

Article 220

TAHOE AREA

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Section 110.220.00 Purpose. The purpose of this article, Article 220, Tahoe Area, is to set forth special regulations to supplement the general regulations set forth in Article 202, Area Plan General Regulations, and to implement the Tahoe Area Plan contained in Volume Two of the Master Plan and the other applicable plan elements contained in Volume One of the Master Plan.

Section 110.220.05 Development Standards. The standards for development in the Tahoe planning area shall be the development standards of either the Tahoe Regional Planning Agency or Washoe County, whichever is more restrictive.

Section 110.220.10 Removal of Abandoned Foundation or Structure. Prior to the issuance of a building permit for a new structure, any existing abandoned or unfinished foundation or structure, not being incorporated into the new structure, shall be removed. Any portion of an existing foundation incorporated into the new structure shall be certified for structural integrity by a civil or structural engineer registered in the State of Nevada.

Section 110.220.15 Height of Structures. The maximum building height for any structure shall be calculated by the Tahoe Regional Planning Agency Ordinance, ~~Chapter 22~~, Height Standards, in effect at the time of issuance of a building permit.

Section 110.220.20 Detached Accessory Structures. The following development requirements shall apply to detached accessory structures:

- (a) Property Line Setback. Accessory structures one (1) story in height, with maximum ten (10) feet high walls (measured from grade level to top plate) and a maximum roof pitch of 7/12, shall maintain a five (5) foot minimum setback from

the rear and side property line. When the height of an accessory structure exceeds this height limitation, the structure shall maintain the yard setbacks for the main dwelling units stipulated in Article 406, Building Placement Standards.

(b) Height and Story Limit.

- (1) The maximum building height for any accessory structure erected outside the required yard setbacks shall be calculated by the Tahoe Regional Planning Agency Ordinance, Chapter 22, Height Standards, in effect at the time of issuance of a building permit.
- (2) An accessory structure within the front yard shall not exceed one (1) story.
- (3) An accessory structure may be two (2) stories in height when the main dwelling unit is two (2) stories, the structure is erected outside the required yard setbacks, and the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade.

~~(i) Plumbing shall be limited to one (1) sink unit and one (1) toilet; and~~

- (ii) A deed restriction must be recorded on the property declaring the space shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The area shall not be leased, rented or used separate from the primary residence on the property.

(c) Below Grade Story. When the structure is at or below street grade, a first story may be constructed below grade providing the ceiling height is no greater than nine-and-one-half (9.5) feet.

~~(1) Plumbing shall be limited to one (1) sink unit and one (1) toilet; and~~

- (2) A deed restriction must be recorded on the property declaring the space shall not be used in a fashion as to constitute a secondary residence or separate residential unit. The area shall not be leased, rented or used separate from the primary residence on the property.

(d) Siting. Any accessory structure shall comply with the following siting requirements:

- (1) In the case of a corner lot abutting two (2) streets, no detached accessory structure shall be erected so as to encroach upon the front yard setbacks; and
- (2) A detached accessory structure, used as a private garage, may be built to the front property line on any corner lot when built no closer than sixty (60) feet from the corner, and on any interior or through lot where the slope of the front half of the lot is greater than a two (2) foot rise (or fall) for every ten (10) feet above (or below) the established street grade. The structure shall conform to the height and story limits provided within this section.

- (i) The Engineering Division must be able to determine that County ~~snow removal~~right-of-way maintenance and road work operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County ~~snow removal~~right-of-way maintenance and road work operations and/or the County has been held harmless from liability resulting from its ~~snow removal~~right-of-way maintenance and road work operations;
 - (ii) The Engineering Division must be able to determine that the speed of traffic and the volume of traffic on the street is such that the placing of the garage at the property line will not cause a safety problem for vehicles using the street; and
 - (iii) The Engineering Division must be able to determine that the placement of the garage at the property line will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Master Plan.
 - (iv) The placement of the garage is not sited closer than fifteen (15) feet from the edge of pavement of the abutting street.
 - (v) The maximum square footage of the structure shall not exceed 576 square feet.
 - (vi) There is no existing garage or structure, or portion thereof, built as a garage that has been converted to another use.
- (e) Building Setback. A detached accessory structure shall be located not closer than ten (10) feet to any main building on an adjoining parcel.

Section 110.220.25 Requirements for the Construction of a Garage. An enclosed garage shall not be required to be constructed in accordance with Article 410, Parking and Loading, when an existing dwelling unit is enlarged and one (1) of the following conditions exist:

- (a) There is no Tahoe Regional Planning Agency land coverage available for purchase within the land capability necessary for transfer;
- (b) Within a common open space subdivision or multi-family project, there is no new coverage or no relocation of coverage; or
- (c) Within a single family dwelling, there is no new coverage or no relocation of coverage.

Section 110.220.30 At or Below Grade Parking Decks, Walkways and Decks. On any downslope lot, a parking deck, walkway or deck with handrails may be constructed within the front setback provided:

- (a) A parking deck, not utilized as a driveway to a garage, begins at the edge of pavement and has no greater upslope than one (1) percent;

- (b) A parking deck, utilized as a driveway to a garage, may begin at the edge of pavement and have no greater upslope than fourteen (14) percent; or
- (c) A walkway or entry deck is no higher than eighteen (18) inches above grade at the edge of pavement.

Section 110.220.35 Construction Below a Parking Deck. On a downslope lot, the area below an allowed parking deck may be utilized for habitable space within the front setback provided:

- (a) The Engineering Division is able to determine that:
 - (1) County ~~snow removal~~right-of-way maintenance and road work operations will not be impeded or sufficient measures have been incorporated in the structure's design to mitigate an impediment to County ~~snow removal~~right-of-way maintenance and road work operations and/or the County has been held harmless from liability resulting from its ~~snow removal~~right-of-way maintenance and road work operations; and
 - (2) Construction of the habitable space below the parking deck in the front yard will not impede the ability of the County to widen the street in accordance with the adopted Capital Improvements Program, or in accordance with a possible widening of the street as shown in the adopted Master Plan.
- (b) Electrical and mechanical rooms as accessory to the main dwelling unit may be established.
- (c) The habitable space contains no plumbing fixtures.

Section 110.220.40 Conformance of Setbacks on Existing Residences. The existing setbacks for a home constructed prior to 1990 shall be ~~deemed legal and non-conforming pursuant to Article 9;~~ when:

- (a) The building pad is not delineated on the final subdivision map;
- (b) The home was constructed with all required permits prior to 1990;
- (c) No further intrusion into the setback is requested; and
- (d) The Engineering Division is able to determine that County ~~snow removal~~right-of-way maintenance and road work operations will not be impeded and/or the County has been held harmless from liability resulting from its ~~snow removal~~right-of-way maintenance and road work operations.

Section 110.220.45 Historic Site Overview. The purpose of the Historic Site Overview is to preserve buildings and sites which have been listed on a national or state registry of historic places and to provide for appropriate uses other than those permitted in the underlying regulatory zone as an aid to the owners' efforts to preserve the historic or landmark value.

- (a) The owner shall provide documentation that the structure(s) or site(s) has been listed on a National or State of Nevada historic registry. If the documentation

supporting the designation on the historic registry does not enumerate the specific significance and location of historic importance, the applicant shall submit supplemental information to identify the significance (e.g. architecture, site of a historic event, and location).

- (b) An operations plan must be submitted to the Department of Community Development prior to the issuance of a general business license.
 - (1) The plan shall indicate proposed uses and the days and hours of operation.
 - (2) The plan shall include a sketch, to scale, of the exterior grounds and/or interior space to be used for the proposed uses.
 - (3) The plan shall include a parking plan indicating the maximum number of vehicles to be parked on and off the site, projected needs for parking at the site and means to satisfy the projected needs. If parking is proposed off-site, the parking plan shall identify how visitors will access the site (e.g. bus or shuttle route including pickup location, hours and frequency of operation). In no case shall a parking plan be approved which obstructs public and/or emergency vehicles or relies on street parking either on state highways or local streets adjacent to neighboring residential properties.
 - (4) The plan shall include a written statement from the applicants agreeing to adhere to the provisions of Section 110.220.45 and the conditions placed on the business license.
 - (5) The operations plan shall be reviewed and may be approved, modified or approved with conditions by the Director of Community Development or his/her authorized representative. The final operations plan will serve as the conditions placed on the business license.
 - (6) The Director shall find that the proposed uses shall not be detrimental to the neighborhood and shall contribute to the protection and preservation of the historic significance of the structure(s) or site(s).
- (c) No modifications may be made to historic structure(s) or site(s) which would have the effect of compromising the historical significance of the property's structure(s) or site(s).
- (d) Notwithstanding the provisions of this section, the proposed operations and uses of the structures within the Historic Site Overlay shall meet all applicable building safety and building code requirements, fire regulations and Washoe County District Health Department regulations applicable to the operations plan submitted under subsection (b) of this section.
- (e) Prior to issuance of a business license, the approved operations plan shall be mailed to all property owners pursuant to Section 110.810.25, Notice (Special Use Permits). An appeal may be filed within ten (10) days of the mailing of notice pursuant to Section 110.810.50, Appeals (Special Use Permits).

Section 110.220.XX Maximum Building Height

- (a) All development outside of designated Town Centers shall be determined by TRPA Codes.
- (b) Development within a designated Town Center is permitted to be 4 stories (56 feet) maximum, when consistent with applicable design standards, scenic thresholds and TRPA environmental improvement requirements.
- (c) Properties within Town Center boundaries abutting or adjacent to residential properties outside of the Town Center shall create a height transition between the residential properties and the commercial uses. The commercial structures two stories in height on street facing adjacent properties. Additional high may be added by creating a transition zone by stepping back the third floor 10 feet from building façade, and an additional fourth floor may be added by stepping back 5 feet from the third floor. The transition area may be used as roof top gardens, balconies, solar panel arrays or similar uses. Roof top mechanical equipment located in the setback area shall not extend more than 2 feet above parapet wall and shall be screened from street view.

Section 110.220.XX Density

- (i) Maximum Density for Single Family Dwelling located outside of a designated Town Center, on parcels less than one acre is one unit per parcel.
- (ii) Maximum Density for Single Family Dwelling located outside of a designated Town Center, on parcels one acre or larger, is one main dwelling and one accessory dwelling per parcel. A development right and allocation is required for each structure. The accessory dwelling unit shall conform to Washoe County Development Code Article 306 Accessory Uses.
- (iii) Any residential developments with in a town center shall have a minimum density of 15 units per acre.
- (iv) Within Mix Use developments the minimum number of units shall be determined by TRPA Chapter 31.5.2 Density Calculation using 15 units per acre as the minimum allowable density
- (v) Maximum Residential Density within a Town Center is 25 units per acre.

Section 110.220.xx Activities requiring TRPA approval. In addition to Washoe County permits, TRPA review and approval is required for:

- (a) All Development within the Shorezone of Lake Tahoe
- (b) Within a designated Town Center:
 - (i) Residential Developments over 50,000 square feet
 - (ii) Commercial and Mix Use developments with floor area over 40,000 square feet
- (c) Outside of a designated Town Center:
 - (i) Residential Development over 25,000 square feet
 - (ii) Commercial Development 12,500 square feet

Section 110.220.xx Master Plan Developments:

Approved Master Plan Developments do not require additional discretionary review for use or structures that are identified and reviewed as part of the master plan and an Environmental Impact Statement (EIS), under the following conditions:

- (a) the uses and structures are in substantial compliance with the approved Master Plan;
- (b) Each phase of development includes construction of necessary improvements identified as necessary to mitigate the impacts of the development include in the phase. Typical improvements such as, but not limited to, parking garage, housing, and road improvements;
- (c) Changes to property lines, abandonments, subdivision of land or other similar actions shall require discretionary approval by Washoe County; and,
- (d) The addition of uses that were not included in the approved Master Plan and are not classified as allow per the Table of Uses, shall require discretionary approval by Washoe County.

[Currently Boulder Bay and Sierra Nevada Collage have approved master plans, Diamond Peak is under development]

Section 110.220.xx Regulatory Zones Modifier for the Tahoe Area Plan.

All properties outside of a town center and all residential zone properties within a town center shall be subject to Article 106, Regulatory Zones, and the allowed uses described in Article 302, Allowed Uses.

The regulations of the Tourist Commercial (TC), General Commercial (GC), and Neighborhood Commercial (NC), Public Semi-Public (PSP0 and Parks and Recreation (PR) regulatory zone described in Article 106, Regulatory Zones, and the allowed uses described in Article 302, Allowed Uses, shall be replaced by Table 110.220.XX.5. The

Table 110.220.xx.5 Table of Allowed Uses

RESIDENTIAL USE TYPES

<u>USE TYPE</u>	<u>Tourist Commercial</u>	<u>General Commercial</u>	<u>Neighborhood Commercial</u>	<u>Public Semi-Public</u>	<u>Parks and Recreation</u>
<u>Convalescent Services</u>	-	<u>P</u>	<u>P</u>	-	-
<u>Duplex</u>	<u>S</u>	<u>A</u>	<u>A</u>	-	-
<u>Group Care Facility</u>	-	<u>P</u>	<u>P</u>	-	-
<u>Multi Family</u>	<u>A</u>	<u>A</u>	<u>A</u>	-	-
<u>Multi Person</u>	<u>A</u>	<u>A</u>	-	<u>A</u>	<u>A</u>
<u>Single Family Dwelling</u>	<u>S</u>	<u>S</u>	<u>S</u>	-	-

TOURIST ACCOMIDATION USE TYPES

<u>USE TYPE</u>	<u>Tourist Commercial</u>	<u>General Commercial</u>	<u>Neighborhood Commercial</u>	<u>Public Semi-Public</u>	<u>Parks and Recreation</u>
<u>Bed and Breakfast</u>	<u>A</u>	<u>A</u>	<u>S</u>	-	-
<u>Hostel</u>	<u>A</u>	<u>A</u>	-	-	-
<u>Hotels and Motels</u>	<u>A</u>	<u>A</u>	<u>S</u>	-	-
<u>Timeshare</u>	<u>S</u>	-	-	-	-

CIVIC USE TYPES

<u>USE TYPE</u>	<u>Tourist Commercial</u>	<u>General Commercial</u>	<u>Neighborhood Commercial</u>	<u>Public Semi-Public</u>	<u>Parks and Recreation</u>
<u>Administrative Services, Civic</u>	-	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Cemeteries</u>	-	-	-	<u>S</u>	-
<u>Child Day Care</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Community Center</u>	<u>A</u>	<u>A</u>	<u>S</u>	<u>A</u>	<u>A</u>
<u>Cultural and Library Services</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Education, Civic</u>	-	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Hospital Services</u>	-	<u>A</u>	<u>A</u>	<u>A</u>	-
<u>Major Public Facilities</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Medical Services</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	-
<u>Postal Service</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Recycling, Remote Facilities</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Religious Assembly</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Safety Services</u>	<u>A</u>	<u>A</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Utility Service, Major</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>

COMMERCIAL USE TYPES

<u>USE TYPE</u>	<u>Tourist Commercial</u>	<u>General Commercial</u>	<u>Neighborhood Commercial</u>	<u>Public Semi-Public</u>	<u>Parks and Recreation</u>
<u>Administrative Offices</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>
<u>Automotive Repair</u>	<u>=</u>	<u>S</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Automotive Sales and Rentals</u>	<u>P</u>	<u>A</u>	<u>P</u>	<u>=</u>	<u>=</u>
<u>Commercial Education Services</u>	<u>S</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>=</u>
<u>Commercial Parking</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>=</u>
<u>Construction Sales and Services</u>	<u>=</u>	<u>S</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Conventions and Meeting Facilities</u>	<u>A</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>=</u>
<u>Eating and Drinking Establishments</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Financial Services</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>=</u>	<u>=</u>
<u>Gasoline Sales and Services</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>=</u>	<u>=</u>
<u>Hospital Services</u>	<u>=</u>	<u>A</u>	<u>S</u>	<u>A</u>	<u>=</u>
<u>Indoor Entertainment</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Industrial, General</u>	<u>=</u>	<u>S</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Industrial, Limited</u>	<u>=</u>	<u>S</u>	<u>S</u>	<u>=</u>	<u>=</u>
<u>Laundry Services</u>	<u>=</u>	<u>S</u>	<u>=</u>	<u>=</u>	<u>=</u>
<u>Nursery Sales</u>	<u>=</u>	<u>A</u>	<u>A</u>	<u>=</u>	<u>=</u>
<u>Outdoor Entertainment</u>	<u>S</u>	<u>S</u>	<u>=</u>	<u>S-</u>	<u>P</u>
<u>Personal Services</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>=</u>	<u>=</u>
<u>Professional Medical Services</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>=</u>
<u>Professional Services</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>=</u>	<u>=</u>
<u>Recycling Center Full Service</u>	<u>=</u>	<u>S</u>	<u>=</u>	<u>=</u>	<u>=</u>

<u>Repair Services, Non-Automotive</u>	=	<u>A</u>	<u>A</u>	=	=
<u>Retail Sales – Convenience</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P</u>	<u>P</u>
<u>Retail Sales – Second Hand</u>	<u>A</u>	<u>A</u>	<u>S</u>	=	=
<u>Retail Sales – Specialty Stores</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Retail Sales- Commercial Centers</u>	<u>A</u>	<u>A</u>	<u>S</u>	=	=
<u>Retail Sales – Medical Marijuana</u>	<u>A</u>	<u>A</u>	<u>A</u>	=	=
<u>Storage of Inoperable Vehicles</u>	<u>S</u>	<u>S</u>	<u>S</u>	=	=
<u>Unlimited Gaming Facilities</u>	<u>A – NTRPA</u>	=	=	=	=
<u>Veterinary Services</u>	=	<u>A</u>	<u>A</u>	=	=
<u>Wholesale, Storage and Distribution</u>	=	<u>S</u>	=	=	=

RECREATION USE TYPES

<u>USE TYPE</u>	<u>Tourist Commercial</u>	<u>General Commercial</u>	<u>Neighborhood Commercial</u>	<u>Public Semi-Public</u>	<u>Parks and Recreation</u>
<u>Active Recreation</u>	<u>S</u>	<u>S</u>	=	<u>P</u>	<u>P</u>
<u>Campground, Undeveloped</u>	=	=	=	<u>S</u>	<u>S</u>
<u>Indoor Sports and Recreation</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Passive Recreation</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>
<u>Outdoor Sports Club</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>

SHOREZONE USES

TRPA shall determine permitted use type within the Shorezone based on TRPA Ordinance Chapter 83: Shorezone Tolerance Districts and Development Standards.

Section 110.220.xx Use Classification

Article 304 Use Classification System shall be used to determine use classification. Uses listed above and not found in Article.304 are listed below with their definition.

(a) Multi Person. Multi person dwelling unit refers to a structure designed for long term occupancy by individuals not defined as a family. The structure shall be designed or constructed for use as separate or independent dwelling units. Typical uses include dormitory and boarding houses, and shall not include uses such as hotels, apartments or other dwellings classified in Article 304.

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