Lot Width. "Lot width" may be determined in one of the following three ways:

- (a) 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 (see Figure 110.902.15LW1);

Figure 110.902.15.LW1

**DISTANCE BETWEEN SIDE LOT LINES**

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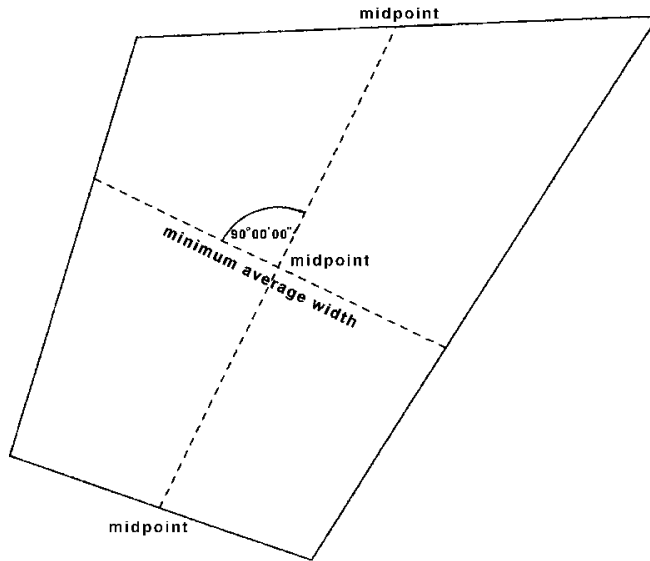
Source: George Lindesmith, PLS.

- (b) The distance between the midpoints of the side lot lines (see Figure 110.902.15LW2); or

Figure 110.902.15.LW2

**DISTANCE BETWEEN MIDPOINTS**

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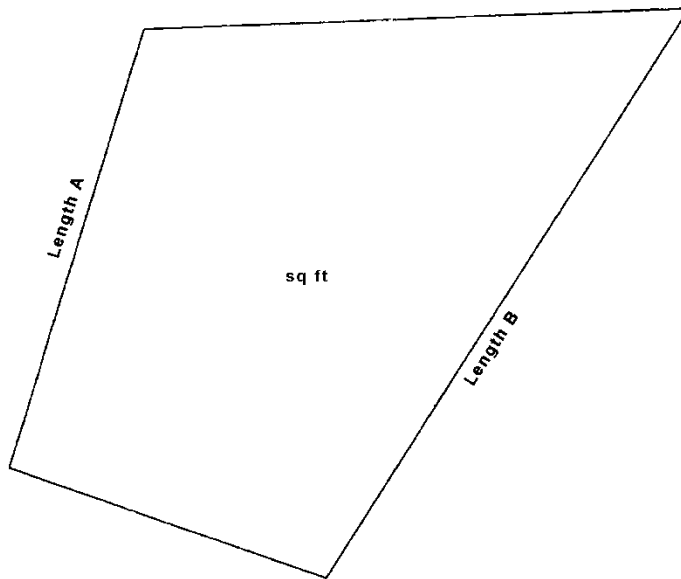


Source: George Lindesmith, PLS.

(c) Area/Average Depth = Average Width (see Figure 110.902.15LW3).

Figure 110.902.15.LW3

**AREA/AVERAGE WIDTH**



$$\text{Area/Average Depth} = \text{Average Width}$$

$$\text{Area Sq Ft} / \frac{\text{Length A} + \text{Length B}}{2} = \text{Average Width}$$

Source: George Lindesmith, PLS.

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.

Master Plan. "Master Plan" means the Washoe County Master Plan including both countywide elements and area plans, and a number of more detailed plans and studies related to the plans.

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.

Military Installation. "Military installation" means a base or facility at which or from which the Air Force, Army, Coast Guard, Marine Corps, Navy, Air Force Reserve, Army Reserve, Coast Guard Reserve, Marine Corps Reserve, Navy Reserve or National Guard conducts exercises, maneuvers, operations, patrols or training.

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 International 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).

Non-municipal Air Strips and Glider Ports. "Non-municipal air strips and glider ports" means any Federal Aviation Administration (FAA) recognized public use landing area, privately owned and operated for scheduled or non-scheduled air transportation activities, where commercial uses and aviation related commerce can occur. Such use may include provision of landing privileges, hangar and tie-down lease/rental spaces, fuel and lubrication service, flight instruction, plane rental, mechanical repairs, or any other form of aviation commerce. Uses can also include scenic and sightseeing transportation service including helicopter rides, glider plane rides, air balloon rides, ultra-light and experimental aircraft activities and aircraft charters. The term "non-municipal air strips and glider ports" does not apply to public airports operated by any federal, state or local government agencies. The term also does not apply to a personal landing field that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to established

allowable uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields.

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.

Outdoor Storage. "Outdoor Storage" means the outside placement of items and materials that are incidental to the existing principal use of the property, except as provided for under Section 110.306.35(d), for a period of more than seventy-two (72) consecutive hours. Outdoor storage is further defined and regulated in the Washoe County Nuisance Code (WCC Sections 50.300 to 50.310, inclusive).

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 assigned a single parcel number by the Washoe County Assessor's Office.

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.

Perennial Stream. "Perennial stream" means a stream that flows from source to mouth throughout the year. This definition does not apply to a man-made watercourse constructed for irrigation, aesthetic or other purposes.

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

Personal Landing Field. "Personal landing field" means a private use aviation landing area that is used for fixed-wing aircraft or helicopter landing operations that are incidental and ancillary to

established allowable land uses including, but not limited to, agricultural, ranching or mining activities, as long as no aviation related commerce is conducted at the personal landing fields. Personal landing fields do not engage in scheduled or non-scheduled air transportation activities, or in any scenic and sightseeing transportation service, or any other form of aviation commerce. The term "personal landing field" does not apply to "non-municipal air strips and glider ports," or to public airports operated by any federal, state or local government agencies.

Placement. "Placement" means the issuance of a set-up permit by the Building and Safety Department for a manufactured home or mobile home.

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.

Plumbing Fixture. A "plumbing fixture" is a receptacle, device, or appliance that is supplied with water or which receives liquid or liquid-borne wastes, and which discharges into a drainage system to which it may be directly or indirectly connected.

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 Line. "Rear line" means the lot line most directly opposite the front line. A parcel of land may have only one (1) rear line.

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.

Residential Facility for Groups. "Residential facility for groups" means an establishment that furnishes food, shelter, assistance and limited supervision to a person with mental retardation or with a disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility. The term does not include:

- (a) An establishment which provides care only during the day;
- (b) A natural person who provides care for no more than two (2) persons in his or her own home;
- (c) A natural person who provides care for one (1) or more persons related to him or her within the third degree of consanguinity or affinity;
- (d) A halfway house for recovering alcohol and drug abusers; or
- (e) A facility funded by a division or program of the Department of Health and Human Services.

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 Master 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 to provide physical separation and complete visual obscuration of one area from another on all sides and in all seasons. Such separation must be at least six (6) feet high and includes, but is not limited to, the combination or individual use of a fence, decorative wall, structure, earth berm or dense landscaping.

Section 404 (Clean Water Act). "Section 404 (Clean Water Act)" means that section of the Clean Water Act delineating restrictions on the dredging and filling (only) of Wetlands in the United States. While Section 404 Permits are issued by the U.S. Army Corps of Engineers (COE), Section 404 regulations are written by the U.S. Environmental Protection Agency (EPA).

Section 404 (Clean Water Act) Permit. "Section 404 (Clean Water Act) Permit" means the Wetland dredge and fill permit issued under regulations written to conform to Section 404 of the Clean Water Act. The permit is actually granted by the U.S. Army Corps of Engineers (COE).

Sedimentation. "Sedimentation" means the act or process of depositing sediment from suspension in water. All the processes whereby particles of rock material are accumulated to form sedimentary deposits. Sedimentation, as commonly used, involves not only aqueous but also glacial, aeolian, and organic agents. (Water Quality) Letting solids settle out of wastewater by gravity during treatment.

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.

Stream. "Stream" means a general term for a body of flowing water; natural watercourse containing water at least part of the year. In hydrology, the term is generally applied to the water flowing in a natural channel as distinct from a canal. Some classifications of streams include, in relation to time:

- (a) Ephemeral Streams. Streams that flow only in direct response to precipitation and whose channel is at all times above the water table.
- (b) Intermittent or Seasonal Streams. Streams that flow only at certain times of the year when it receives water from springs, rainfall, or from surface sources such as melting snow.
- (c) Perennial Streams. Streams that flow continuously.

Streambanks. "Streambanks" mean the usual boundaries, not the flood boundaries, of a stream channel. Right and left banks are named facing downstream (in the direction of flow).

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.

Unladen Weight. "Unladen weight" means the weight of any vehicle without load, but fully equipped with accessories and appliances belonging to and used by such vehicle in the transportation of persons or property.

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.

Waters of the State (Defined) (Nevada Revised Statutes 445A.415). "Waters of the State" means all waters situated wholly or partly within or bordering upon the State of Nevada, including, but not limited to:

- (a) All streams, lakes, ponds, impounding reservoirs, marshes, water courses, waterways, wells, springs, irrigation systems and drainage systems; and
- (b) All bodies or accumulations of water, surface and underground, natural or artificial.

Wetland. "Wetland" means an area that is periodically inundated or saturated by surface or groundwater on an annual or seasonal basis, that displays hydric soils, and that typically supports or is capable of supporting hydrophytic vegetation.

Wetlands (COE and EPA) (Regulatory). "Wetlands (COE and EPA)" means the U.S. Army Corps of Engineers (COE) and the U.S. Environmental Protection Agency (EPA) have adopted a regulatory definition for administering the Section 404 permit program of the Clean Water Act (CWA) as follows: [Wetlands are] those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Wetlands (NRCS) (Technical). "Wetlands (NRCS)" mean the (U.S. Department of Agriculture) Natural Resources Conservation Service (NRCS) [formerly the Soil Conservation Service (SCS)] uses the following definition for identifying wetlands on agricultural land in assessing farmer eligibility for U.S. Department of Agriculture program benefits under the "Swampbuster" provision of the Food Security Act (FSA) of 1985. As amended in 1990, the FSA states that the term "wetland," except when such term is part of the term "converted wetland," means land that:

- (a) Has a predominance of hydric soils;
- (b) Is inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
- (c) Under normal circumstances does support a prevalence of such vegetation.

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. In the case of either a corner lot or an interior lot with multiple street frontages, all yards abutting streets, other than collectors or arterials, shall be considered as front yards.

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. On a corner lot, the side opposite the shortest front yard width is considered the rear yard of the lot.

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.

*[Amended by Ord. 867, provisions eff. 5/27/93; Ord. 873, provisions eff. 6/7/93; Ord. 890, provisions eff. 11/29/93; Ord. 893, provisions eff. 3/4/94; Ord. 899, provisions eff. 5/31/94; Ord. 916, provisions eff. retro. to 5/26/93; Ord. 942, provisions eff. 4/1/96; Ord. 965, provisions eff. 10/1/96; Ord. 1076, provisions eff. 10/1/99; Ord. 1088, provisions eff. 1/28/00; Ord. 1089, provisions eff. retro to 1/1/00; Ord. 1091, provisions eff. 4/28/00; Ord. 1102, provisions eff. 8/11/00; Ord. 1112, provisions eff. 2/15/01; Ord. 1140,*

*provisions eff. 12/31/01; Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 05/21/04; Ord. 1238, provisions eff. 6/4/04; Ord. 1288 and 1290, provisions eff. 3/24/06; Ord. 1347, provisions eff. 11/2/07; Ord. 1356, provisions eff. 12/21/07; Ord. 1447, provisions eff. 9/9/10; Ord. 1451, provisions eff. 1/1/11; Ord. 1485, provisions eff. 3/27/12; Ord. 1504, provisions eff. 3/8/13; Ord 1584, provisions eff 8/19/16; Ord 1587, provisions eff. 11/25/16, Ord. 1640, provisions eff 7/19/19.]*







# Article 904

## NONCONFORMANCE

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*[This Article amended in its entirety by Ord. 889, provisions eff. 11/29/93; Ord. 899, provisions eff. 5/31/94.]*

### Sections:

110.904.00	Purpose
110.904.05	Finding of Incompatibility
110.904.10	Types of Nonconformance
110.904.15	Nonconforming Lot
110.904.20	Nonconforming Use of Land
110.904.25	Nonconforming Use of a Structure
110.904.30	Nonconforming Structure
110.904.35	Nonconforming Development
110.904.40	Replacement Cost
110.904.45	Nonconforming Public Use
110.904.50	Historic Building, Structures or Sites
110.904.55	Illegal Lots and Use of Structures and Land within a Sphere of Influence
110.904.60	Requirement for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with the Provisions of the Development Code

**Section 110.904.00 Purpose.** The intent of this article, Article 904, Nonconformance, is to regulate lots, structures and uses of land and structures which were lawful before the adoption or amendment of this Development Code, but which no longer comply. The additional intent of this article is to permit those nonconformities to continue until they are removed or required to be terminated, but not to encourage their continuance.

**Section 110.904.05 Finding of Incompatibility.** Nonconforming uses and structures are declared to be incompatible with permitted uses, structure and standards in the regulatory zones involved. They shall not be enlarged upon, expanded, extended or replaced, not be used as ground for adding other structures or uses prohibited elsewhere in the same regulatory zone, except as may be expressly permitted in this article.

**Section 110.904.10 Types of Nonconformance.** This article regulates the categories of nonconformance listed below in this section. If a nonconforming use falls into two (2) or more categories, it shall be subject to the regulations of each category.

- (a) **Nonconforming Lot.** A lot which was legal when brought into existence but does not conform to the current lot size or shape requirements of the regulatory zone where it is located. A nonconforming lot is subject to the provisions of Section 110.904.15.
- (b) **Nonconforming Use of Land.** A use which does not involve a structure and which was legal when brought into existence but does not conform to the current uses

allowed in the regulatory zone where it is located. A nonconforming use of land is subject to the provisions of Section 110.904.20.

- (c) Nonconforming Use of a Structure. A use which is conducted at least partially within a structure and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A nonconforming use of structure is subject to the provisions of Section 110.904.25.
- (d) Nonconforming Structure. A building or structure which was legal when brought into existence but does not conform to the current height, setback or coverage requirements of the regulatory zone where it is located. A nonconforming structure is subject to the provisions of Section 110.904.30.
- (e) Nonconforming Development. A development which was legal when brought into existence but does not conform to the current parking, loading or landscaping requirements of the regulatory zone where it is located. A nonconforming development is subject to the provisions of Section 110.904.35.

**Section 110.904.15 Nonconforming Lot.** A nonconforming lot containing a building or structure may continue to be used as a building site as long as other provisions of this article, including yard, coverage, sewer, water and drainage requirements, are met. A nonconforming lot may be used as a building site, provided the access requirements, building setback requirements, and infrastructure requirements of this Development Code are met.

**Section 110.904.20 Nonconforming Use of Land.** The nonconforming use of land shall be subject to the provisions of this section.

- (a) Continuation. A nonconforming use of land may be continued as long as it remains otherwise lawful, subject to the following provisions:
  - (1) Any structure associated with such use shall not be enlarged or increased more than ten (10) percent, nor the use extended to occupy an area of land greater than ten (10) percent than was occupied on the effective date of this article;
  - (2) If such a use ceases for any reason for a period of more than twelve (12) consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory zone in which it is located; and
  - (3) The storage of inoperable vehicles in contravention to the provisions of the Development Code shall not be considered a nonconforming use and shall be required to conform to the provisions of this Development Code.
- (b) Adding New Uses or Structures. When a nonconforming use exists on any lot, no new use or structure shall be established or built on such lot unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.
- (c) Change to Another Nonconforming Use. A nonconforming use of land shall not be changed to another nonconforming use of land.

**Section 110.904.25 Nonconforming Use of a Structure.** The nonconforming use of a structure shall be subject to the provisions of the section.

- (a) **Continuation.** A nonconforming use of a structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) A structure devoted to a nonconforming use shall not be enlarged more than ten (10) percent, extended, constructed, reconstructed, moved or structurally altered;
  - (2) Any structure in which a nonconforming use is superseded by an allowed use shall thereafter conform to the regulations for the regulatory zone in which such structure is located, and the nonconforming use may not thereafter be resumed;
  - (3) Any nonconforming use may be extended throughout such parts of a structure as were manifestly arranged or designed for such use at the time of adoption of this article, but no such use shall be extended to occupy any land outside such structure;
  - (4) When a nonconforming use of a structure is discontinued or abandoned for twelve (12) consecutive months, the structure shall not thereafter be used except in conformance with the regulations of the regulatory zone in which it is located; and
  - (5) When a nonconforming structure has been partially or totally destroyed, the nonconforming use of the structure may be rebuilt provided a building permit is acquired within six (6) months of the damaging event.
- (b) **Adding New Structures.** When a nonconforming use exists in any structure, no new use or structure shall be established or built on the lot where the structure is located unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

**Section 110.904.30 Nonconforming Structure.** A nonconforming structure shall be subject to the provisions of this section.

- (a) **Continuation.** Any nonconforming structure may be continued as long as it remains otherwise lawful, subject to the following provisions:
- (1) Such structure may not be enlarged more than ten (10) percent or altered except as specifically provided for by this section;
  - (2) If the use ceases for any reason for more than twelve (12) consecutive months, any subsequent use of the structure shall conform to the requirements of the Development Code for the regulatory zone in which it is located;
  - (3) If a structure is partially or totally destroyed, the nonconforming use of the structure may be rebuilt, provided a building permit is acquired within six (6) months of the damaging event;

- (4) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the regulatory zone in which it is located;
  - (5) Such structure may be remodeled or repaired provided that the cost of such remodeling or repair is not more than fifty (50) percent of its replacement cost and that the structure is not enlarged more than ten (10) percent, as it existed at the time of adoption or amendment of this Development Code;
  - (6) Nothing in this article shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any County or state official charged with protecting the public health or safety, upon order of such official; and
  - (7) On any property whose boundary was adjusted on or before June 13, 1981, a nonconforming structure which exists and is in nonconformance when this ordinance is adopted, and which is subsequently destroyed or removed from the property may be replaced by a structure appropriate to the same use within six (6) months.
- (b) Adding New Uses or Structures. When a nonconforming structure exists on any lot, no new use or structure shall be established or built on such land unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory zone in which the lot is located.

**Section 110.904.35 Nonconforming Development.** A nonconforming development shall be subject to the provisions of this section. Existing conforming buildings or uses whose off-street parking and loading do not conform to the provisions of this Development Code may be expanded or have facilities added, and one conforming use may be changed to another, provided that the requirements for off-street parking and loading spaces are complied with in accordance with Article 410.

**Section 110.904.40 Replacement Cost.** In the absence of proof to the contrary, replacement cost as used in this article shall mean the assessed value of the building or structure at the time of the destruction.

**Section 110.904.45 Nonconforming Public Use.** Additions, extensions or alterations may be made to any nonconforming public use including, but not limited to, schools, parks, libraries and fire stations, if the addition, extension or alteration meets the provisions of this section.

- (a) Expansion. The addition, extension or alteration shall not extend beyond the boundaries of the site in existence when the use became nonconforming.
- (b) Parking. The addition, extension or alteration shall not infringe upon any off-street parking required by this Development Code.

**Section 110.904.50 Historic Building, Structures or Sites.** Notwithstanding any other provisions of this article, a building, structure or site which is listed on the National Register of Historic Places or the State Register of Historic Places shall be allowed to continue to exist and be repaired, restored or reconstructed as long as it complies with federal and state regulations and statutes regarding historic buildings, structures and sites. The building, structure or site may be expanded upon approval of a special use permit.

**Section 110.904.55 Illegal Lots and Use of Structures and Land within a Sphere of Influence.** The creation of a lot, or the use of a structure or land, that occurred in contravention to the provisions of Section 110.106.30 and which was created prior to November 29, 1993 shall be considered an illegal use and not subject to the provisions of this article.

*[Amended by Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.904.60 Requirement for Bringing a Nonconforming Use of Land or Nonconforming Use of a Structure into Compliance with the Provisions of the Development Code.** Except as provided for in this article, a nonconforming use of land or a nonconforming use of a structure shall be brought into conformance with the provisions of this Development Code at the time that a ministerial permit (e.g. building permit) is issued, or at the time that an approved discretionary permit (e.g. special use permit) becomes effective.





# Article 906

## FEES

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*[Section 110.906.15 entitled "Simultaneous Applications" repealed by Ord. 959, provisions eff. 7/26/96. This Article amended in its entirety by Ord. 1137, provisions eff. 12/1/01.]*

### Sections:

<b>110.906.00</b>	<b>Purpose</b>
<b>110.906.05</b>	<b>Fee Schedule</b>
<b>110.906.10</b>	<b>Exempt Entities</b>
<b>110.906.20</b>	<b>Expired Approval</b>
<b>110.906.25</b>	<b>Amendment to Approval</b>
<b>110.906.30</b>	<b>Specialists</b>
<b>110.906.35</b>	<b>Refund of Application Fees</b>

**Section 110.906.00 Purpose.** The purpose of this article, Article 906, Fees, is to provide information on fees required for actions pursuant to this Development Code.

**Section 110.906.05 Fee Schedule.** The fees for processing applications shall be as set forth in the master fee schedule adopted by resolution by the Board of County Commissioners.

**Section 110.906.10 Exempt Entities.** No fees shall be required pursuant to this article of a governmental entity or agency thereof.

**Section 110.906.20 Expired Approval.** If an application is made for a Master Plan amendment, Regulatory Zone map amendment or tentative subdivision map for which application has been previously made and has expired, and if the new application does not increase the scope or size of the change, map, project or the subject of the expired application, the applicant shall pay the application fee minus those amounts required to be paid for each dwelling unit, acre of land, or square foot of floor area.

*[Amended by Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.906.25 Amendment to Approval.** If an applicant has previously received approval of, or a resolution of intent to approve, a Master Plan amendment, Regulatory Zone map amendment, or tentative subdivision map, and the applicant proposed an amendment to the approved Master Plan amendment, Regulatory Zone map amendment, or map or an amendment to the conditions contained in the resolutions of intent, the applicant shall submit an application for such amendment and shall pay the following:

- (a) The applicable fee minus the amounts payable for each dwelling unit, acre of land or square foot of floor area which was included in the original application; and
- (b) The applicable fee for each dwelling unit, acre of land or square foot of floor area which exceeds the number of units, acres or square feet included in the original application.

*[Amended by Ord. 1447, provisions eff. 9/9/10.]*

**Section 110.906.30 Specialists.** Whenever evaluation of any development application requires the use of professional assistance not available within County government, processing of the application may be conditioned upon payment by the applicant of the reasonable cost of obtaining such assistance.

**Section 110.906.35 Refund of Application Fees.** The Director of the Department of Community Development shall refund development application fees based upon the following criteria:

- (a) One hundred percent (100%) of the total application fee shall be refunded if the following situations occur:
  - (1) The Director of the Department of Community Development determines that the application is not needed to accomplish the applicant's intent; or
  - (2) The applicant requests a voluntary withdrawal of the application before the application is circulated to reviewing agencies and/or the Citizen Advisory Boards, whichever first occurs.
- (b) Fifty percent (50%) of the application fee collected for services provided by the Department of Community Development shall be refunded if the applicant and the Director of the Department of Community Development mutually agree that the application should be withdrawn and that agreement is reached before the planning staff's analysis report for the application is started.
- (c) No refund (0%) of the total application fee, or the fee collected for services provided by the Department of Community Development, shall be granted once the written analysis of the application by the staff has been started.
- (d) The determination to refund, or not refund, fees may be appealed to the Board of County Commissioners within ten (10) days of the decision by the Director of the Department of Community Development.

# Article 908

## ISSUANCE OF PERMITS AND LICENSES

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### Sections:

110.908.00	Purpose
110.908.05	Issuance of Building Permit
110.908.10	Duties of Building Inspector
110.908.15	Issuance of Business License
110.908.20	Duties of Department of Community Development

**Section 110.908.00 Purpose.** The purpose of this article, Article 908, Issuance of Permits and Licenses, is to ensure that building permits and business licenses are not issued for businesses that do not comply with the provisions of this article.

### **Section 110.908.05 Issuance of Building Permit.**

- (a) **Other Approvals.** No building permit shall be issued for the erection or use of any structure or part thereof for the use of any land which is not in accordance with the provisions of this Development Code. Exceptions shall be when a variance, administrative permit, or special use permit has been issued by the proper authority. In these cases, the County Building Inspector may issue a building permit sufficient to allow the work authorized by such variance, administrative permit, or special use permit, in accordance with whatever conditions are attached, but such building permit shall not be issued unless no appeal has been filed and all time limits for appeal have been exhausted.
- (b) **Compliance with Development Code.** Any permit issued contrary to the provisions of this Development Code is void.
- (c) **Definition.** For purposes of this Development Code, a building permit shall include permits for new construction, remodeling, and setup of fabricated homes.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

**Section 110.908.10 Duties of Building Inspector.** Before issuing a building permit, the Building Inspector shall ascertain the exact location of the property on which the building is to be located. The Building Inspector shall obtain on the building permit application the assessor's parcel number and the street address or, if none exists, a description of the property before processing a building permit application. Before the building permit is issued, the Building Inspector shall obtain an opinion from the Department of Community Development whether the proposed building(s) complies with the provisions of this Development Code or the terms of a variance, administrative permit, or special use permit.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

**Section 110.908.15 Issuance of Business License.**

- (a) Other Approvals. No business license shall be issued for the use of any structure or part thereof or for the use of any land which is not in accordance with the provisions of this Development Code. Exceptions shall be when the variance, administrative permit or special use permit has been issued by the proper authority. In these cases, the Department of Community Development may issue a license, sufficient to allow the business authorized by such variance, administrative permit, or special use permit, in accordance with whatever conditions are attached, but such license shall not be issued unless no appeal has been filed and all time limits for appeal have been exhausted.
  
- (b) Compliance with Development Code. Any business license issued contrary to the provisions of this article is void.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

**Section 110.908.20 Duties of Department of Community Development.** Before issuing a business license, the Department of Community Development shall ascertain the exact location of the property on which the business is to be located. The Department of Community Development shall obtain on the business license application the assessor's parcel number, the street address or, if none exists, a description of the property and the type of business before processing a business license application. Before the business license is issued, the Department of Community Development shall determine whether the proposed business(es) complies with the provisions of this Development Code or the terms of a variance, administrative permit, or special use permit.

*[This Section amended by Ord. 959, provisions eff. 7/26/96.]*

# Article 910

## ENFORCEMENT

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### Sections:

110.910.00	Purpose
110.910.02	Definitions
110.910.05	Responsibility for Enforcement
110.910.10	Applicability; Prohibitions; and Remedies
110.910.15	Enforcement Procedures

**Section 110.910.00 Purpose.** The purpose of this article, Article 910, Enforcement, is to provide guidelines for the enforcement of the Development Code.

**Section 110.910.02 Definitions.** For purposes of this article, the following words have the following meanings.

**Aggrieved Person.** “Aggrieved person” means a person or entity who has suffered a substantial grievance (not merely a party who is dissatisfied with a decision) in the form of either:

- (a) The denial of or substantial injury to a personal or property right, or
- (b) The imposition of an illegal, unjust or inequitable burden or obligation by an enforcement official, the Board of Adjustment or an administrative hearing officer.

**Dangerous Structure or Condition.** “Dangerous structure or condition” means a structure or condition that is a public nuisance which may cause injury to or endanger the health, life, property or safety of the general public or the occupants, if any, of the real property on which the structure or condition is located. The term includes, without limitation, a structure or condition that:

- (a) Does not meet the requirements of a code or regulation adopted pursuant to NRS 244.3675 with respect to minimum levels of health or safety; or
- (b) Violates an ordinance, rule or regulation regulating health and safety enacted, adopted or passed by the Board, the violation of which is designated as a public nuisance in the ordinance, rule or regulation.

**Development Regulation.** “Development regulation” means:

- (a) All of the provisions and requirements in the Development Code (as defined in Washoe County Code Section 110.902.15) as it now exists and hereafter may be amended or modified;
- (b) The conditions, provisions and requirements in all permits (special use permits, grading permits, sign permits and the like), development agreements, subdivision maps, parcel maps, division of large parcels, and other orders and agreements authorized under and whose primary purpose is to implement or apply the provisions in the Development Code as to particular properties;

- (c) Any stop activity order, remediation order, abatement order, or other proceeding authorized in this article; and
- (d) Any ordinance, code or regulation relating to the soundness of structures adopted under NRS 244.3675 and the provisions of any permit or order issued pursuant to such ordinance, code or regulation.

*[Added by Ord. 1501, provisions eff. 11/2/12.]*

**Section 110.910.05 Responsibility for Enforcement.** The Board of County Commissioners designates the following persons to be “enforcement officials” with the authority and responsibility of enforcing the development regulations within their assigned areas of responsibility. Enforcement officials may only act within the field of enforcement in which they work. Within the foregoing scope, and subject to any specific provisions in any development regulation, enforcement officials have the power to issue and serve citations under NRS 171.17751, and issue and serve notices and carry out the provisions set forth in this article. Enforcement officials include:

- (a) Building inspectors, code enforcement officers, fire and safety inspectors, and engineering inspectors;
- (b) The Director of Community Development or the Director of the Community Services Department, and all deputies and persons designated by him/her in writing to enforce provisions of development regulations;
- (c) The County Building Official and all deputies and persons designated by him/her in writing;
- (d) The County Engineer and any person designated by him/her in writing; and
- (e) Any other person as specifically provided in a development regulation.

*[Amended by Ord. 1501, provisions eff. 11/2/12.]*

**Section 110.910.10 Applicability; Prohibitions; and Remedies.**

- (a) Applicability. Unless otherwise provided in a specific statute, ordinance, code provision or regulation, this article applies to the enforcement of all provisions in development regulations. As there may be procedures and remedies specific to a type of activity being regulated, if a specific provision in another code or regulation conflicts with a specific provision in this article, the other specific provision shall prevail but otherwise, provisions in another code or regulation shall be read together as supplements to the provisions in this article.
- (b) Prohibition: Public Nuisance. Erecting, operating or maintaining any property or structure contrary to the provisions of a development regulation shall be and is hereby declared to be unlawful and a public nuisance. Any property or structure that does not conform to the provisions of an applicable development regulation shall be and is hereby declared to be a public nuisance.
- (c) Misdemeanor Offense. Any person who commits a prohibited act as described above or who violates any of the provisions in a development regulation is guilty of a misdemeanor and upon the conviction thereof, shall be punished by imprisonment in the county jail for not more than six (6) months, or by a fine of

not less than \$50 or more than \$1,000, or by fine and imprisonment. Failure to appear in the proper court to answer to such a misdemeanor citation is a separate offense.

- (d) Remedies. An enforcement official may, subject to the procedures and limitations in this article, enforce development regulations through administrative, civil or criminal remedies including but not limited to:
- (1) Stop activity orders in accordance with this article;
  - (2) Remediation orders in accordance with this article;
  - (3) Administrative enforcement proceedings as provided in this article and the Enforcement Code in Washoe County Code Chapter 125;
  - (4) Abatement proceedings (including summary abatement) as provided in Washoe County Code Chapter 125 and NRS 244.360 through 244.3605;
  - (5) Civil injunctions and relief in accordance with the authority given to the District Attorney in Washoe County Code Chapter 125 and Nevada law regarding civil actions;
  - (6) Criminal citation in accordance with NRS 171.177 through 171.1779 and this article;
  - (7) Revocation of or denial of a violated permit, variance, map or approval through the approving authority;
  - (8) Cancellation by the Board of a development agreement entered into under NRS 278.0205; and,
  - (9) Any other remedy authorized by law.
- (e) Remedies Cumulative. The remedies provided herein shall be cumulative and not exclusive. The conviction and punishment of any person shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited conditions, buildings, structures or improvements and shall not prevent the enforced correction or removal thereof.

*[Amended by Ord. 1501, provisions eff. 11/2/12.]*

**Section 110.910.15 Enforcement Procedures.** The following procedures shall apply to enforce the provisions of any development regulation

- (a) Complaints. Complaints regarding possible violations of a development regulation may be made orally or in writing and shall be referred to the Director of Community Development, the Director of Community Services, the Building Official, the County Engineer or any of their designees, who may assign an enforcement official to investigate and take appropriate enforcement action. Oral complaints may be made anonymously. Enforcement officials and County employees who observe or become aware of possible violations of a development regulation shall discuss the possible violation with the Director of Community Development, the Director of Community Services, the Building

Official, the County Engineer or any of their designees, who may direct enforcement actions.

- (b) Selection of Enforcement Mechanism. The enforcement official in his/her discretion may enforce a development regulation in any manner provided in this article.
- (c) Stop activity order and remediation order:
  - (1) If an enforcement official observes construction, grading, or other land use activity in progress that is or is likely to be a violation of a development regulation, and the activity must be stopped to prevent unsafe conditions, or irreparable harm or damages, the enforcement official may issue and serve a stop activity order. Upon issuance of a stop activity order all activity described in the order must cease.
  - (2) The stop activity order shall:
    - (i) Name the property owner as well as any person who is ordered to stop the activity;
    - (ii) Describe the location and nature of the illegal activity observed and why it appears to be a violation of the development regulation (with specific citation to the regulation);
    - (iii) Describe which activities must stop and the duration of the stop order;
    - (iv) State the possible consequences of a failure to obey the order, including, as applicable:
      - (A) Civil penalties (specify what those penalties will be),
      - (B) A misdemeanor criminal citation,
      - (C) A court complaint for injunctive relief or damages,
      - (D) Abatement by the County,
      - (E) Any other relief authorized by law.
    - (v) Provide the name, address, email address and phone number of enforcement official and any person who should be contacted to discuss or resolve the stop activity order; and
    - (vi) Describe the right to ask for a hearing before an administrative hearing officer, the deadline to request a hearing, and provide the appropriate forms.
  - (3) Remediation Order. If a violation of a development regulation threatens the health, safety or welfare of the general public, and immediate action is necessary to remove an unsafe condition, an enforcement official may, issue a remediation order directing a person to:



- (i) Repair, safeguard, or eliminate a dangerous structure or condition;
  - (ii) Clear debris, rubbish and refuse which is not subject to the provisions of Chapter 459 of NRS;
  - (iii) Clear weeds and noxious plant growth; or
  - (iv) Repair, clear, correct, safeguard or eliminate any other public nuisance as defined in this article.
- (4) The remediation order shall:
- (i) Name the property owner and any/or other person who is ordered to remediate the illegal activity.
  - (ii) Describe the location and nature of the violation of the development regulation (with specific citation to the regulation), explain that the condition is an unsafe condition requiring immediate remediation.
  - (iii) List and describe the corrective actions that need to be taken to remedy the unsafe condition.
  - (iv) Specify a date by which the respondent must abate the public nuisance.
  - (v) Specify the possible consequences of a failure to obey the order to include, as applicable,
    - (A) Abatement by the County;
    - (B) Civil penalties (specify what those penalties will be);
    - (C) A misdemeanor criminal citation;
    - (D) A court complaint for injunctive relief or damages;
    - (E) Any other relief authorized by law.
  - (vi) Provide the name, address, email address and phone number of enforcement official and any person who should be contacted to discuss or resolve the remediation order.
  - (vii) Describe the right to ask for a hearing before an administrative hearing officer, the deadline to request a hearing, and provide the appropriate forms.
- (5) Stop activity orders and remediation orders should be personally served on the person ordered to stop or remedy the violation. In addition, all stop activity and remediation orders shall be sent to the property owner by certified mail, return receipt requested, to the address indicated the assessor's records for the property. The order is effective on the earlier date of personal service or service by mail. Each person who serves a

stop activity order or remediation order shall prepare a sworn affidavit specifying the date, time, and nature of service.

- (6) Any person who has been named and served with a stop activity order and continues to do any activity in violation of the order, except activity that is directed or approved by the enforcement official is guilty of a misdemeanor, and each day or part of a day that the person continues to perform the activity is a separate offense. Any person who has been named in and served with a remediation order who unreasonably fails to perform the required remediation activity by the deadline indicated shall be guilty of a misdemeanor, and each day or part of a day that the person continues to fail to perform the activity shall be a separate offense.
  - (7) The stop activity order or remediation order may provide for the imposition and collection of civil penalties, and for the possibility of abatement as specified in Washoe County Code Chapter 125.
  - (8) Hearing Required: Appeals. Because of their injunctive nature, if any person who is served with a stop activity order or remediation order asks for a hearing, an administrative hearing officer will expeditiously be appointed and a hearing will be conducted within thirty (30) days. A stop activity order remains in effect pending the hearing. The deadline for a remediation order is suspended pending the hearing. The hearing will be conducted in accordance with the provisions for hearings, and the issuance, enforcement and appeal of administrative orders as set out in Washoe County Code Chapter 125. The decision of the administrative hearing officer is appealable to the Board of Adjustment in accordance with this article, or may be taken directly to judicial review in accordance with Washoe County Code Chapter 125 at the option of the appellant. If appeal is made to the Board of Adjustment, the decision of the Board of Adjustment is subject to judicial review in accordance with this article.
  - (9) A stop activity order or remediation order may be rescinded by the enforcement official that issued it; by the Director of the Community Development Department, the Director of Community Services, the County Engineer or the Building Official; by an administrative hearing officer; and/or, by the Board of Adjustment.
  - (10) Enforcement. If a hearing is held before an administrative hearing officer as provided above, then the decision or order of the administrative hearing officer shall be enforced as provided in Washoe County Code Chapter 125. If a hearing is not held, the enforcement official may proceed to enforce the stop activity or remediation order through any of the administrative, civil or criminal remedies provided in this article.
- (d) Administrative Enforcement Proceedings. The enforcement official may construe the violation of any provision in a development regulation as an administrative offense and pursue all procedures and remedies in Washoe County Code Chapter 125, subject to the following provisions:
- (1) Appeal to Board of Adjustment. Any aggrieved person may appeal a decision or order of an administrative hearing officer to the Board of Adjustment in accordance with the Rules of the Board of Adjustment.

- (2) Grading Violations. If an enforcement official observes grading that is being done without a permit, in violation of a permit, or in violation of a development regulation, the enforcement official may proceed in an expedited manner as provided in Article 438, Grading Standards, of the Development Code.
- (e) Summary Abatement Proceedings without Advance Notice under Washoe County Code Section 125.210. If a determination is made under NRS 244.3601 (3) that a dangerous structure or condition exists and the dangerous structure or condition places any person's life, health or property in immediate or impending high risk of injury or damage, the enforcement official may pursue summary abatement proceedings as provided in Washoe County Code Sections 125.210 and 125.215 and NRS 244.3601 without advance notice. Except for the requirement of advance notice, the provisions of subparagraph (f) next below apply to these abatement proceedings.
  - (f) Summary Abatement Proceedings with Notice of Abatement. For serious violations of a development regulation or serious "public nuisances" as defined in Washoe County Code Chapter 50 that are not remedied after the warning or civil penalty has been issued, the enforcement official may issue a notice of abatement and pursue abatement proceedings as provided in Washoe County Code Section 125.195 through 125.205 and NRS 244.360 through 244.3605 subject to the following provisions:
    - (1) NRS 244.3601 shall apply to these summary proceedings.
    - (2) An administrative hearing officer shall automatically be appointed and the cost report contemplated in Washoe County Code Section 125.205.3 shall be filed with the administrative hearing officer. The administrative hearing officer shall hold a hearing to take evidence and determine the amount of the assessment against the property and, if contested by the respondent, may take evidence and make a determination as to the condition of the structure, the need for the abatement proceeding (including statements from the three witnesses who determined the dangerous condition existed), and the need for and extent of abatement conducted. The record of the hearing shall be used as the basis for an appeal to the Board of Adjustment or for judicial review.
    - (3) Appeal to Board of Adjustment. After an administrative hearing officer has issued a ruling on the cost report filed under Washoe County Code Section 125.205.3, any aggrieved person may appeal any decision by the administrative hearing officer to the Board of Adjustment as provided below. The Board of Adjustment may affirm, modify, or reverse the enforcement official's or administrative hearing officer's determination but may not award damages or other relief.
    - (4) Judicial Review. As provided in NRS 244.3601, any decision of an administrative hearing officer or Board of Adjustment may be the subject of judicial review.
  - (g) Judicial Abatement Proceedings. For serious violations of a development regulation or serious public nuisances under Washoe County Code Chapter 50 the enforcement official may apply to the District Attorney's office to pursue

abatement proceedings under NRS 244.360 through 244.3605 as authorized in Washoe County Code Section 125.020, subject to the following provisions:

- (1) The decision to pursue judicial abatement is the District Attorney's and this remedy should only be used in circumstances needing immediate action where administrative proceedings would not be effective.
  - (2) The District Attorney may require certain administrative proceedings in Washoe County Code Chapter 125 be completed before abatement litigation is brought.
  - (3) When the District Attorney files litigation, Nevada statutes and Rules of Civil Procedure govern the proceedings and there is no right to appeal to the Board of Adjustment.
- (h) Criminal Proceeding. The enforcement official may, in accordance with NRS 171.17751 prepare a citation and pursue criminal remedies as provided in NRS 171.1773, 171.1776, subject to the following provisions:
- (1) The District Attorney, in his/her sole prosecutorial discretion, must approve the use of this procedure before the citation is issued.
  - (2) The District Attorney will direct all proceedings and may require that certain administrative proceedings be completed before a citation is issued. Interpretations and decisions of the enforcement official during administrative proceedings are subject to appeal to the Board of Adjustment.
  - (3) Once a criminal citation is issued and is filed with the court, there no longer is a right to appeal any decision to the Board of Adjustment.
- (i) Appeals to the Board of Adjustment. Under NRS 278.310, an aggrieved person may appeal an interpretation or decision of an administrative hearing officer made in the course of the administration or enforcement of this article to the Board of Adjustment. The following provisions apply to this appeal process:
- (1) Notice. The administrative hearing officer's decision or order shall explain the right to appeal, the appeal procedure, and how to obtain forms.
  - (2) Forms and Deadline. Unless a different time for appeal is provided in this article or another code or regulation, the appellant shall have twenty (20) calendar days from the date of service of the administrative hearing officer's decision to file an appeal. The appeal shall be prepared on forms provided by and shall be turned in to the Community Development Department or Building Official as the case may be. If an appeal is not received by the Community Development Department or Building Official by the deadline, the right to appeal is deemed waived, and the administrative/civil/abatement/criminal proceeding may proceed.
  - (3) The burden to establish appellant as an aggrieved party is on the appellant, and the appellant must in his/her appeal request establish by affidavit the nature and location of his or her property interest and the manner in which the property interest will be affected by the decision

being appealed. The Board of Adjustment shall first determine standing to bring the appeal, and may schedule a separate public hearing for that purpose.

- (4) Hearing Procedures. The timelines and procedures set out herein and the rules of the Board of Adjustment govern the appeal, except that following the public hearing, the Board of Adjustment shall either affirm, modify, reverse or remand the decision being appealed or any combination thereof, but may not award damages. A written order shall be prepared, executed by the Board of Adjustment Chair, and filed with the Secretary of the Board of Adjustment and a copy of the order shall be served on the appellant.
- (5) Judicial Review of Board of Adjustment Decisions. The appellant shall have twenty-five (25) days from the later of:
  - (i) Filing of the order with the secretary of the Board of Adjustment, or
  - (ii) The date the order is mailed to the appellant.
- (6) When a petition for judicial review is filed, the court rules shall govern the proceeding. This judicial review is in lieu of appeal to the Board as authorized by NRS 278.310 (3)(b).

*[Amended by Ord. 1501, provisions eff. 11/2/12.]*

*[Sections 110.910.20, Remedies; 110.910.25, Penalties; and 110.910.30, Notification of Violation; repealed by Ord. 1501, provisions eff. 11/2/12.]*



# Article 912

## **ESTABLISHMENT OF COMMISSIONS, BOARDS AND HEARING EXAMINERS**

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### Sections:

<b>110.912.00</b>	<b>Purpose</b>
<b>110.912.05</b>	<b>Washoe County Planning Commission</b>
<b>110.912.10</b>	<b>Washoe County Board of Adjustment</b>
<b>110.912.15</b>	<b>Hearing Examiner</b>
<b>110.912.20</b>	<b>Appeals to the Board of County Commissioners of a Decision by the Board of Adjustment, the Planning Commission, Hearing Examiner or Other Deciding Body</b>

**Section 110.912.00 Purpose.** The purpose of this article, Article 912, Establishment of Commissions, Boards and hearing examiners, is to specify the establishment and authority of the Washoe County Planning Commission, Board of Adjustment and any hearing examiner employed by Washoe County.

*[Amended by Ord. 959, provisions eff. 7/26/96.]*

### **Section 110.912.05 Washoe County Planning Commission.**

- (a) Creation. The Washoe County Planning Commission is hereby created, pursuant to NRS 278.030, to perform all the duties and functions delegated to a County Planning Commission by the terms of NRS 278.010 to 278.630, inclusive.
- (b) Membership and Terms of Office.
  - (1) The Washoe County Planning Commission shall consist of seven (7) members.
  - (2) The term of office of each member shall be four (4) years, or until his or her successor takes office, except that the terms of two (2) of the members first appointed shall be three (3) years, the terms of two (2) of the members first appointed shall be two (2) years and the term of one (1) of the members first appointed shall be one (1) year.
- (c) Appointment and Qualifications.
  - (1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, the members of the Washoe County Planning Commission.
  - (2) No member shall be a member of the Washoe County Board of County Commissioners, and one (1) member may also be a member of the Board of Adjustment.

- (3) The members shall be residents of the unincorporated area of Washoe County and registered voters therein at the time of their appointment and continuously throughout their term of office.
- (4) Members of the Planning Commission shall be appointed based on representation as described below. If qualified applicants are not available from a County Commission District at the time that a vacancy occurs in that district, appointments can be made on an At-Large basis.
  - (i) One (1) member from County Commission District One.
  - (ii) One (1) member from County Commission District Two.
  - (iii) One (1) member from County Commission District Three.
  - (iv) One (1) member from County Commission District Four.
  - (v) One (1) member from County Commission District Five.
  - (vi) Two (2) members appointed At-Large without respect to which County Commission District the member shall reside in, except that one (1) member shall reside north of the Truckee River and one (1) member shall reside south of the Truckee River.
- (5) In order to effectuate the representation of Planning Commission members as described in subsection (4), the following schedule shall be followed until each County Commission District has one (1) Planning Commission member appointed from each district and two (2) Planning Commissions have been appointed on an At-Large basis:
  - (i) One (1) member from County Commission District Two in 2003.
  - (ii) One (1) member from County Commission District Five in 2003.
  - (iii) One (1) member from County Commission District Three in 2004.
  - (iv) One (1) member appointed on an At-Large basis who resides south of the Truckee River in 2004.
  - (v) One (1) member from County Commission District Four in 2005.
  - (vi) One (1) member from County Commission District One in 2006.
  - (vii) One (1) member appointed on an At-Large basis who resides north of the Truckee River in 2006.
- (d) Vacancies. Vacancies occurring other than through the expiration of a member's term shall be filled for the unexpired term.
- (e) Compensation. All members of the Washoe County Planning Commission shall be compensated at a rate of \$80.00 per meeting (up to \$400.00 per month), and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of their official duties.



- (f) Removal from Office. Any member of the Washoe County Planning Commission may be removed from office, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance of office.
- (g) Meetings and Records.
- (1) The Washoe County Planning Commission shall hold at least one (1) regular meeting in each month.
  - (2) The Washoe County Planning Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. This record shall be a public record.
  - (3) Complete records of official actions of the Washoe County Planning Commission shall be kept on file in the office of the Department of Community Development.
- (h) Chairman and Other Officers.
- (1) The Washoe County Planning Commission shall elect its Chairman from among the appointed members.
  - (2) In addition to electing its Chairman, the Washoe County Planning Commission shall create and fill such other of its offices as it may determine.
- (i) Employees.
- (1) The Washoe County Planning Commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the County.
  - (2) The Washoe County Planning Commission may contract with County planners, engineers, architects and other consultants for such services as it may require.
- (j) Funding. The expenditures of the Washoe County Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of County Commissioners, which shall provide the funds, equipment and accommodations necessary for the Commission's work.

*[Amended by Ord. 906, provisions eff. 7/27/94; Ord. 1156, provisions eff. 3/22/02; Ord. 1200, provisions eff. 6/6/03; Ord. 1288, provisions eff. 3/24/06.]*

**Section 110.912.10 Washoe County Board of Adjustment.**

- (a) Creation. The Washoe County Board of Adjustment is hereby created, pursuant to NRS 278.270, to perform all the duties and functions delegated to a County Board of Adjustment by the terms of NRS 278.010 to 278.630, inclusive.

- (b) Membership and Terms of Office.
- (1) The Washoe County Board of Adjustment shall consist of five members.
  - (2) The term of office of each member shall be four years, or until his or her successor takes office.
- (c) Appointment and Qualifications.
- (1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, the members of the Washoe County Board of Adjustment.
  - (2) The members shall hold no other public office, with the exception that one member may also be a member of the Planning Commission.
  - (3) The members shall be residents of the unincorporated area of Washoe County and registered voters therein at the time of their appointment and continuously throughout their term of office.
  - (4) Members of the Board of Adjustment shall be appointed based on representation of the County Commission Districts as described below. If qualified applicants are not available from the following County Commission Districts, appointments can be made from the County Commission District which would experience the next vacancy.
    - (i) One member from County Commission District One.
    - (ii) One member from County Commission District Two.
    - (iii) One member from County Commission District Three.
    - (iv) One member from County Commission District Four.
    - (v) One member from County Commission District Five.
- (d) Vacancies. Vacancies occurring other than through the expiration of a member's term shall be filled for the unexpired term.
- (e) Removal from Office. Any member of the Washoe County Board of Adjustment may be removed from office, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance of office.
- (f) Powers of Board.
- (1) The Washoe County Board of Adjustment shall hear and decide appeals under NRS 278.300(1)(a) and 278.310(1) as provided in subsection (j) of this section.
  - (2) The Washoe County Board of Adjustment shall also have all the powers pursuant to NRS 278.290 to 278.310, inclusive.

(g) Meetings and Records.

- (1) The Washoe County Board of Adjustment may hold at least one regular meeting each month, but may meet less frequently if the Board so decides. The Board may also schedule special meetings as warranted.
- (2) The Washoe County Board of Adjustment shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations. This record shall be a public record.
- (3) Complete records of official actions of the Washoe County Board of Adjustment shall be kept on file in the office of the Planning and Development Division of the Washoe County Community Services Department.

(h) Chairman and Other Officers.

- (1) The Washoe County Board of Adjustment shall elect its Chairman from among the appointed members.
- (2) In addition to electing its Chairman, the Washoe County Board of Adjustment shall create and fill such other of its offices as it may determine.

- (i) Compensation. All members of the Washoe County Board of Adjustment shall be compensated at a rate of \$80.00 per meeting (up to \$200.00 per month), and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of their official duties.

(j) Appeals to the Board of Adjustment

- (1) Preface and Definitions. This subsection establishes general rules governing appeals to the Board of Adjustment as required by NRS 278.310 (2). The Board of Adjustment may adopt supplemental rules not inconsistent with these rules. For the purpose of this subsection, "Board" means the Washoe County Board of Adjustment.
- (2) Matters that May be Appealed. A person aggrieved (as defined in Section 110.910.02) by any of the following decisions may appeal the decision to the Board of Adjustment:
  - (i) Decisions of Building Official. Decisions of the Building Official made in the course of enforcing the County Code may be appealed to a hearing officer and the decisions of the hearing officer may be appealed to the Board as provided in WCC 110.910.15. Otherwise, a person aggrieved by his/her inability to obtain a building permit or by the decision of the Building Official made in the course of administration or enforcement of any regulation relating to the soundness of structures may appeal the decision to the Technical Review Board subject to and in accordance with Chapter 100 of this Code (Building Code), and if so appealed, the decision of the Technical Review Board may be appealed to the Board in accordance with this Article. If a

decision of the Building Official is not heard by a hearing officer or the Technical Review Board, then a person aggrieved by the decision may appeal it directly to the Board under this Article; or,

(ii) Decisions of Fire Code Official. Decisions of the Fire Code Official made in the course of enforcing the County Code may be appealed to a hearing officer and the decisions of the hearing officer may be appealed to the Board as provided in WCC 110.910.15. Otherwise, a person aggrieved by his/her inability to obtain a building permit or by the decision of the Fire Code Official made in the course of administration or enforcement of any regulation relating to the soundness of structures may appeal the decision to the Technical Review Board in accordance with Chapter 60 of this Code (Fire Code), and if so appealed, the decision of the Technical Review Board may be appealed to the Board in accordance with this Article. If a decision of the Fire Code Official is not appealed to a hearing officer or the Technical Review Board, then a person aggrieved by that decision may appeal it directly to the Board but only if the decision results in denial of a building permit or is related to the soundness of structures. Decisions relating to public safety or fire code administration or enforcement are not subject to appeal to the Board unless they directly relate to the soundness of a structure or result in denial of a building permit; or,

(iii) A decision of an administrative hearing officer if an administrative enforcement proceeding is completed in accordance with Article 910 of the Development Code; or,

(iv) A decision of the Director the Planning and Development Division made in the course of administration of any zoning regulation or any regulation relating to the location or soundness of structures if the decision cannot be appealed to an administrative hearing officer.

(3) Form and Time for Appeal. Appeals must be in writing on forms or in the format prescribed by, and must delivered to, the Planning and Development Division of the Department of Community Services within 10 calendar days from the date that the decision is communicated in writing to the appellant.

(4) Scheduling of Hearing on Appeal. The Chairman of the Board shall schedule the appeal for a hearing to occur not later than the date of the next regular meeting of the Board but no more than 60 days from the date the appeal was filed in accordance with paragraph (3) unless otherwise agreed with the appellant. Within that timeline, the Chairman of the Board may also schedule a special meeting to hear the appeal. If the appellant fails to observe any prehearing schedule, the Chairman may extend the hearing date for a reasonable period of time.

(5) Prehearing Procedures. The Chairman of the Board of Adjustment may:

(i) Require and oversee ministerial prehearing procedural matters, including prehearing conferences, discovery proceedings,

briefing schedules, evidence assembly and marking; however, matters involving jurisdiction or issues to be heard by the Board, or admissibility of evidence are to be heard by the Board;

- (ii) Issue subpoenas compelling witnesses to appear before the Board; and
  - (iii) Schedule the hearing before the Board.
- (6) Record on Appeal: Additional Evidence. A record on appeal shall be prepared by the County (including either a transcript of or a copy of the recording of the proceeding, at the discretion of the Chairman of the Board) and the Board:
- (i) Shall review the record on appeal and all evidence, testimony, documents, information and arguments introduced and the decision in the proceedings being appealed;
  - (ii) Shall afford all parties an opportunity to respond and present relevant and non-repetitious evidence and arguments on all issues being decided on appeal even if it is new evidence;
  - (iii) Shall conduct a public hearing, and hear and consider relevant information and comments by members of the public, even if they did not appear in the proceeding under appeal;
  - (iv) May consider, upon disclosure, information and comments communicated to Board members before the hearing; and
  - (v) May consider maps, adopted master plans to include area plans, and its own knowledge of conditions that exist.
- (7) Burden of Proof and Persuasion; Reasons for Reversal of Underlying Decisions; Limitations on Awards.
- (i) Decisions of administrative officials, hearing officers, and the technical review boards for building code and fire codes are presumed to be reasonable and lawful, and it is the burden of the appellant to persuade the Board otherwise.
  - (ii) On an affirmative vote of a majority of the members present at the hearing, the Board may affirm the decision being appealed,
  - (iii) On a majority vote of all its members [as required by NRS 278.300 (2)], the Board may reverse, modify or remand a decision if the decision:
    - (A) Was made contrary to the constitution, a statute, an ordinance or regulation, or the law of the case;
    - (B) Exceeds the jurisdiction or statutory authority of the deciding official or body;
    - (C) Was made on unlawful procedure;

- (D) Is affected by an erroneous interpretation or other error of law;
  - (E) Is clearly erroneous in view of the reliable, probative and substantial evidence on the whole record, or
  - (F) Is arbitrary or capricious or characterized by abuse of discretion.
- (iv) The Board may not award, allocate or direct the payment of money damages, attorney's fees or costs of the proceeding to any party.
- (8) Decision: Communication.
- (i) The Board may take a matter under advisement and continue the hearing until its next regularly scheduled meeting, or may set a special public hearing to conclude the matter, and may require briefings or seek opinions of counsel. The Board may render a decision and instruct counsel to prepare a written decision either to be signed by the Chairman of the Board or reviewed at a subsequent meeting by the Board (provided, however, that the outcome shall not be changed at the subsequent meeting).
  - (ii) The Board must render a written decision within 60 days after the hearing unless otherwise agreed with the appellant.
  - (iii) When a decision is signed by the Chairman of the Board, a copy shall be delivered to all parties of record, and a copy shall be filed with the secretary to the Board as an official record. When a decision is so served and filed, it is final for purposes of judicial review or appeal. A petition for reconsideration or rehearing is not required as a condition to judicial review or appeal to the Board of County Commissioners.
- (9) Appeals of Board of Adjustment Decisions. A party of record who is aggrieved by a decision of the Board of Adjustment may:
- (i) Seek judicial review of the decision by filing a petition in the Second Judicial District Court for the State of Nevada within 25 days from the date that the decision becomes final as specified under paragraph (8) above, and pursuant to the rules and rulings of the Court; or,
  - (ii) Appeal the decision to the Board of County Commissioners in accordance with Section 110.912.20 of this Article.

*[Amended by Ord. 906, provisions eff. 7/27/94; Ord. 959, provisions eff. 7/26/96; Ord. 1156, provisions eff. 3/22/02; Ord. 1200, provisions eff. 6/6/03; Ord. 1555, provisions eff. 5/8/15.]*

**Section 110.912.15 Hearing Examiner.**

- (a) Creation. The position of hearing examiner is hereby created, pursuant to NRS 278.262, to perform all the duties and functions delegated to a hearing examiner by the Board of County Commissioners pursuant to NRS 278.010 to 278.630, inclusive.
  
- (b) Number of Hearing Examiners and Term of Appointment.
  - (1) Number of Hearing Examiners.
    - (i) The Chairman of the Board of County Commissioners, subject to the approval of the Board, may appoint as many hearing examiners as deemed necessary to fulfill the responsibilities of that position as enumerated in Subsection (e) (1).
  
    - (ii) The Chairman of the Board of County Commissioners shall appoint the Director of Community Development to be a hearing examiner to fulfill the responsibilities of that position as enumerated in Subsection (e) (2). If the Director of Community Development is not qualified to serve as a hearing examiner pursuant to Subsection (c) (3), the Director shall appoint a member of the Department of Community Development who does meet the qualifications to serve as a hearing examiner.
  
  - (2) A hearing examiner appointed to fulfill the responsibilities of that position as enumerated in Subsection (e) (1) shall have a term of four (4) years and may be re-appointed to successive four (4) year terms.
  
- (c) Appointment and Qualifications.
  - (1) The Chairman of the Board of County Commissioners shall appoint, subject to the approval of the Board, hearing examiners.
  
  - (2) A hearing examiner shall hold no other public office, except as provided in Subsection (b) (1) (ii).
  
  - (3) A hearing examiner shall be one of the following:
    - (i) Licensed architect.
  
    - (ii) Licensed attorney.
  
    - (iii) Registered engineer.
  
    - (iv) Member of the American Institute of Certified Planners.
  
- (d) Removal. A hearing examiner may be removed, following a public hearing, by a majority vote of the Board of County Commissioners for inefficiency, neglect of duty, or malfeasance.

- (e) Powers of Hearing Examiner.
  - (1) Variances and Special Use Permits. A hearing examiner appointed pursuant to Subsection (b) (1) (i) is empowered to conduct a public hearing and make a decision on a variance application submitted in accordance with the provisions of Article 804, Variances, and on a special use permit application submitted in accordance with the provisions of Article 810, Special Use Permit.
  - (2) Administrative Permits. A hearing examiner appointed pursuant to Subsection (b) (1) (ii) is empowered to conduct a public hearing and make a decision on an administrative permit application submitted in accordance with the provisions of Article 808, Administrative Permit.
- (f) Compensation. A hearing examiner appointed pursuant to Subsection (b) (1) (i) shall be compensated at a rate of \$80.00 per meeting and shall receive compensation for reasonable travel expenses and subsistence allowances made necessary in the fulfillment of his or her official duties.
- (g) Meetings and Records.
  - (1) A meeting shall be held by a hearing examiner appointed pursuant to Subsection (b) (1) (i) within sixty-five (65) days from the date of submittal of an application to review and act upon variance applications submitted in accordance with Article 804, Variances, and special use permit applications submitted in accordance with Article 810, Special Use Permit.
  - (2) Rules for the transaction of business by a hearing examiner shall be adopted by the Board of County Commissioners.
  - (3) Complete records of official actions by a hearing examiner shall be kept on file in the office of the Department of Community Development, such records to be a public record.

*[Added by Ord. 959, provisions eff. 7/26/96. Amended by Ord. 1234, provisions eff. 05/21/04.]*

**Section 110.912.20 Appeals to the Board of County Commissioners of a Decision by the Board of Adjustment, the Planning Commission, Hearing Examiner or Other Deciding Body.** Except as specifically provided elsewhere in the County Code (such as appeals of master plan decisions by the Planning Commission), this section applies to appeals of decisions of the Planning Commission, the Board of Adjustment, a hearing examiner, or other deciding body.

- (a) Time for appeal; form, fees, stay of decision.
  - (1) A person aggrieved by a decision of the Board of Adjustment, the Planning Commission, a Hearing Examiner, or an administrative enforcement official or a hearing officer following the provisions of Article 910 of the Development Code whose decision is not otherwise appealable (the "deciding body") may appeal the decision to the Board of County Commissioners.
  - (2) The appeal must be in writing and delivered to the Planning and Development Division within 10 calendar days from the date that the



decision being appealed is reduced to writing and is filed with the secretary to the deciding body (for hearing examiner decisions the decision is to be filed with the Director of the Planning and Development Division), and mailed to the original applicant in the proceeding being appealed.

- (3) When the written appeal is filed and fees paid, it operates to stay the implementation of the decision being appealed, even if the appeal is incomplete upon initial submission. The application must be completed as provided for in subsection (4) below.
- (4) The Division may follow up to require the appeal to be on certain forms and/or to obtain more information. The appellant must submit the forms or supply the additional information within 14 business days after written notification by the Division. Failure to do so within this time frame invalidates the appeal submission. The appellant must submit a new appeal containing the original material, and the additional information requested, within 14 business days of written notice that the original application was incomplete. When the Division deems the appeal complete and the fees have been paid, it shall process the appeal as provided herein.
- (5) Fees for the appeal are authorized by NRS 278.3195(2)(g) and may be set by resolution of the Board of County Commissioners.

(b) Scheduling of Hearing; notice.

- (1) Scheduling a hearing. Under NRS 278.3195(2)(d)(2), a decision must be rendered on the appeal within 60 days from when the Division deems the appeal to be complete, and the County Clerk shall schedule a public hearing on the appeal accordingly.
- (2) Notice. Notice for the public hearing before the Board of County Commissioners shall be the same as the required notice set out in the Development Code for the proceeding being appealed. For example, if there is an appeal of a decision to deny a special use permit, then notice for the appeal hearing shall be the same as in WCC Section 110.804.20 for the underlying special use permit. Other than notice to the appellant, notice is not required for the appeal of administrative enforcement decisions that are affirmed or denied by the appellate body.
- (3) Panels. The Board of County Commissioners may appoint two or more of its members to serve as a panel to hear the appeal and render a decision that would be binding on the Board of County Commissioners. Each appointment shall select which commissioner is to preside over the proceeding, include instructions as to voting rights and requirements, indicate whether or not decisions of the panel may be appealed to the whole Board of County Commissioners, and include any other procedural matters deemed important to the Board of County Commissioners.

- (4) Record on Appeal; Prehearing Procedures.
- (i) At least 20 days before the hearing, the Division shall prepare a record on appeal including the written appeal, the written decision or action order being appealed, draft minutes or recording of the proceeding leading to the decision being appealed, the staff report and all materials submitted to the deciding body in connection with the hearing. The original shall be filed with the County Manager's Office and a copy shall be provided to the appellant for use and reference at the hearing before the Board of County Commissioners.
  - (ii) The Chairman of the Board of County Commissioners or the presiding officer of the panel may:
    - (1) Issue subpoenas compelling witnesses to appear at the hearing;
    - (2) Require and oversee prehearing procedural matters, including prehearing conferences, discovery proceedings, briefing schedules, and evidence assembly and marking; and
    - (3) Agree to stipulated continuances or other scheduling matters.
- (5) Hearing procedures: evidence. At the hearing, the Board of County Commissioners:
- (i) May consider the matter de novo or as an appeal limited to determining if the deciding body abused its discretion;
  - (ii) Shall afford all parties an opportunity to respond and present relevant and non-repetitious evidence and arguments on all issues being decided on appeal (even if it is new evidence);
  - (ii) Shall hear public comment on the matter being heard; and
  - (iv) Shall view the record on appeal and all evidence, testimony, documents, information and arguments introduced at the hearing.
- (6) Burden of persuasion; standards of review and final decision by Board; judicial review of Board's decision.
- (i) Burden of Persuasion. Decisions of the Board of Adjustment, Planning Commission or Hearing Examiner, or an administrative enforcement official or a hearing officer are presumed to be reasonable and lawful, and it is the burden of the appellant to persuade the Board of County Commissioners otherwise.
  - (ii) Findings. On appeal, the Board of County Commissioners may review the findings made by the deciding body and may affirm, reverse, modify or apply a different interpretation to any finding.

Unless otherwise required by a specific provision in statute or code relating to the type of matter being appealed, the Board of County Commissioners is not required to make specific findings.

- (iii) Guiding Policy. In reviewing the decision, the Board of County Commissioners shall be guided by the statement of purpose underlying the regulation of improvement of land expressed in NRS 278.020 [NRS 278.3195(2)(f)].
- (iv) Possible actions: vote required. On a majority vote of all its members, the Board of County Commissioners may affirm, reverse, or modify the decision of the deciding body. If the decision being appealed is the denial of a building permit, special use permit, variance, master plan amendment, regulatory zoning amendment, or other entitlement, the Board of County Commissioners may either remand the matter back to the deciding body with instructions or may directly grant the building permit, special use permit, variance or other entitlement if properly agendized under the open meeting law and subject to NRS 278.220 for master plan amendments.
- (v) Memorandum of Decision. A memorandum of decision shall be prepared by and filed with the County Clerk and mailed to the appellant, and when filed and mailed, the decision of the Board of County Commissioners is final for purposes of judicial review.
- (vi) Judicial Review of BCC Decision. A person aggrieved by the decision of the Board of County Commissioners may file a petition for judicial review within 25 days of the filing of the Memorandum of Decision with the County Clerk.

*[Added by Ord. 1555, provisions eff. 5/8/15]*



# Article 914

## ESTABLISHMENT OF DIVISION

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### Sections:

110.914.00	<b>Purpose</b>
110.914.05	<b>Planning and Development Division of the Washoe County Community Services Department</b>

**Section 110.914.00 Purpose.** The purpose of this article, Article 914, Establishment of Division, is to specify the establishment and authority of the Planning and Development Division of the Washoe County Community Services Department.

*[Amended by Ord. 1555, provisions eff. 5/8/15]*

### **Section 110.914.05 Planning and Development Division of the Washoe County Community Services Department.**

(a) **Division Created.**

- (1) There is hereby created the Planning and Development Division of the Washoe County Community Services Department.
- (2) The division shall be responsible for the development and administration of comprehensive planning programs, as well as development review programs, including business licensing and codes compliance, for the County in accordance with relevant local, state and federal ordinances, laws and regulations, as well as such other functions as may be assigned by the Board of County Commissioners.

(b) **Director's Position Created.**

- (1) The position of the Division Director Planning and Development is hereby created. The Director shall be appointed by the Community Services Department Director and shall serve at the pleasure of the Community Services Department Director.
- (2) The Director shall appoint, pursuant to any applicable provisions of law regulating County personnel, such technical, clerical and operating staff as the execution of the duties of the Director and operation of the department may require.

(c) **Director's Powers and Duties.** As the executive head of the division, the Director shall direct and supervise all administrative, technical and operational activities of the division. In addition to such activities as may be required in the daily administration of the division, the Community Services Department Director may make additional assignments as deemed necessary. The Director shall have the authority to interpret and make decisions regarding the provisions of the Development Code.

- (d) Compensation.
- (1) Except as provided in Subsection (d)(2) of this section, the salaries and other fringe benefits of the Director and employees of the Planning and Development Division shall be established in accordance with the provisions of the Merit Personnel Ordinance or any other applicable laws regulating the employment of County personnel.
  - (2) The salary for the position of Director shall be established by the Board of County Commissioners.
- (e) Programs. The division shall consist of such programs, as are deemed necessary to the efficient performance of the duties of the division, created upon the recommendation of the Director and approved by the Community Services Department Director.
- (f) Appeal of a Director's Decision. A person aggrieved by a decision of the Director may appeal the decision in accordance with Section 110.912.10 of the Development Code.

*[Amended by Ord. 1156, provisions eff. 3/22/02; Ord. 1234, provisions eff. 5/21/04; Ord. 1555, provisions eff. 5/8/15.]*

# Article 916

## ESTABLISHMENT OF COMMITTEES

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*[This Article amended in its entirety by Ord. 873, provisions eff. 6/7/93; Ord. 1088, provisions eff. 1/28/00.]*

### Sections:

<b>110.916.00</b>	<b>Purpose</b>
<b>110.916.05</b>	<b>Parcel Map Review Committee</b>
<b>110.916.10</b>	<b>Design Review Committee</b>

**Section 110.916.00 Purpose.** The purpose of this article, Article 916, Establishment of Committees, is to specify the establishment of a Parcel Map Review Committee and a Design Review Committee.

### **Section 110.916.05 Parcel Map Review Committee.**

- (a) **Committee Created.** A Parcel Map Review Committee is created as a subcommittee of the Planning Commission.
- (b) **Committee Membership.** The Parcel Map Review Committee shall consist of seven members to include a member of the Planning Commission, a member from the staff of the Department of Community Development, County Engineer's Office, District Health Department, Utility Services Division, the Washoe County Fire Services Coordinator, and either the Reno Fire Department, on behalf of the Truckee Meadows Fire Protection District, or the Sierra Fire Protection District depending on the location of the proposed project.
- (c) **Committee Chairman.** The Chair of the Committee shall be the staff member from the Department of Community Development.

*[This Section amended by Ord. 959, provisions eff. 7/26/96; Ord. 1387, provisions eff. 11/20/08.]*

### **Section 110.916.10 Design Review Committee.**

- (a) **Committee Created.** There is hereby created a Design Review Committee.
- (b) **Committee Membership.** The Chair of the Planning Commission shall appoint one (1) person to represent the Planning Commission who shall be a member of the Planning Commission, a former member of the Planning Commission or a designee of the Planning Commission; one (1) member representing the planning profession; one (1) member representing the landscape architecture profession; and one (1) member representing the architecture profession. In addition, the Board of Adjustment will appoint one (1) of its members to the committee, a former member of the Board of Adjustment, or a designee of the Board of Adjustment.

- (c) Terms. Terms of the three (3) members representing the planning, landscape architects, and architecture professions shall be four (4) years with the ability of a current member to be re-appointed for a second consecutive four (4) year term at the conclusion of his first term. Members are limited to eight (8) consecutive years on the committee.
  
- (d) Meetings. The Design Review Committee shall meet on an as need basis.

*[This Section amended by Ord. 959, provisions eff. 7/26/96; Ord. 1288, provisions eff. 3/24/06.]*



# Article 918

## ADOPTION OF DEVELOPMENT CODE

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### Sections:

110.918.00	Purpose
110.918.05	Adoption of Development Code
110.918.10	Purpose of Development Code
110.918.15	Interpretation of Development Code
110.918.20	Relationship to Other Restrictions

**Section 110.918.00 Purpose.** The purpose of this article, Article 918, Adoption of Development Code, is to provide for the adoption of this Development Code as Chapter 110 of the Washoe County Code.

**Section 110.918.05 Adoption of Development Code.** Chapter 110 of the Washoe County Codes shall be known as the Washoe County Development Code and is adopted pursuant to NRS Chapter 278 and other applicable state statutes.

**Section 110.918.10 Purpose of Development Code.** There is hereby established a Development Code for Washoe County to:

- (a) Promote the public health, safety, morals, convenience and general welfare;
- (b) Lessen traffic congestion in the streets;
- (c) Provide light and air for all buildings;
- (d) Avoid undesirable concentrations of population;
- (e) Prevent overcrowding of land and to facilitate adequate provision of transportation, water, sewage, schools, parks and other requirements;
- (f) Provide for the division of land; and
- (g) Promote the economic and social advantages gained from an appropriately regulated use of land resources.

**Section 110.918.15 Interpretation of Development Code.** In interpretation and application, the provisions of the Development Code shall be held to be minimum provisions only for the promotion of the health, safety, morals, convenience, property and general welfare of the public.

**Section 110.918.20 Relationship to Other Restrictions.** It is not intended that the Development Code repeal or in any way interfere with existing laws or ordinances, regulations or permits other than those relating to land use and the construction and use of structures. When the Development Code imposes a greater restriction upon the use of land, or upon height, bulk, location or use of buildings than is required by existing provisions of law or by private covenant or other restriction, the provisions of the Development Code shall prevail. Private covenants or deed restrictions may be recorded which impose more restrictive conditions than contained in the

Development Code. These private covenants or deed restrictions shall not be enforced by Washoe County except when the County is made a party to the covenant or deed restriction.

# Article 920

## DEFINITIONS FOR FLOODPLAIN MANAGEMENT

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### Sections:

110.920.00	Purpose
110.920.05	Applicability
110.920.10	Rules of Interpretation
110.920.15	General Definitions for Floodplain Management

**Section 110.920.00 Purpose.** The purpose of this article, Article 920, Definitions for Floodplain Management, is to comply with regulations of the Federal Emergency Management Agency (FEMA) and to promote consistency and precision in the interpretation of the Development Code in matters of floodplain management.

*[Added by Ord. 1356, provisions eff. 12/21/07.]*

**Section 110.920.05 Applicability.** The meaning and construction of words and phrases set forth in this article shall apply whenever the context concerns floodplain management. Definitions contained in Article 902 and in the adopted version of the International Building Code shall be applicable except when in conflict with definitions of this article, in which case this article shall control.

*[Added by Ord. 1356, provisions eff. 12/21/07.]*

**Section 110.920.10 Rules of Interpretation.** The general rules of interpretation stated in Article 902 shall apply to this article.

*[Added by Ord. 1356, provisions eff. 12/21/07.]*

**Section 110.920.15 General Definitions for Floodplain Management.** Unless otherwise specified, the following definitions shall be applicable for floodplain management purposes:

**Basement.** “Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

**Existing Fabricated Home Park or Subdivision.** “Existing fabricated home park or subdivision” means a fabricated home park or subdivision for which the construction of facilities for servicing the lots on which the fabricated homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date (August 1, 1984) of the floodplain management regulations adopted by Washoe County.

**Expansion of an Existing Fabricated Home Park or Subdivision.** “Expansion of an existing fabricated home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the fabricated homes are to be affixed (including the

installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Fabricated Home Park or Subdivision. "Fabricated home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more fabricated home lots for rent or sale.

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

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

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

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.

Manufactured Home. "Manufactured home" is a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

New Construction. "New construction" means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of the initial Flood Insurance Rate Map (FIRM) or August 1, 1984, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulation adopted by Washoe County (August 1, 1984) and includes any subsequent improvements to such structures.

New Fabricated Home Park or Subdivision. "New fabricated home park or subdivision" means a fabricated home park or subdivision for which the construction of facilities for servicing the lots on which the fabricated homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by Washoe County (August 1, 1984).

Recreational Vehicle. "Recreational vehicle" is a vehicle which is:

- (1) Build on a single chassis;
- (2) Four hundred (400) feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Special Flood Hazard Area. "Special flood hazard area" is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. For purposes of these regulations, the term "special flood hazard area" is synonymous in meaning with the phrase "area of special flood hazard."

Start of Construction. "Start of construction" includes substantial improvement, and means the date the building permit was issued provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of pipes, the construction of columns, or any work beyond the stage of excavation; or the placement of a fabricated home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a fabricated home.

Substantial Damage. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement. "Substantial improvement" means any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project or improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a "historical structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Violation. "Violation" means, for floodplain management purposes, the failure of a structure or other development to be fully compliant with Washoe County's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Article 416 is presumed to be in violation until such time as that document is provided.

*[Added by Ord. 1356, provisions eff. 12/21/07.]*

