

JULY 2020  
ADOPTION DRAFT

— ZONING CODE —  
**RENOVATION**  
*Achieving ReImagine Reno*



## ADOPTION DRAFT

- CHAPTER 18.01 GENERAL PROVISIONS
- CHAPTER 18.02 ZONE DISTRICTS
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**CLARION**

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# Chapter 18.01 General Provisions

## Commentary

This Chapter includes material that sets the legal foundation for Title 18. Existing code language is generally carried forward with targeted revisions primarily related to nonconformances and a new section addressing the transition from prior regulations. It is drawn mostly from the existing 18.02 Article I (General Provisions), Article 18.08, Article V (Nonconformities), and 18.22, Articles I and II (Enforcement).

## Article 1 Title and Effective Date

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### 18.01.101 Title

The regulations set forth in this Title shall be known and may be cited as the “Annexation and Land Development Code of the City of Reno,” and may be referenced in this document as “this Title,” or “Title 18.”

### 18.01.102 Effective Date<sup>1</sup>

This Title shall become effective on [January 13, 2021].

## Article 2 Purpose

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The general purpose of this Title is to promote the public health, safety, and welfare by providing appropriate and reasonable controls for the development and use of lands in Reno, while also protecting the rights of property owners. This Title also is intended to:<sup>2</sup>

- (a) Implement the policies, goals, and strategies adopted by the City of Reno, including those set forth in the Reno Master Plan and other adopted plans;
- (b) Promote, preserve, and protect environmental quality as a critical element in Reno's quality of life and encourage the wise use of natural resources;
- (c) Conserve and enhance the architecture, history, pedestrian-orientation, mixed-use, and urban character of Downtown Reno, and promote its role as regional government, civic, entertainment, and tourist center;
- (d) Promote economic development and the improvement of property, with priority given to adaptive reuse and redevelopment projects in Downtown Reno and urban mixed-use areas;
- (e) Conserve and enhance the character of Reno's established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development;
- (f) Encourage innovative, affordable, and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings;
- (g) Encourage quality, nonresidential development that preserves and protects the character of the community, including its natural landscape, and that minimizes

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<sup>1</sup> New.

<sup>2</sup> Purpose statement updated to include a general, overarching purpose statement and include investment, redevelopment, and housing affordability. All other provisions are carried forward from current Section 18.02.103 with minor changes.

- objectionable noise, glare, odor, traffic, and other impacts of such development, especially when adjacent to residential uses;
- (h) Facilitate adequate provision of transportation, water, wastewater, electricity, gas, communications, schools, parks, trails, stormwater management, and other public requirements; and
  - (i) Provide the economic and social advantages gained from a comprehensively planned use of land resources.

## Article 3 Authority, Applicability, and Exceptions

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### 18.01.301 Authority

This Title is enacted under the Charter of the City of Reno and the powers granted and limitations imposed on municipalities by the Constitution and laws of the State of Nevada, including without limitation NRS Chapters 268, *Powers and Duties Common to Cities and Towns Incorporated Under General or Special Law*; 278, *Planning and Zoning*; 278A, *Planned Development*; and 278B, *Impact Fees for New Development*, as revised.

### 18.01.302 General Applicability<sup>3</sup>

This Title shall apply to the erection, movement, construction, reconstruction, extension, enlargement, or alteration of any building or structure, and to the subdivision, use, occupation, or development of all land, public or private, within the corporate limits of the City of Reno, except as expressly or specifically provided otherwise in this Title or pursuant to Nevada Revised Statute (NRS).

### 18.01.303 Minimum Standards

In their interpretation and application, the provisions of this Title shall be held to be minimum requirements necessary for the promotion of the public health, safety, and general welfare.

### 18.01.304 Relationship to Master Plan

The adoption of this Title is consistent with, compatible with, and furthers the goals, policies, objectives, and programs of the Master Plan. No regulatory decision by an appointed or elected official or any city employee shall be made with respect to any zoning action or use of property under this Title that is not in substantial compliance with the Master Plan as officially adopted or amended.

### 18.01.305 Conflicting Provisions<sup>4</sup>

- (a) If the provisions of this Title are inconsistent with those of the state or federal governments, the more restrictive provision will control, to the extent permitted by law.
- (b) If the provisions of this Title are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances, or regulations of the City of Reno, the more restrictive provision will control unless otherwise expressly stated.
- (c) It is not the intent of this Title to interfere with, abrogate, annul, or prevent the private enforcement of any easement, covenant, deed restriction, or other agreement between private parties. The provisions of this Title are in addition to, and not in lieu of, any restriction imposed by a private agreement, provided that when this Title mandates a greater restriction than those imposed or required by such easements, covenants, or

<sup>3</sup> Existing "Compliance Required" article is consolidated here.

<sup>4</sup> Existing Section 18.02.109.

agreements, this Title shall govern. The City is not responsible for monitoring or enforcing private agreements or restrictions.

### 18.01.306 Exceptions<sup>5</sup>

#### (a) **Prior Development Approvals<sup>6</sup>**

- (1) This Title shall not affect the validity of any lawfully issued and effective development permits issued prior to the effective date of this Title, if construction was commenced prior to the effective date of this Title and if the construction continued uninterrupted until complete. If any such permit expires prior to completion, all future development shall be in conformance with the requirements of this Title.
- (2) Unless otherwise provided in the initial approval, any proposed amendment to a permit or other form of approval issued under prior regulations shall be reviewed based on the development standards in effect at the time of submission of a complete application for the amendment.
- (3) Unless otherwise provided in the initial approval, any conditions of approval applied to a discretionary approval under the regulations in effect prior to the effective date of this Title shall continue to apply. The Administrator shall have discretion to sunset any conditions of approval applied under the regulations in effect prior to the effective date of this Title upon demonstration that the site is in conformance with the current applicable code standards.<sup>7</sup>

## Article 4 Nonconformities<sup>8</sup>

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### 18.01.401 Purpose

The purpose of this Article 4 is to regulate and limit the development and continued existence of uses, structures, lots, signs, and site features that were lawfully established prior to the effective date of this Title, but that no longer conform to the requirements of this Title. All such situations are collectively referred to in this Title as “nonconformities.” It is the intent of this article to permit nonconformities to continue until they are removed or abandoned, but not to encourage their survival. It is further the intent of this article that nonconformities shall not be enlarged, expanded, or extended, except as specifically provided in this article. In addition, the presence of nonconformities may not be used as justification for adding other lots, buildings, uses, signs, or site improvements prohibited elsewhere in the same zoning district.

### 18.01.402 Regulations Applicable to All Nonconformities<sup>9</sup>

#### (a) **Authority to Continue**

Nonconformities may be continued only according to the provisions of this article and other provisions of this Title. Nonconformities may continue to be used and occupied, subject to regulations as to the maintenance of premises and conditions of operations set forth in this Title, or unless such nonconformity is terminated as provided in this article.

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<sup>5</sup> Moratoria have been removed from this Section (previously Sections 18.02.112 and 18.02.113) due to becoming obsolete.

<sup>6</sup> Existing Section 18.02.104(b). Additional standards have been added from similar regulations in Section 18.01.601.

<sup>7</sup> New. Added to provide direction about existing conditions of approval and to allow Administrator to remove those conditions once they have been met or once the site is brought into conformance with the current code standards.

<sup>8</sup> Relocated from Article V of Chapter 18.08 (Zoning) and placed here per Code Assessment Report. The prior “Applicability” section contained just definitions, which are located in the general definitions chapter of Code.

<sup>9</sup> New. Added to consolidate common regulations. The first “authority to continue” provision consolidates several existing provisions. All other sections here are new.

- (b) **Determination of Nonconformity Status**  
The burden of demonstrating the lawful establishment of a nonconformity shall be solely on the owner of property containing the nonconformity.
- (c) **Maintenance and Repair**  
Repairs and maintenance of nonconformities are permitted and encouraged, provided that the repairs and maintenance do not increase the degree of nonconformity.
- (d) **Change of Ownership or Tenancy**  
Changes in ownership, tenancy, or management of property with an existing nonconformity may occur, but such nonconformities shall continue to be subject to the standards of this article.
- (e) **Compliance to the Maximum Extent Practicable**  
Where compliance with the requirements of this section is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, watercourses, hazard areas, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the Administrator.
- (f) **Conditional Use Permit Required in Flood Hazard Areas**  
The expansion of any nonconforming use, structure, and/or site improvement within a flood hazard area shall not be allowed unless a Conditional Use Permit is issued for such expansion.

#### 18.01.403 Nonconforming Uses

Nonconforming uses, as defined in Chapter 18.09 *Rules of Construction and Definitions*, are subject to Section 18.01.402, *Regulations Applicable to All Nonconformities*, and the following standards:

- (a) **Nonconforming Uses without Required Conditional Use Permit or Applicable Entitlement<sup>10</sup>**  
Except as otherwise limited by this article, a use that is required by this Title to have a conditional use permit or other applicable entitlement but that was legally established prior to the effective date of this Title or subsequent amendments thereto without a conditional use permit or other entitlement is deemed to have a conditional use permit or other entitlement. Such a use shall not be nonconforming solely because this Title now requires a conditional use permit or other applicable entitlement for the subject use.
  - (1) Any nonconforming use may be changed to a use allowed in the applicable zoning district.
- (1) **Conditional Use Permit Required**  
Except as provided in Article 4, within an overlay district, or as permitted in Chapter 18.03 *Use Regulations*, no nonconforming use shall be enlarged, extended, or changed to a different nonconforming use, unless an application for a conditional use permit for the enlargement, extension, or change has first been approved in accordance with Subsection 18.08.605(e), *Findings*, and the following specific findings:<sup>14</sup>

<sup>10</sup> Rewritten and expanded beyond SUPs (now CUPs). Based on existing Section 18.08.501(b)(1)b.

<sup>13</sup> Existing Section 18.08.501(d).

<sup>14</sup> Moved from SUP procedures.



- a. The expansion or change of the nonconforming use will not damage the character or quality of the neighborhood in which it is located, or hinder the future development of the surrounding properties; and
  - b. Improvements necessary for the expansion are in conformance with requirements of this Title.
- a. If the application for a conditional use permit is in conjunction with the proposed resumption or expansion of a nonconforming gaming use, including Hotels or Motels with Nonrestricted Gaming, then the Planning Commission and City Council shall make the following finding in addition to the general findings required for a conditional use permit:
    1. The expansion of the nonconforming gaming use, including Hotels or Motels with Nonrestricted Gaming, is proposed in a manner that brings the use into closer conformance with the purpose, operational characteristics, and site development standards of the applicable zoning district and/or overlay zoning district.
  - b. A legally established nonconforming gaming use, including Hotels or Motels with Nonrestricted Gaming, (forced to relocate or close) as a result of a redevelopment project may relocate pursuant to NRS Section 463.1605 within the Mixed-Use Downtown Entertainment (MD-ED)<sup>16</sup> zoning district, subject to the following conditions:
    1. No nonconforming aspect of the business is increased;
    2. Business square footage dedicated to gaming is not increased more than ten percent; and
    3. Where site conditions allow, the use shall be brought into closer conformity with other sections of this Title (e.g., parking, landscaping, public space, etc.).
    4. The property or business shall be considered conforming under current codes when paragraphs 1-3, above, are met.
    5. Any rights perceived to accrue by virtue of paragraphs 1-4, above, and beyond rights generally held by nonconforming properties terminate after one relocation.

**(3) Improvements to Single-Family Residential Dwelling<sup>17</sup>**

Any lawfully constructed single-family residential dwelling that is deemed to be a nonconforming use may make improvements to expand the main and accessory structures in accordance with other requirements of this Title and without a conditional use permit.

**(d) Nonconforming Use Displaced by ReTRAC<sup>18</sup>**

- (1) A legally established nonconforming use displaced (forced to relocate temporarily or permanently) because of Reno Transportation Rail Access Corridor (ReTRAC) may relocate subject to the following conditions:

<sup>16</sup> Updated to just apply to MD-ED since the first condition below requires this anyway.

<sup>17</sup> New. Added section to encourage investment in homes – even in mixed-use districts. Expanded language.

<sup>18</sup> Existing Section 18.08.502(d)(3). Content related to properties temporarily impacted by ReTRAC have been updated, consistent with prior agreements, to include this limited allowance for the reestablishment of gaming establishments that did not originally have hotel/motel rooms.

- a. The use is allowed by the property's zoning;
- b. No nonconforming aspect of the use is increased;
- c. A binding agreement is entered into with the City that:
  1. Specifies what aspects and to what degree the use is nonconforming under this Title;
  2. The obligation of the owner relating to timing of the move;
  3. The obligation of the owner relating to timing of the move away from the ReTRAC area and relocation back into the ReTRAC area;
  4. Guarantees performance; and
  5. Is binding on all future successors and assigns.
- (2) A legally established nonconforming nonrestricted gaming entitlement that has been displaced (forced to relocate temporarily or permanently) because of Reno Transportation Rail Access Corridor (ReTRAC) and meets the definition of a Hotel or Motel with Nonrestricted Gaming shall not be required to provide the minimum number of hotel or motel rooms to reestablish under this provision.
- (e) **Nonconforming Uses in Certain Mixed-Use Districts<sup>19</sup>**

In the Mixed-Use Downtown (MD-) districts, Mixed-Use Midtown Commercial (MU-MC) District, Mixed-Use Midtown Residential (MU-RES) District, Mixed-Use Urban (MU) District, Mixed-Use Suburban (MS) District, and Mixed-Use Airport (MA) District, the Administrator may approve the expansion of existing and legally established nonconforming uses if the proposed development expands the site, building, or business area by 100 percent or less and the Administrator finds the expansion meets the following specific findings:<sup>20</sup>

  - (1) The expansion or change of the nonconforming use will not damage the character or quality of the neighborhood in which it is located, or hinder the future development of the surrounding properties; and
  - (2) Improvements necessary for the expansion are in conformance with requirements of this Title.

If the proposed development expands the site, building or business area of the nonconforming use by more than 100 percent, a conditional use permit shall be required, as set forth in Section 18.01.403(c)(1).
- (f) **Abandonment or Discontinuance of Nonconforming Use<sup>21</sup>**
  - (1) A nonconforming use that is abandoned or discontinued for a period of one year or more may only be resumed with a conditional use permit reviewed by the Planning Commission.<sup>22</sup>
  - (2) A conditional use permit for nonconforming gaming shall meet the findings in Subsection 18.01.403(c)(2) and shall require the approval of the City Council.

<sup>19</sup> Existing MU District standards from Section 18.08.301(a).

<sup>20</sup> New. Findings added to allow discretion for limiting the expansion of incompatible uses.

<sup>21</sup> Updated to allow Planning Commission decision on resuming nonconforming uses (except for gaming).

<sup>22</sup> Abandonment/discontinuance period has been updated from six months to one year. Sparks allows for two years and Washoe Co. allows for one year.

### 18.01.404 Nonconforming Structures<sup>23</sup>

Nonconforming structures, as defined in Chapter 18.09 *Rules of Construction and Definitions*, are subject to Section 18.01.402, *Regulations Applicable to All Nonconformities*, and the following standards:

(a) **Expansion of Structure**

(1) **Generally**

- a. A nonconforming structure may be expanded provided that any such expansion is in full compliance with this Title.
- b. No nonconforming structure may be enlarged or altered in a way that increases its nonconformity, as determined by the Administrator, unless allowed by this section.

(2) **Conditional Use Permit Required<sup>24</sup>**

Except as provided in this section, within an overlay district, or as permitted in , no nonconforming structure shall be enlarged or changed to increase the level of nonconformity, unless an application for a conditional use permit for the enlargement or change has first been approved in accordance with subsection 18.08.605(e), *Findings*, and the following specific findings:<sup>25</sup>

- a. The expansion or change of the nonconforming use will not damage the character or quality of the neighborhood in which it is located, or hinder the future development of the surrounding properties; and
- b. Improvements necessary for the expansion are in conformance with requirements of this Title.

(b) **Restoration After Damage<sup>26</sup>**

(1) **Restoration Permitted**

Except as provided in Section 18.04.102, *Flood Hazard Areas*, a nonconforming structure that is damaged or destroyed by an act or nature or other calamity may be repaired or reconstructed to its pre-existing configuration.

(2) **No Increase in Nonconformity**

- a. Modifications made when repairing or reconstructing a damaged nonconforming structure shall not result in an increase in a nonconformity, as determined by the Administrator.
- b. A building permit shall be applied for within 18 months of the date of the damage or destruction.

### 18.01.405 Nonconforming Site Improvements

Nonconforming site improvements, as defined in Chapter 18.09 *Rules of Construction and Definitions*, are subject to Section 18.01.402, *Regulations Applicable to All Nonconformities*, and the following standards:

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<sup>23</sup> Intro statement and subsection (a) are new. Existing standards for nonconforming accessory structures are replaced with these standards for nonconforming structures more generally (more flexible and consistent with primary structures).

<sup>24</sup> New. Added to give similar flexibility as nonconforming uses to nonconforming structures.

<sup>25</sup> Moved from former SUP procedures.

<sup>26</sup> Existing Section 18.08.502(e) with modifications to permit reconstruction after damage with fewer conditions.

- (a) Unless otherwise expressly stated in this Title, no permit shall be issued for the alteration, expansion, or relocation of a nonconforming site improvement unless the changes will follow the provisions of this Title.
- (b) When nonconforming site improvements are altered or expanded, code requirements shall be satisfied only for the proposed alteration or expansion, not for existing nonconforming site improvements.

#### 18.01.406 Nonconforming Lots<sup>27</sup>

Nonconforming lots, as defined in Chapter 18.09 *Rules of Construction and Definitions*, are subject to Section 18.01.402, *Regulations Applicable to All Nonconformities*, and the following standards:

- (a) A nonconforming lot may be used for construction of a building allowed in the applicable zoning district, provided that all other zoning district and dimensional standards are met.
- (b) No nonconforming lot shall be further subdivided or shall have its boundaries altered in any manner that would compound, expand, or extend the nonconforming characteristic(s) of the lot.

#### 18.01.407 Nonconforming Signs<sup>28</sup>

See Section 18.05.1015, *Nonconforming On-Premises Signs*, and Section 18.05.203, *Nonconforming Permanent Off-Premises Advertising Displays*, for specific provisions related to nonconforming signs.

### Article 5 Enforcement, Violations, and Penalties<sup>29</sup>

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#### 18.01.501 Liability for Violations

Any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any building, structure, or sign, or part thereof, in violation of this Title, and any person who uses any building, structure, or land in violation of this Title, shall be subject to penalties and enforcement action in accordance with this Article.<sup>30</sup>

#### 18.01.502 Violations<sup>31</sup>

It shall be a violation of this Title to undertake any of the following activities:

- (a) **Activities Inconsistent with This Title**  
Erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any land, building, structure, or sign; or engage in development or subdivision of any land contrary to the regulations and procedures of this Title.
- (b) **Land-Disturbing Activities Inconsistent with This Title**  
Excavate, grade, cut, clear, or undertake any other land disturbance activity contrary to the provisions of this Title or without first obtaining all requisite land use approvals or permits required by this Title or other applicable regulations.

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<sup>27</sup> Existing Section 18.08.503. First provision is rewritten to apply to all nonconforming lots – not just those created by the updated Code.

<sup>28</sup> New reference to existing code sections.

<sup>29</sup> Relocated from Chapter 18.22. Reorganized and supplemented as noted.

<sup>30</sup> Existing Section 18.22.101. Expanded to apply to project designers and engineers.

<sup>31</sup> Existing Section 18.22.201.

- (c) **Nonconformities Inconsistent with This Title**  
Create, expand, replace, or change a nonconforming use, lot, sign, or site improvement except in compliance with this Title.
- (d) **Making Lots or Setbacks Nonconforming**  
Reduce or diminish the lot area, setbacks, or open space below the minimums required by this Title.
- (e) **Increasing Intensity of Use**  
Increase the intensity of use of any land or structure, except according to the standards of this Title.
- (f) **Activities Inconsistent with Approval or Permit**  
Engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, agreement, or other form of authorization required under this Title to engage in such activity.
- (g) **Activities Inconsistent with Conditions of Approval**  
Fail to comply with any terms, conditions, or limitations placed by the deciding body upon any final development plan, subdivision plat, site plan, permit, or other form of authorization.
- (h) **Failure to Remove Signs**  
Fail to remove any sign installed, created, erected, or maintained in violation of this Title, or for which the sign permit has lapsed.

#### 18.01.503 Enforcement Actions

- (a) **Responsibility for Enforcement<sup>32</sup>**
  - (1) The Administrator is the primary administrative and enforcement official for purposes of administering and enforcing this Title of the Reno Municipal Code and is referred to in this Title as the "Administrator."
  - (2) The Administrator may delegate decisions to an authorized designee.
  - (3) In administering this Title, other individuals may assist the Administrator.
- (b) **Enforcement Authority and Powers**  
The Administrator shall have the authority and powers necessary to determine whether an administrative violation of this Title exists and shall have the authority to take appropriate action to gain compliance with the provisions of this Title. These powers include all power and authority granted enforcement officials in Chapter 1.05, *Code Enforcement*, including the power to issue notices of violation, administrative citations, notices and orders, the power to inspect public and private property, and use the administrative remedies available under this Title and Chapter 1.05, *Code Enforcement*.

#### 18.01.504 Remedies and Penalties

The Administrator shall have the power to enforce this Title subject to the following penalties:

- (a) **Code Enforcement Authority**  
Unless a different remedy or penalty is expressly specified in a provision of Title, any person violating any of the provisions of this Title shall be subject to the provisions of

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<sup>32</sup> Existing Section. 18.22.102.



Chapter 1.05, *Code Enforcement*. In addition, building permits may be withheld for zoning violations in accordance with Chapter 14.03, *Appeals*.

(b) **Deny, Withhold, or Revoke Entitlements**<sup>33</sup>

- (1) In addition to the inability to make applicable findings, and unless otherwise addressed in a specific provision of this Title, the City may deny, withhold, or revoke any permit, approval, or other authorization granted under this Title, after notice and opportunity to be heard, for any of the following reasons:
  - a. Developing, establishing, or conducting a use of land contrary to the conditions of the permit or in violation of any law or ordinance;
  - b. Developing or conducting a use of land in such a manner as to create a public nuisance or constitute a danger to the public health, safety, or welfare; or
  - c. Fraud, misrepresentations, or false statements in the permit or development application.
- (2) The deciding body that originally granted final approval or authorization shall have the authority to deny, withhold, or revoke the final approval or authorization, unless otherwise specified in this Title. No work or construction shall proceed after service of a revocation notice.

(c) **Stop-Work Orders**<sup>34</sup>

- (1) The Administrator may issue a stop-work order whenever any building, structure, site, or portion of a building, structure, or site is being demolished, constructed, reconstructed, altered, or repaired, in substantial violation of this Title.
- (2) The Administrator may issue a stop-work order on any property with an uncorrected violation of this Title or approval issued under this Title.
- (3) A stop-work order shall be in writing and directed to the person doing the work and shall specify the provision of this Title or the project approval requirement in violation.
- (4) If a stop-work order is issued, no work shall proceed on any building, structure, site, or portion of a building, structure, or site subject to the order except to correct a violation or to comply with the order.
- (5) Once conditions cited in the stop-work order have been adequately addressed, the Administrator shall rescind the stop-work order.

## Article 6 Transition from Prior Regulations<sup>35</sup>

### Commentary

The City has proposed having a twelve-month phase-in period for this updated Land Development Code following adoption to allow City staff, residents, developers, and stakeholders time to adjust to the changes proposed. This Article outlines the code transition process and the conversion from the old Zoning Districts to the new Districts.

### 18.01.601 Prior Development Approvals<sup>36</sup>

<sup>33</sup> Updates existing Section 18.22.202(b) to include denial and withholding of permits, not just revocation.

<sup>34</sup> New.

<sup>35</sup> New. This material also could be removed from the code and placed into the adopting ordinances.

<sup>36</sup> New.

Any development approved under regulations in effect prior to the effective date of this Title is subject to the authority and exceptions of Chapter 18.01 Article 3, *Authority, Applicability, and Exceptions*.

#### **18.01.602 Pending Applications<sup>37</sup>**

For a period not to exceed twelve months from the effective date of this Title, a development application that has been determined to be complete by the Administrator may be decided under the regulations in effect prior to the adoption of this Title, or may be reviewed and decided under this Title at the request of the applicant. Applications shall not be processed under a combination of prior regulations and this Title.

#### **18.01.603 Prior Violations**

A development or activity in violation of the prior development regulations, which fully complies with this Title, it shall no longer be deemed a violation. Unpaid fees and/or penalties from prior enforcement of violations may still be valid and may remain the responsibility of the violator under the prior regulations, as determined by the Administrator.

#### **18.01.604 Master Plan and Zoning Consistency<sup>38</sup>**

Any property located in a zoning district that is not consistent with the applicable Master Plan Land Use designation may apply for a rezoning to a district that is consistent with the Master Plan Land Use designation without an application fee.

### **Article 7 Severability<sup>39</sup>**

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Should any chapter, article, section, clause, or provision of this Title be declared by a court of competent jurisdiction to be unconstitutional or invalid, the decision shall not affect the validity of the Title as a whole or any part thereof other than the part declared to be unconstitutional or invalid.

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<sup>37</sup> The twelve-month period has been added to ensure this provision sunsets within a reasonable timeframe.

<sup>38</sup> Language added to address parcels where the Master Plan Land Use designation was changed, but rezoning has not yet occurred. These areas are limited and will be addressed during the neighborhood engagement process to review zoning map designations in each neighborhood following the code update. In the interim, any properties seeking to develop in accordance the updated Master Plan Land Use designation may apply for a zoning map amendment without application fee.

<sup>39</sup> Existing Section 18.02.111.

## Chapter 18.02 Zoning Districts

### Commentary

This draft presents a revised set of Reno zone districts in alignment with the Code Assessment Report, the memorandum produced for the January Code Direction Workshop, and Issue Sheets 1a-c. Generally, this includes the re-naming of some of the single-family residential zoning districts and introduction of new mixed-use base zoning districts to replace the current set of MU overlays and to align with the Master Plan.

Each zoning district includes a revised purpose statement, district dimensional graphic, and table with dimensional standards for primary and accessory buildings. In the current Reno code, each of these elements is scattered throughout the code in different sections. The new format reorganizes and consolidates this material into a concise and easy-to-understand summary presentation for each district.

Where changes to existing standards or new standards have been introduced, a footnote reference has been included for reference and explanation.

### Article 1 Zoning Districts, Generally

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#### 18.02.101 Organization of this Chapter

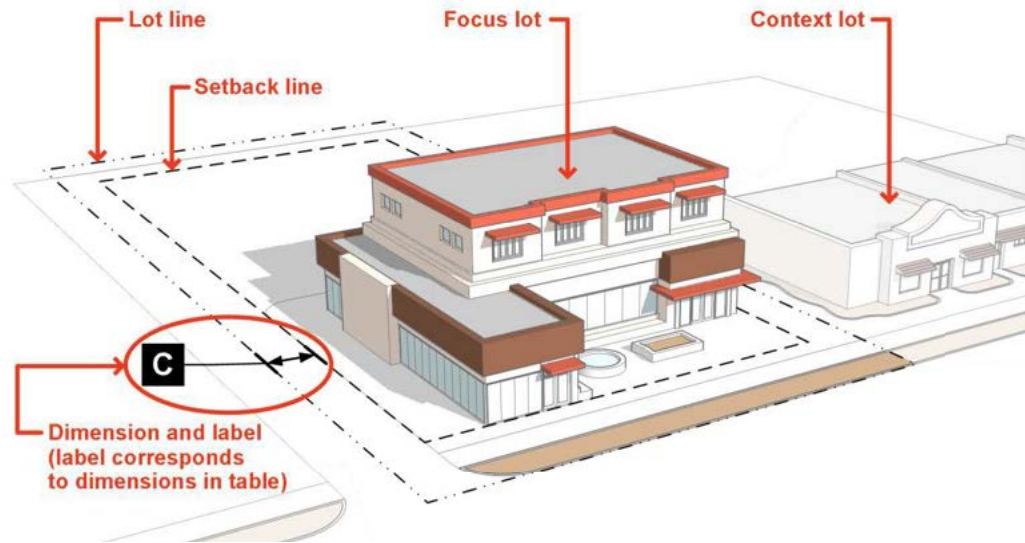
(a) **Base Zoning Districts**

(1) **Content**

Articles 2 through 5 of this chapter follow a common structure and describe the purpose and intended character of the zoning districts, the lot and building standards applying to development in the districts, and any district-specific development standards.

(2) **Graphics**

For each base zoning district, this article includes an illustration depicting how the district's lot and building standards apply to lots and typical building forms. Illustrations are intended to exemplify the general character of the district and do not show specific locations or buildings. Illustrations do not necessarily reflect all the standards that may apply to a particular development. If a standard shown in an illustration is inconsistent with the respective table of lot and building standards, the standards in the table shall govern.



**(3) Overlay Districts**

- a. Overlay zoning districts are established by an amendment to the Official Zoning Map (see Section 18.08.503, *Rezoning (Zoning Map Amendment)*). They are superimposed over a base zoning district. If the standards for an overlay district expressly conflict with those for an underlying base zoning district, the overlay zoning district standards shall apply. If standards for an overlay district expressly conflict with standards for another applicable overlay district, the more restrictive standards shall apply.
- b. Article 6 identifies the overlay zoning districts and sets forth each district’s purpose and the standards that modify those of underlying districts.

**18.02.102 Adoption of Districts—Official Zoning Maps<sup>40</sup>**

**(a) Zoning Maps**

The established districts and boundaries are adopted as shown on the maps entitled "Zoning Maps," which are made a part of this chapter and title, together with all notations, references, data and other information, and all subsequent associated changes and amendments. The official Zoning Maps are recorded by the City Clerk and maintained in the office of the Administrator.

**(b) Zoning Map Amendments**

Records of past ordinances amending the Zoning Maps are located in the office of the City Clerk.

**18.02.103 Rules for Interpretation of Zoning District Boundaries<sup>41</sup>**

**(a) Interpretation of District Boundaries**

Where uncertainty exists as to the boundaries of zoning districts, as shown, the following rules shall apply:

<sup>40</sup> Based on current 18.08.102. Added language stating that City Clerk’s office records the zoning map.

<sup>41</sup> Current 18.08.103. No substantive changes proposed.

- (1) Boundaries are intended to parallel street lines or to follow lot or property lines as they exist at the time of passage of this chapter or amendments hereto, unless specifically shown otherwise.
  - (2) Where a boundary follows a public street or alley, the centerline of the street shall be the boundary. If the street moves, the zoning boundary moves accordingly.
  - (3) In the event of further uncertainty, the Administrator shall determine the boundary location.
  - (4) The Administrator may make minor adjustments to the zoning district boundaries based on a final subdivision design provided a finding is made that such adjustment is not contrary to the original project approval and complies with this Title.
- (b) **Errors and Omissions**
- (1) If a previously approved map amendment was not changed by error or oversight, the Administrator shall make any changes necessary to comply with the approved map amendment.
  - (2) The Administrator may make minor adjustments to district boundaries of a zoning map amendment case provided:
    - a. The minor modification is made based on the filing of a tentative map or final map that shows minor discrepancies with the legal description provided with the initial application for a zoning change;
    - b. The intent of the original project is met; and
    - c. The change does not have any effect on the character of the proposed zoning map amendment.
- (c) **Vacated Rights-of-Way**
- If a dedicated street or alley is abandoned, the zoning regulations applicable to abutting properties shall apply to the portion of the vacated right-of-way.
- (d) **Annotating District Boundary Changes**
- When a district change is approved by the City Council, the zoning maps shall be amended. Each amendment shall incorporate a map clearly delineating the area affected and the zoning classification to which the area is changed. Each map shall be certified by the mayor, attested by the clerk, and a true copy attached to the zoning map.
- (e) **Property with More Than One Zoning Designation**
- Parcels with more than one zoning designation (on separate and discrete areas) are permitted. Land use and development shall be in conformance with the applicable zoning district for each portion of the parcel.

#### 18.02.104 Effect of Districting<sup>42</sup>

- (a) **Application**
- The provisions of this Title governing the use of land, buildings and structures, the size of yards, height and bulk of buildings, density of population, and other provisions, are hereby declared to be in effect upon all land within the boundaries of each and every district established in this chapter.

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<sup>42</sup> Current 18.08.104. No substantive changes proposed.



**(b) Classification of Land Uses**

The following shall prevail:

- (1) The express enumeration in this chapter of a particular class of building or use in any district shall be determined a prohibition of such building or use in all other districts unless so specified.
- (2) Uses not specifically included in any zoning district and not specifically excluded therefrom by this chapter may be included in that district, as determined by the Administrator, if such uses are similar to and have less of an impact than the uses specifically included, or if such uses are accessory to uses that are specifically included.

**(c) Lots Divided into Separate Ownership**

Where a lot is divided into separate ownerships and the area of either portion is such that the number and location of buildings thereon no longer conforms to the lot area requirements of the particular district, then in the determination of the permissive number and location of buildings of either portion, both parts shall be considered as one parcel only. Such restrictions shall be noted on the deed and shall be binding on subsequent purchasers.

**18.02.105 Classification of Annexed Land<sup>43</sup>**

Territory annexed to the city shall, upon the date of such annexation, be classified for the purposes of this Chapter in accordance with the hierarchy established below:

**(a) Master Plan Designations**

- (1) The Master Plan land use designation that applies to the territory shall be as shown on the City of Reno Master Plan Land Use plan map.
- (2) In the absence of a City of Reno Master Plan Land Use designation, the designation shall be in accordance with Table 2-1 below.<sup>44</sup>

**Table 2-1 City of Reno Master Plan Land Use and Zoning Based on County Plan or Zoning**

Reno Master Plan Land Use [1]	Reno Zoning [2]	Washoe County Comprehensive Plan Designation	Washoe County Zoning District [3]
UT	UT10	Rural Residential	LDR
UT	UT5	Rural Residential	MDR
LL	LLR2.5	Rural Residential	HDR
LL	LLR1	Suburban Residential	LDS
SF	SF3	Suburban Residential	MDS
SF	SF8	Suburban Residential	HDS
MX	MF14 [4]	Urban Residential	LDU
MF	MF21	Urban Residential	MDU
MF	MF30	Urban Residential	HDU
SMU	GC	Commercial	GC
SMU	NC	Commercial	NC
SMU	SMU or GC/Gaming Overlay [5]	Commercial	TC

<sup>43</sup> Current 18.08.105. No substantive changes proposed, except for updating the table.

<sup>44</sup> Updated version of current table 18.08-2A, reflecting current county master plan and zoning districts and current and proposed City districts.

**Table 2-1 City of Reno Master Plan Land Use and Zoning Based on County Plan or Zoning**

Industrial	I	Industrial	I
PQP	PF	Any	PSP
PGOS	OS	Any	OS, PR
UT	UT40	Rural	GR
Special Planning Area [6]	PUD / SPD [7]	Any	SP
	MH		TR Overlay District

**Notes:**

- [1] This column only applies to the classification of annexed land that does not already have a Master Plan land use designation.
- [2] This column only applies to the classification of annexed land that does not already have a city zoning designation.
- [3] Washoe County zoning shall only be used for properties without a Washoe County Comprehensive Plan Designation.
- [4] Where the existing land use is nonresidential, the zoning assigned will be NC.
- [5] General Commercial zoning with a gaming overlay shall be applied unless:
  - (a) The site adjoins suburban mixed-use zoning, in which case SMU zoning with a gaming overlay shall apply; and/or
  - (b) Where non-restricted gaming has not been approved on site (by virtue of a business license, building permit, or conditional use permit), a gaming overlay shall not be assigned.
- [6] Individual Master Plan districts may be assigned at the time of annexation that are consistent with the uses adopted in the specific plan.
- [7] PUD or SPD zoning may be applied.

**18.02.106 Zoning Designations**

- (a) Except as provided in subsection (b), below, the zoning designation that applies to the territory shall be assigned in accordance with Table 2-1, *City of Reno Master Plan Land Use and Zoning Based on County Plan or Zoning*, above.
- (b) When the City of Reno zoning that would be granted in accordance with Table 2-1, *City of Reno Master Plan Land Use and Zoning Based on County Plan or Zoning* does not conform with the City of Reno Master Plan Land Use designation, the zoning that conforms to the Master Plan and most closely approximates the zoning that would be assigned in accordance with Table 2-1, *City of Reno Master Plan Land Use and Zoning Based on County Plan or Zoning* will be granted.

**18.02.107 Sphere of Influence<sup>45</sup>**

- (a) **Master Plan**  
 For all territory in the sphere of influence where the adopted City of Reno Master Plan has a land use designated, that land use shall apply and the City shall exercise all authority conferred by NRS Sections 278.010 to 278.630, inclusive.
- (b) **Zoning**
  - (1) The City may adopt zoning map designations within the sphere of influence.
  - (2) All lands within the Sphere of Influence shall be classified in accordance with the hierarchy established for annexation in Section 18.02.105, *Classification of Annexed Land*. Where the City of Reno Master Plan allows for a range of densities, the

<sup>45</sup> Current 18.08.106. No substantive changes proposed.

density that most closely approximates Washoe County's land use plan or zoning (as applicable) within that range shall be utilized as the basis for assigning zoning.

- (3) For Sphere of Influence properties without zoning designations, development shall proceed in accordance with the zoning district that would be assigned upon annexation in accordance with Section 18.02.105, above.

### 18.02.108 Zoning Districts Established

In order to classify and regulate the use of land; the location, use, bulk, height of structures; and to carry out the purpose of this Title, the zoning districts are established as follows in Table 2-2.

Table 2-2 Zoning Districts Established	
Base Zoning Districts	Section
<b>Residential Districts</b>	
LLR2.5 – Large Lot Residential (2.5 acres)	18.02.201
LLR1 – Large Lot Residential (1 acre)	18.02.202
LLR.5 – Large Lot Residential (0.5 acres)	18.02.203
SF3 – Single-Family Residential	18.02.204
SF5 – Single-Family Residential	18.02.205
SF8 – Single-Family Residential	18.02.206
SF11 – Single-Family Residential	18.02.207
MF14 – Multi-Family Residential	18.02.208
MF21 – Multi-Family Residential	18.02.209
MF30 – Multi-Family Residential	18.02.2010
<b>Mixed-Use Districts</b>	
MD-ED – Mixed-Use Downtown Entertainment District	18.02.301
MD-ID – Mixed-Use Downtown Innovation District	18.02.302
MD-NWQ – Mixed-Use Downtown Northwest Quadrant District	18.02.303
MD-RD – Mixed-Use Downtown Riverwalk District	18.02.304
MD-UD – Mixed-Use Downtown University District	18.02.305
MD-PD – Mixed-Use Downtown Powning District	18.02.306
MU – Mixed-Use Urban	18.02.307
MS – Mixed-Use Suburban	18.02.308
GC – General Commercial	18.02.309
NC – Neighborhood Commercial	18.02.3010
PO – Professional Office	18.02.3011
MU-MC – Mixed-Use Midtown Commercial	18.02.3012
MU-RES – Mixed-Use Midtown Residential	18.02.3013
<b>Nonresidential Districts</b>	
I – Industrial	18.02.401
IC – Industrial Commercial	18.02.402
ME – Mixed Employment	18.02.403
MA – Mixed-Use Airport	18.02.404
<b>Special Purpose Districts</b>	
PGOS – Parks, Greenways, and Open Space	18.02.501
PF – Public Facilities	18.02.502
UT5 – Unincorporated Transition Area (5 Acres)	18.02.503
UT10 – Unincorporated Transition Area (10 Acres)	18.02.504
UT40 – Unincorporated Transition Area (40 Acres)	18.02.505
SPD – Specific Plan District	18.02.506
PD – Planned Development	18.02.507

### 18.02.109 Zoning District Conversion Table

The conversion of prior zoning districts and sub-districts to new districts shall be in accordance with Table 2-3, below.

Table 2-3 Zoning District Conversion	
Base Zoning Districts	Former Zoning Districts
<b>Residential Districts</b>	
LLR2.5 – Large Lot Residential (2.5 acres)	LLR2.5 – Large Lot Residential (2.5 acres)
LLR1 – Large Lot Residential (1 acre)	LLR1 – Large Lot Residential (1 acre)
LLR.5 – Large Lot Residential (0.5 acres)	LLR.5 – Large Lot Residential (0.5 acres)
SF3 – Single-Family Residential	SF15– Single-Family Residential
SF5 – Single-Family Residential	SF9– Single-Family Residential
SF8 – Single-Family Residential	SF6– Single-Family Residential
SF11 – Single-Family Residential	SF4– Single-Family Residential
MF14 – Multi-Family Residential	MF14– Multi-Family Residential
MF21 – Multi-Family Residential	MF21– Multi-Family Residential
MF30 – Multi-Family Residential	MF30– Multi-Family Residential MU-CRC/RES - Convention Regional Center/Residential MU-UNRC/RES - University of Nevada Regional Center/Residential
<b>Mixed-Use Districts</b>	
MD-ED – Mixed-Use Downtown Entertainment District	MU-DRRC - Downtown Reno Regional Center
MD-ID – Mixed-Use Downtown Innovation District	<i>Note that Downtown district boundaries are modified and do not reflect a direct conversion from prior districts. Prior districts include:</i>
MD-NWQ – Mixed-Use Downtown Northwest Quadrant District	MU-DRRC/CALI - Downtown Reno Regional Center/California Avenue
MD-RD – Mixed-Use Downtown Riverwalk District	MU-DRRC/ENT - Downtown Reno Regional Center/Entertainment
MD-UD – Mixed-Use Downtown Powning District	MU-DRRC/KEY - Downtown Reno Regional Center/Keystone Avenue MU-DRRE/TRUCKEE - Downtown Reno Regional Center/Truckee River
MD-PD – Mixed-Use Downtown University District	MU-DRRC/WELLS - Downtown Reno Regional Center/Wells Avenue
MU – Mixed-Use Urban	MU-CRC/GMU - Convention Regional Center/General Mixed Use MU-CRC/TC - Convention Regional Center/Tourist Commercial MU-E4TC - East 4th Street Transit Corridor MU-MRC - Medical Regional Center MU-MSTC - Mill Street Transit Corridor (Primary Corridor) MU-MSTC/RLM - River Landing at Mill MU-SVTC - South Virginia Street Transit Corridor ("Moana - Holcomb") MU-SVTC/PLC - South Virginia Street Transit Corridor/Plumb Land Crossing MU-UNRC/UD - University of Nevada Regional Center/University District MU-W4TC - West 4th Street Transit Corridor
MS – Mixed-Use Suburban	MU-DRC/[no subdistrict]- Dandini Regional Center/no subdistrict MU-NVTC - North Virginia Street Transit Corridor

<b>Table 2-3 Zoning District Conversion</b>	
<b>Base Zoning Districts</b>	<b>Former Zoning Districts</b>
	MU-RRC/TC - Redfield Regional Center/Tourist Commercial MU-RRC/TMU - Redfield Regional Center/Transitional Mixed Use MU-RRC/RC/A - Redfield Regional Center/Retail Commercial/Academic MU-SVTC - South Virginia Street Transit Corridor ("south section") MU-W4TC - West 4th Street Transit Corridor* MU-WGRC - Western Gateway Regional Center
GC – General Commercial	AC - Arterial Commercial CC - Community Commercial HC - Hotel-Casino
NC – Neighborhood Commercial	NC - Neighborhood Commercial
PO – Professional Office	GO – General Office PO - Professional Office
MU-MC – Mixed-Use Midtown Commercial	MU-SVTC/MC - South Virginia Transit Corridor/Midtown Commercial
MU-RES – Mixed-Use Midtown Residential	MU-SVTC/MR - South Virginia Transit Corridor/Midtown Residential
<b>Nonresidential Districts</b>	
I – Industrial	I - Industrial MU-RRC/I - Redfield Regional Center/Industrial
IC – Industrial Commercial	IC - Industrial Commercial
ME – Mixed Employment	IB - Industrial Business MU-CRC/TMU - Convention Regional Center/Transitional Mixed-Use MU-DRC/DRP - Dandini Regional Center/Dandini Research Park MU-MSTC - Mill Street Transit Corridor (Secondary Corridor) MU-UNRC/I - University of Nevada Regional Center/Industrial Area
MA – Mixed-Use Airport	MU-RTIARC - Reno-Tahoe International Airport Regional Center MU-RSARC - Reno Stead Airport Regional Center
<b>Special Purpose Districts</b>	
PGOS – Parks, Greenways, and Open Space	OS - Parks/Recreation/Open Space MU-RRC/OS - Redfield Regional Center/Open Space MU-UNRC/OS - University of Nevada Regional Center/Open Space
PF – Public Facilities	PF - Public Facility MU-CRC/PF - Convention Regional Center/Public Facility MU-DRC/PF – Dandini Regional Center Planning Area/Public Facilities MU-UNRC/AR - University of Nevada Regional Center/Academics and Research MU-UNRC/PF - University of Nevada Regional Center/Public Facilities
UT5 – Unincorporated Transition Area (5 Acres)	UT5–Unincorporated Transition Area (5 Acres)
UT10 – Unincorporated Transition Area (10 Acres)	UT10–Unincorporated Transition Area (10 Acres)
UT40 – Unincorporated Transition Area (40 Acres)	UT40–Unincorporated Transition Area (40 Acres)
PD – Planned Development	PD – Planned Development
SPD – Specific Plan District	SPD – Specific Plan District

## Article 2 Residential Districts

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### Commentary

This Article provides a simplified format for the basic lot and building standards applicable in each residential district. Most of the standards have been retained from the current code. Projects in the Residential Districts will utilize development standards in Chapter 18.04 Article 9 *Site and Building Standards for Residential Districts*.

Each district page includes a revised purpose statement, district dimensional graphic, and table with dimensional standards for primary and accessory buildings. The ultimate goal of this new format will be to have the essential information for each district consolidated on one page. However, we won't be able to fully achieve that design until the commentary and footnotes are removed during the final stages of the drafting process.

The accessory structure dimensional standards have been simplified and integrated into the respective tables.

Other global changes introduced in this Section:

- Building coverage maximums are expanded to apply in additional districts.
- Setbacks from alleys are reduced in all SF and MF districts.
- Accessory building heights are simplified to be: "29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures."

**18.02.201 LLR-2.5: Large-Lot Residential (2.5 Acres)**

(a) **Purpose**

The LRR-2.5 district is intended to accommodate rural single-family residential uses and agricultural uses. Secondary uses include parks, schools, community gardens, and home occupations. This district is the largest-lot residential district and requires large setbacks. This zoning district is also intended to preclude premature development of rural land on the fringes of the urban area and protect environmental resources.

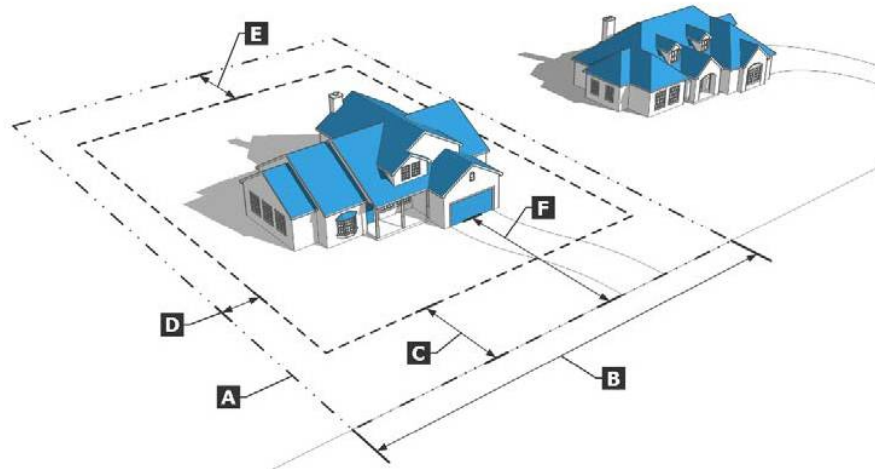


Table 2-4 LLR-2.5: Lot and Building Standards			
	<b>Lots</b>		
	Base density, maximum	1 du/2.5 acre	
A	Lot size, minimum	2.5 acre	
B	Lot width, minimum	150 ft	
	<b>Setbacks, minimum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
C	Front	30 ft	
D	Side	15 ft	
E	Rear	30 ft	30 ft/15 ft [1]
F	Street-Facing Garage	30 ft, measured from sidewalk or planned sidewalk to face of garage	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
	Height	45 ft	29 ft
	Stories	3	2
	<b>Other</b>		
	Building coverage, maximum	35%	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	
	Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

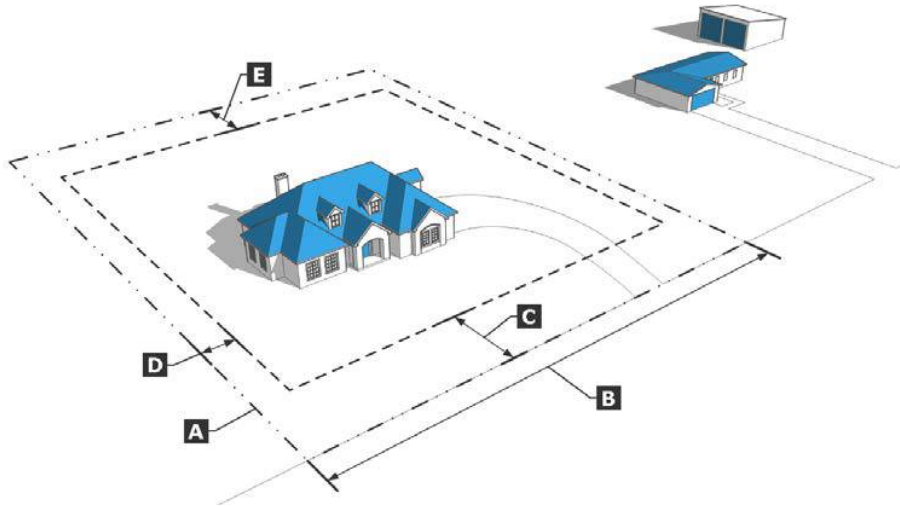
[1] The lower rear setback applies to any single-story accessory building/structure up to 16 feet in height. Other accessory buildings/structures shall comply with the higher rear setback.

**18.02.202 LLR-1: Large-Lot Residential (1 Acre)**



(a) **Purpose**

The LLR-1 district is intended to accommodate rural single-family residential uses and agricultural uses. Secondary uses include parks, schools, community gardens, and home occupations. This district requires a minimum lot size of one acre and requires large setbacks. This district is also intended to preclude premature development of rural land on the fringes of the urban area and protect environmental resources.



**Table 2-5 LLR-1: Lot and Building Standards**

Lots			
	Base density, maximum	1 du/acre	
A	Lot size, minimum	1 acre	
B	Lot width, minimum	120 ft	
Setbacks, minimum		Principal Building	Accessory Structure
C	Front	30 ft	
D	Side	12 ft	
E	Rear	30 ft	30 ft/12 ft [1]
F	Street-facing garage	30 ft, measured from sidewalk or planned sidewalk to face of garage	
Height, maximum		Principal Building	Accessory Structure
	Height	45 ft	29 ft
	Stories	3	2
Other			
	Building coverage, maximum	35%	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	
	Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

[1] The lower rear setback applies to any single-story accessory building/structure up to 16 feet in height. Other accessory buildings/structures shall comply with the higher rear setback.

**18.02.203 LLR 0.5: Large-Lot Residential (0.5 Acre)**

(a) **Purpose**

The LL-0.5 district is intended to accommodate single-family residential uses. Secondary uses include agricultural uses, parks, schools, community gardens, and home occupations.

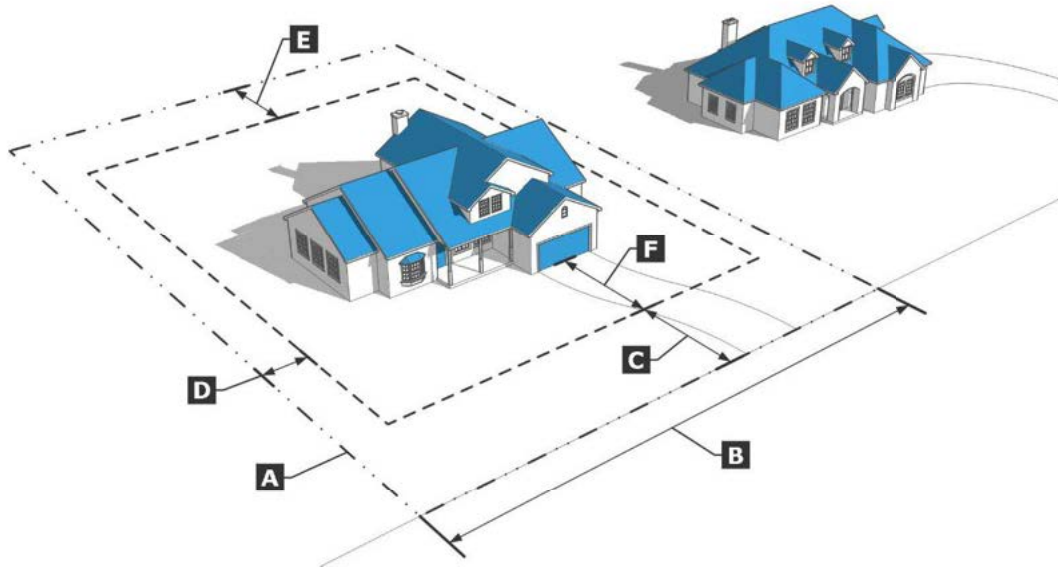


Table 2-6 LLR-0.5: Lot and Building Standards			
	<b>Lots</b>		
	Base density, maximum	2 du/acre	
<b>A</b>	Lot size, minimum	0.5 acre	
<b>B</b>	Lot width, minimum	100 ft	
	<b>Setbacks, minimum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
<b>C</b>	Front	30 ft	
<b>D</b>	Side	10 ft	
<b>E</b>	Rear	30 ft	30 ft/12 ft [1]
<b>F</b>	Street-facing garage	30 ft, measured from sidewalk or planned sidewalk to face of garage	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
	Height	45 ft	29 ft
	Stories	3	2
	<b>Other</b>		
	Building coverage, maximum	40%	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	
	Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

[1] The lower rear setback applies to any single-story accessory building/structure up to 16 feet in height. Other accessory buildings/structures shall comply with the higher rear setback.

**18.02.204 SF-3: Single-Family Residential<sup>46</sup>**

(a) **Purpose**

The SF-3 district is primarily intended to accommodate single-family detached residential uses. Secondary uses include parks, schools, community gardens, and home occupations. This zoning district functions as a transition from the large-lot zoning districts to the higher-intensity residential districts.

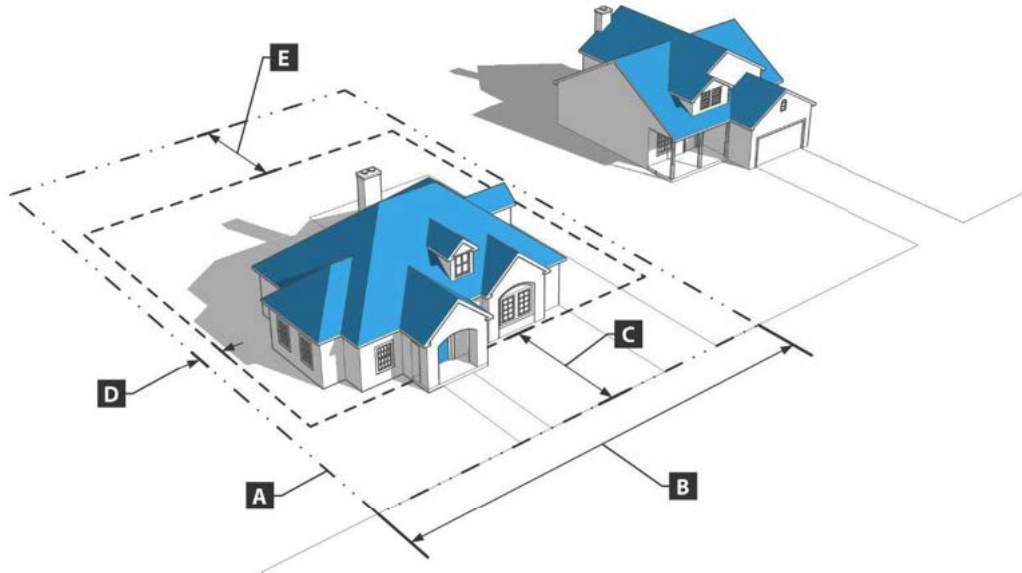


Table 2-7 SF-3: Lot and Building Standards			
	<b>Lots</b>		
	Base density, maximum	3 du/acre	
A	Lot size, minimum	15,000 sf	
B	Lot width, minimum	80 ft	
	<b>Setbacks, minimum [1]</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
C	Front	30 ft	[2]
D	Side	5 ft	5 ft
E	Rear	30 ft	30 ft/5 ft [3]
F	Street-facing garage	30 ft, measured from sidewalk or planned sidewalk to face of garage	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
	Height	35 ft	29 ft/16 ft/12 ft [4]
	Stories	2.5 <sup>47</sup>	[4]
	<b>Other</b>		
	Building coverage, maximum	40%	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	
	Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

<sup>46</sup> New name for the current SF15 district.

<sup>47</sup> Definition added for half-story – a partial top floor when the first floor elevation does not exceed 4 feet above average ground elevation.

**Table 2-7 SF-3: Lot and Building Standards**

[1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[2] All accessory structures shall be located behind the front face of the existing principal structure.

[3] The lower rear setback applies to any single-story accessory building/structure up to 16 feet in height. Other accessory buildings/structures shall comply with the higher rear setback.

[4] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.

**18.02.205 SF-5: Single-Family Residential<sup>48</sup>**

(a) **Purpose**

The SF-5 district is intended primarily to accommodate single-family detached residential uses. Secondary uses include parks, schools, community gardens, and home occupations. This zoning district functions as a transition from the large-lot zoning districts to the higher-intensity residential districts.

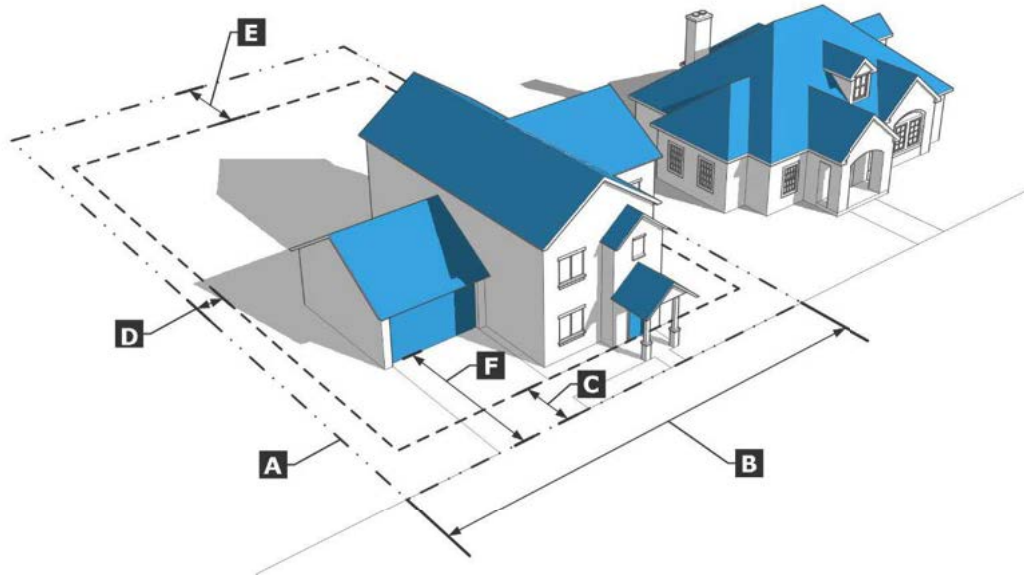


Table 2-8 SF-5: Lot and Building Standards			
	<b>Lot Standards</b>		
	Base density (maximum)	5 du/acre	
A	Lot size (minimum)	9,000 sf	
B	Lot width (minimum)	70 ft	
	<b>Setbacks (minimum)</b> [1]	<b>Principal Building</b>	<b>Accessory Structure</b>
C	Front <sup>49</sup>	10 ft	[2]
D	Side	5 ft	5 ft
E	Rear	20 ft	20 ft/5 ft [3]
F	Street-facing garage	20 ft measured from sidewalk or planned sidewalk to face of garage	30 ft, measured from sidewalk or planned sidewalk to face of garage
	<b>Height (maximum)</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
	Height	35 ft	29 ft/16 ft/12 ft [4]
	Stories	2.5 <sup>50</sup>	[4]
	<b>Other Standards</b>		
	Building coverage, maximum	40% of the lot or common open space shall be provided equal to 20% of the gross project area	
	Usable yard, minimum	400 sf with a max. slope of 7:1 and a minimum width of 8 ft	
	Accessory uses/structures	See Chapter 18.03 Article 4	

<sup>48</sup> New name for the current SF9 district.

<sup>49</sup> Current larger setbacks adjacent to arterials are not carried forward in the new code.

<sup>50</sup> Definition added for half-story – a partial top floor when the first floor elevation does not exceed 4 feet above average ground elevation.

**Table 2-8 SF-5: Lot and Building Standards**

	Site and building standards for residential districts	See Chapter 18.04 Article 9
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[2] All accessory structures shall be located behind the front face of the existing principal structure.

[3] The lower rear setback applies to any single-story accessory building/structure up to 16 feet in height. Other accessory buildings/structures shall comply with the higher rear setback.

[4] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.

**18.02.206 SF-8: Single-Family Residential<sup>51</sup>**

(a) **Purpose**

The SF-8 district is intended primarily to accommodate single-family detached residential uses. Secondary uses include parks, schools, community gardens, and home occupations. This district is appropriate in many locations and can function as a transition between larger lot single family districts and multi-family, mixed-use, or nonresidential districts.

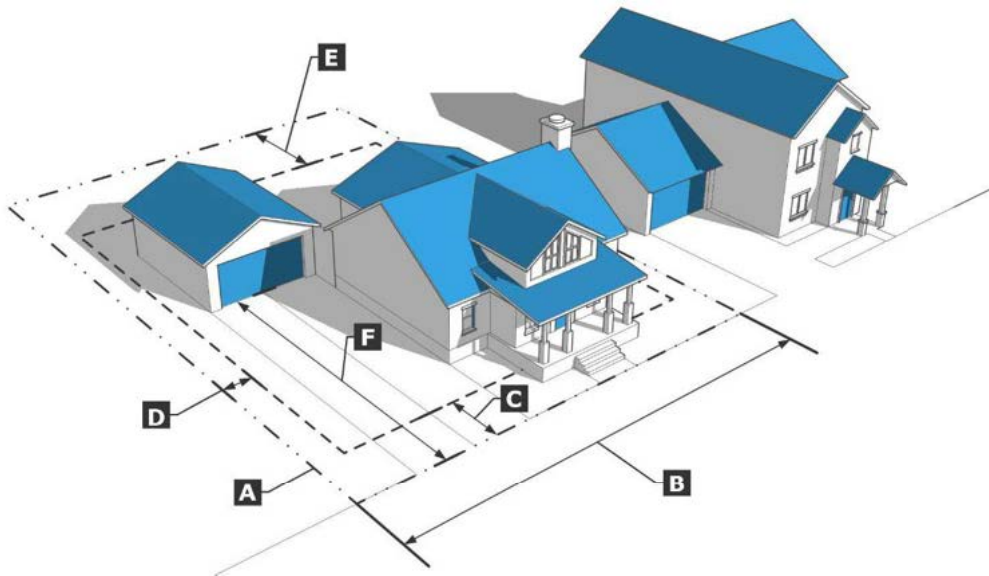


Table 2-9 SF-8: Lot and Building Standards			
	Lots	Corner Lot	Interior Lot
	Base density, maximum	8 du/acre	
A	Lot size, minimum	7,000 sf	6,000 sf
B	Lot width, minimum	70 ft	60 ft
	<b>Setbacks, minimum [1]</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
C	Front <sup>52</sup>	10 ft	[2]
D	Side	5 ft	5 ft
E	Rear	20 ft	20 ft/5 ft [3]
F	Street-facing garage	20 ft measured from sidewalk or planned sidewalk to face of garage	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
	Height	35 ft	29 ft/16 ft/12 ft [4]
	Stories	2.5 <sup>53</sup>	[4]
	<b>Other</b>		
	Building coverage, maximum	40% of the lot or common open space shall be provided equal to 20% of the gross project area	
	Usable yard, minimum	400 sf with a max. slope of 7:1 and a minimum width of 8 ft	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	

<sup>51</sup> New name for the current SF6 district.

<sup>52</sup> Current larger setbacks adjacent to arterials are not carried forward in the new code.

<sup>53</sup> Definition added for half-story – a partial top floor when the first floor elevation does not exceed 4 feet above average ground elevation.



**Table 2-9 SF-8: Lot and Building Standards**

	Development standards (parking, landscaping, etc.)	See 18.03.503(j)(3)
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**Notes:**

- [1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.
- [2] All accessory structures shall be located behind the front face of the existing principal structure.
- [3] The lower rear setback applies to any single-story accessory building/structure up to 16 feet in height. Other accessory buildings/structures shall comply with the higher rear setback.
- [4] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.

**18.02.207 SF-11: Single-Family Residential<sup>54</sup>**

(a) **Purpose**

The SF-11 district is primarily intended to accommodate single-family attached and detached residential uses. Secondary uses include parks, schools, community gardens, and home occupations. This district is considered appropriate on infill sites and in areas of minimal slope. In areas of significant slope (15 percent or more), its use is appropriate only to the extent that it results in the preservation of steep or difficult to develop land.



Table 2-10 SF-11: Lot and Building Standards			
	Lots	Corner Lot	Interior Lot
	Base density, maximum	11 du/acre	
A	Lot size, minimum	5,000 sf	4,000 sf
B	Lot width, minimum	50 ft	40 ft
	<b>Setbacks, minimum [1]</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
C	Front <sup>55</sup>	10 ft	[2]
D	Side	5 ft	5 ft
E	Rear	20 ft	20 ft/5 ft [3]
	Street-facing garage	20 ft measured from sidewalk or planned sidewalk to face of garage	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
	Height	30 ft	29 ft/16 ft/12 ft [4]
	Stories	2.5 <sup>56</sup>	[4]
	<b>Other</b>		
	Building coverage, maximum	40% of the lot or common open space shall be provided equal to 20% of the gross project area	
	Usable yard, minimum	400 sf with a max. slope of 7:1 and a minimum width of 8 ft	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	
	Development standards (parking, landscaping, etc.)	See 18.04	

<sup>54</sup> New name for the current SF4 district.

<sup>55</sup> Current larger setbacks adjacent to arterials are not carried forward in the new code.

<sup>56</sup> Definition added for half-story – a partial top floor when the first floor elevation does not exceed 4 feet above average ground elevation.

**Table 2-10 SF-11: Lot and Building Standards**

**Notes:**

[1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[2] All accessory structures shall be located behind the front face of the existing principal structure.

[3] The lower rear setback applies to any single-story accessory building/structure up to 16 feet in height. Other accessory buildings/structures shall comply with the higher rear setback.

[4] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.

**18.02.208 MF-14: Multi-Family Residential**

(a) **Purpose**

The MF-14 district is intended to accommodate single-family residential development and low-density multi-family residential development such as duplexes, triplexes, fourplexes, townhomes, and small multi-family buildings. Secondary uses include parks, schools, and community gardens. This zoning district is appropriate adjacent to single-family zoning and can serve as a transition to higher-intensity multi-family, mixed-use, and nonresidential districts.

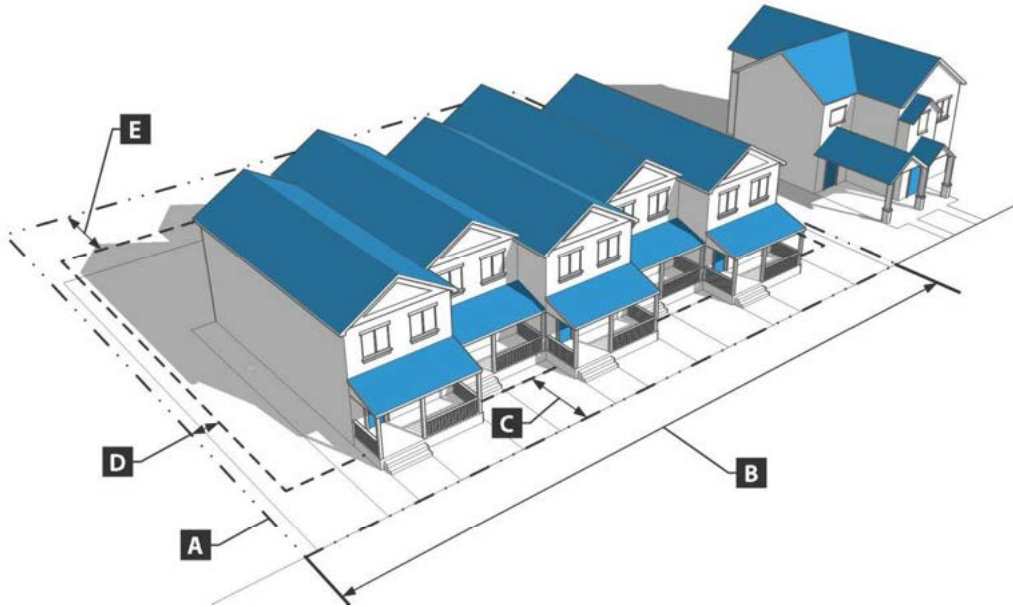


Table 2-11 MF-14: Lot and Building Standards			
Lots			
	Base density, maximum	1 du/3,000 sf	
A	Lot area, minimum	3,000 sf	
B	Lot width, minimum	40 ft (no minimum lot width for zero-lot line development)	
	<b>Setbacks, minimum [1]</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
C	Front <sup>57 58</sup>	10 ft	10 ft
D	Side	5 ft	5 ft
	Side (for a project with two or more units-side yard adjacent to SF zoned property)	10 ft	5 ft
	Side (for zero-lot-line development)	10 ft on one side and 0 ft on other	
E	Rear	20 ft/10 ft [2] [3]	20 ft/10 ft/5 ft
	Street-facing garage <sup>59</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage	
	Building separation	10 ft between principal buildings <sup>60</sup>	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>

<sup>57</sup> Minimum front setbacks proposed to change from current 15 feet to 10 feet (consistent with SF districts).

<sup>58</sup> Current larger setbacks adjacent to arterials are not carried forward in the new code.

<sup>59</sup> Added standard to be consistent with SF district.

<sup>60</sup> Building separation for larger buildings reduced based on public input.

Table 2-11 MF-14: Lot and Building Standards			
	Height	35 ft	29 ft/16 ft/12 ft [4]
	Stories	2.5 <sup>61</sup>	[4]
	<b>Other</b>		
	Usable open space, minimum	100 sf/du	
	Usable yard, minimum	400 sf with a max. slope of 7:1	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	
	Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

[1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[2] The rear yard shall be a minimum of 20 feet for each parcel with a minimum useable rear yard of 400 sf and a maximum slope of seven to one (7:1) one foot (rise) to seven feet (run).

[3] The rear yard for each parcel may be 10 feet if one side of the yard is at least 20 feet wide and contains a minimum of 400 sf having a maximum slope of seven to one (7:1).

[4] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.

<sup>61</sup> Increased from 2 stories to 2.5 stories to allow for greater consistency with SF district. Definition added for half-story – a partial top floor when the first floor elevation does not exceed 4 feet above average ground elevation.

**18.02.209 MF-21: Multi-Family Residential**

(a) **Purpose**

The MF-21 district is intended to accommodate multi-family residential development, as well as duplexes, triplexes, fourplexes, townhomes, and single-family residential uses. Secondary uses include neighborhood-serving limited commercial and retail, parks, schools, and community gardens. Additional district standards ensure that amenities such as open space are provided to offset the increased residential densities. This district is appropriate adjacent to other multi-family, single-family mixed-use, and nonresidential districts.

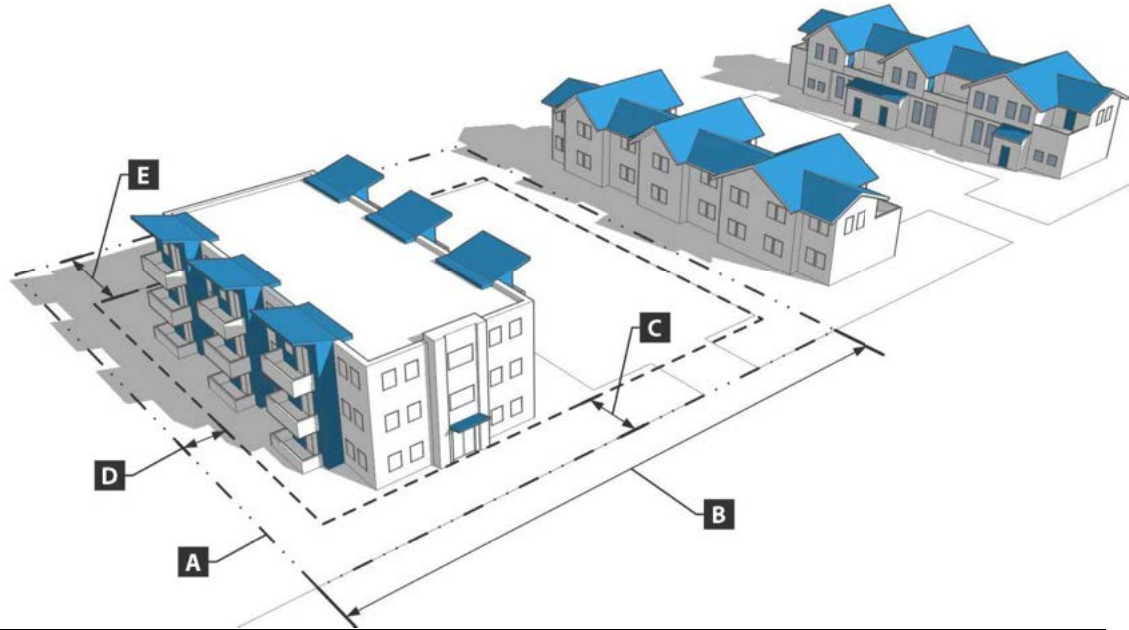


Table 2-12 MF-21: Lot and Building Standards			
	<b>Lots</b>		
	Base density, maximum	1 du/2,000 sf	
<b>A</b>	Lot size, minimum	3,000 sf	
<b>B</b>	Lot width, minimum	50 ft (no minimum lot width for zero-lot line development)	
	<b>Setbacks, minimum [1]</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
<b>C</b>	Front <sup>62</sup>	15 ft [2]	15 ft [2]
<b>D</b>	Side	5 ft	5 ft
	Side (for a project with two or more units and side yard adjacent to SF zoned property)	10 ft	10 ft
	Side (for zero-lot-line development)	10 ft on one side and 0 ft on other	
<b>E</b>	Rear	10 ft	5 ft
	Street-facing garage <sup>63</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage	
	Building separation	10 ft between principal buildings <sup>64</sup>	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
	Height	45 ft	29 ft/16 ft/12 ft [3]

<sup>62</sup> Current larger setbacks adjacent to arterials are not carried forward in the new code.

<sup>63</sup> Added standard to be consistent with SF district.

<sup>64</sup> Building separation for larger buildings reduced based on public input.

Table 2-12 MF-21: Lot and Building Standards		
Stories	3	[3]
<b>Other</b>		
Usable open space, minimum	100 sf/du	
Accessory uses/structures	See Chapter 18.03 Article 4	
Site and building standards for residential districts	See Chapter 18.04 Article 9	
Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

[1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces backing onto the alley.

[2] A 10-foot front setback is permitted if the site is designed in accordance with the stepback standards of Subsection 18.04.903(c)(1), *Additional Setbacks and Stepbacks for Compatibility*.<sup>65</sup>

[3] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.

<sup>65</sup> Updated to allow smaller buildings to have a reduced front yard setbacks with the design is consistent with standards for lower intensity districts.



**18.02.2010 MF-30: Multi-Family Residential**

(a) **Purpose**

The MF-30 district is intended to provide multi-family residential development and limited commercial and retail uses. Secondary uses include duplexes, triplexes, fourplexes, townhomes, single-family residential uses, parks, and schools. Additional district standards ensure that amenities such as open space are provided to offset the increases residential densities. This district is appropriate adjacent to other multi-family, single-family mixed-use, and nonresidential districts.

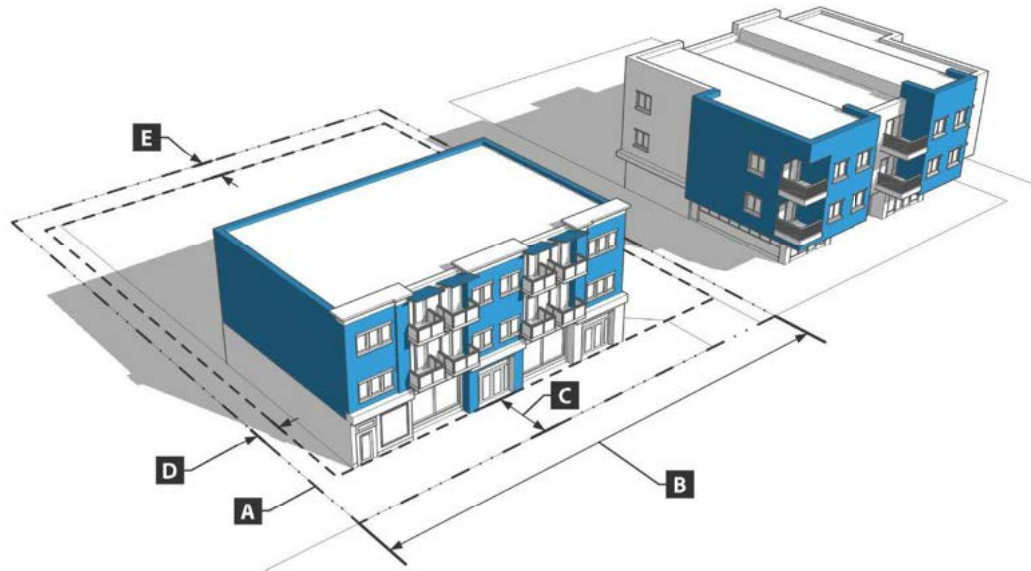


Table 2-13 MF-30: Lot and Building Standards			
	<b>Lots</b>		
	Base density, maximum	1du/1,450 sf	
A	Lot size, minimum	3,000 sf	
B	Lot width, minimum	50 ft (no minimum lot width for zero-lot line development)	
	<b>Setbacks, minimum [1]</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
C	Front <sup>66</sup>	15 ft [2] [3]	15 ft [2] [3]
D	Side	5 ft	5 ft
	Side (for a project with two or more units-side yard adjacent to SF zoned property)	10 ft	10 ft
	Side (zero-lot-line development)	10 ft on one side and 0 ft on other	5 ft
E	Rear	10 ft	5 ft <sup>67</sup>
	Street-facing garage <sup>68</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage	
	Building separation	10 ft between principal buildings <sup>69</sup>	
	<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory <sup>70</sup>Structure</b>
	Height	45 ft	29 ft/16 ft/12 ft [4]

<sup>66</sup> Current larger setbacks adjacent to arterials are not carried forward in the new code.

<sup>67</sup> Currently 10 feet

<sup>68</sup> Added standard to be consistent with SF district.

<sup>69</sup> Building separation reduced for larger buildings based on public input.

<sup>70</sup> Moved from current Section 18.08.203.

Table 2-13 MF-30: Lot and Building Standards			
	Stories	3	[4]
	<b>Other</b>		
	Usable open space, minimum	100 sf/du	
	Accessory uses/structures	See Chapter 18.03 Article 4	
	Site and building standards for residential districts	See Chapter 18.04 Article 9	
	Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

[1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces backing onto the alley.

[2] A 10-foot front setback is permitted if the site is designed in accordance with the stepback standards of Subsection 18.04.903(c)(1), *Additional Setbacks and Stepbacks for Compatibility*.<sup>71</sup>

[3] On lots with a principal single-family use, accessory structures are prohibited in the area between a front property line and a principal structure

[4] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.<sup>72</sup>

<sup>71</sup> Updated to allow smaller buildings to have a reduced front yard setbacks with the design is consistent with standards for lower intensity districts.

<sup>72</sup> Sections 18.02.2012 – 2013 from the initial draft have been moved to Chapter 18.04, Article 8.

## Article 3 Mixed-Use Districts

### Commentary

This article establishes a consolidated set of mixed-use base districts to streamline and simplify the city's current approach to mixed-use districts.<sup>73</sup>

The Mixed-Use districts are intended to replace the existing regional center and TOD corridor overlays as a way to more consistently administer development standards. The new districts consolidate similar districts, eliminate obsolete districts, and implement the Master Plan. The existing office and commercial districts are retained and classified as mixed-use districts. Development in the Mixed-Use Districts will utilize development standards in Chapter 18.04 Article 10 *Site and Building Standards for Mixed-Use Districts*.

Where current standards are consistent with the Master Plan and are working well, they have been carried forward and incorporated as part of the new base districts. Where changes to current standards were proposed as part of the Master Plan (e.g., adjustments to minimum and maximum densities), these proposed changes are reflected with notations.

Existing location-specific standards (e.g., setbacks that vary based on street) have been adjusted where applicable to generally reflect the districts established by the Downtown Action Plan (and carried forward by the Master Plan).

As noted earlier, the ultimate goal is to get each district on one page; that will be achieved after resolving e outstanding questions on the notes/footnotes and removing that detail.

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<sup>73</sup> In a few cases, areas that were included in regional centers and TOD corridors were not given mixed-use land use designations in the updated Master Plan. Where this is true, the underlying zoning for these parcels will need to be revised from Mixed-Use (MU) to the appropriate conforming zoning district based on the land use designation given (for instance, an area zoned MU but given a single-family neighborhood land use designation should have its zoning changed from MU to the appropriate SF zone based on its density and lot size).

**18.02.301 MD-ED: Downtown - Entertainment District<sup>74</sup>**

**(a) Purpose**

The MD-ED district is intended to support the most intensive transit-supportive development within the downtown regional center and the region as a whole. The MD-ED district functions as the 24-hour gaming area, as facilitated by the Gaming Overlay District, and includes major hotel-casinos and cultural/entertainment/recreational facilities, as well as retail, restaurants, high-density residential, and urban open spaces. Active uses are focused along Virginia Street, Sierra Street, 2nd Street, Commercial Row, and 4th and 5th Streets.

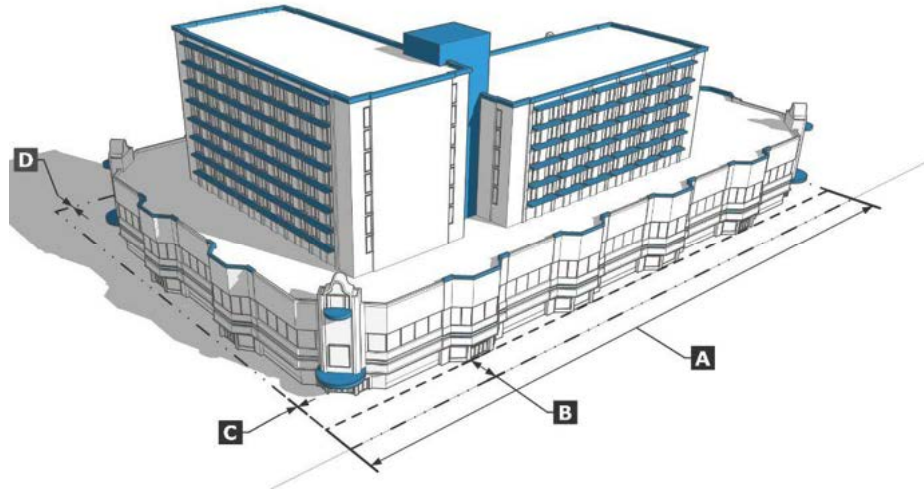


Table 2-14 MD-ED: Lot and Building Standards		
	<b>General Standards</b>	
<b>A</b>	Lot width, minimum	30 ft
	FAR, minimum	3.0 [1]
	FAR, maximum	--
	Density, minimum	45 du/acre [1]
	Density, maximum	--
	<b>Setbacks, minimum</b>	
<b>B</b>	Front (Virginia Street and Fourth Street)	18 ft [2]
<b>B</b>	Front (All other streets)	12 ft [2] [3]
<b>C</b>	Side	0 ft / 5 ft <sup>75</sup> [3] [4]
<b>D</b>	Rear	0 ft / 5 ft [3] [4]
	Rear (Porches/Canopies)	5 ft
	Street-facing garage <sup>76</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage
	Building separation	10 ft between principal buildings
	<b>Height, maximum</b>	
	Height	--
	Stories	--
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4

<sup>74</sup> Standards from 18.08.301 MU base district and 18.08.16A DRRC overlay (Entertainment District) unless otherwise noted.

<sup>75</sup> New wording attempts to clarify existing ambiguous standard. Rear setback lowered from 10 to 5 feet.

<sup>76</sup> Added standard to be consistent with residential districts.

**Table 2-14 MD-ED: Lot and Building Standards**

	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in MD districts in Section 18.04.1003(a)(4).

[2] See general standards for front setbacks in MD districts in Section 18.04.1003(a)(2).

[3] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[4] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 5 feet.

**18.02.302 MD-ID: Downtown - Innovation District<sup>77</sup>**

(a) **Purpose**

The MD-ID district is intended support the district’s transition into a mixed-use and light-manufacturing environment while retaining its eclectic character. The MD-ID district may include a range of employment uses, such as small-scale manufacturing, processing, wholesaling, office, and flex-space, as well as supporting uses like retail, restaurants, cultural facilities, high-density residential, and live/work.

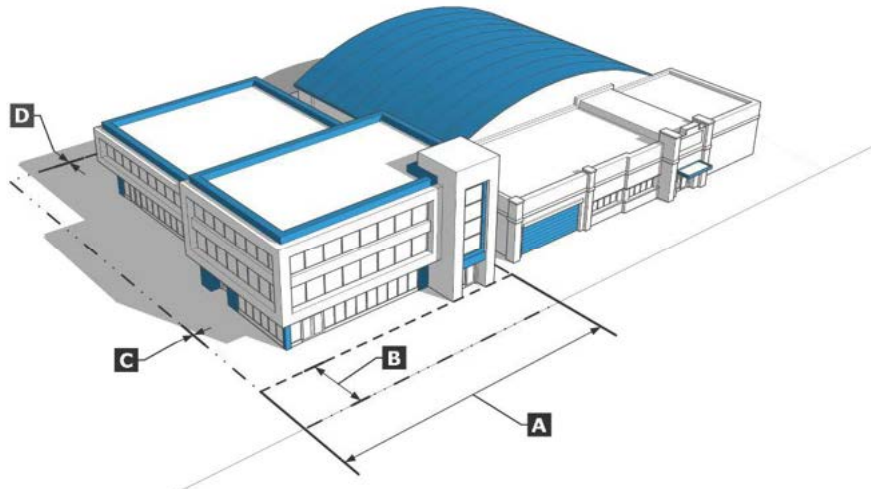


Table 2-15 MD-ID: Lot and Building Standards		
	<b>General Standards</b>	
<b>A</b>	Lot width, minimum	30 ft
	FAR, minimum	2.0 [1]
	FAR, maximum	--
	Density, minimum	30 du/acre [1]
	Density, maximum	--
	<b>Setbacks, minimum</b>	
<b>B</b>	Front (Fourth Street)	18 ft [2]
<b>B</b>	Front (All other streets)	12 ft [2] [3]
<b>C</b>	Side	0 ft / 5 ft <sup>78</sup> [3] [4]
<b>D</b>	Rear	0 ft/ 5 ft [3] [4]
	Street-facing garage <sup>79</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage
	Rear (porches/canopies)	5 ft
	Building separation	10 ft between principal buildings
	<b>Height, maximum</b>	
	Height	--
	Stories	--
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

<sup>77</sup> Standards from current Sections 18.08.301 MU base district and 18.08.16A DRRC overlay (Wells Avenue District) unless otherwise noted.

<sup>78</sup> New wording attempts to clarify existing ambiguous standard. Rear setback lowered from 10 to 5 feet.

<sup>79</sup> Added standard to be consistent with residential districts.

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**Notes:**

[1] See general standards for density in MD districts in Section 18.04.1003(a)(4).

[2] See general standards for front setbacks in MD districts in Section 18.04.1003(a)(2)

[3] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[4] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 5 feet.



**18.02.303 MD-NW: Downtown - Northwest Quadrant<sup>80</sup>**

**(a) Purpose**

The MD-NW district is intended to support the expansion of services and housing in downtown. Primary uses include a mix of employment uses, service-oriented, and residential uses. Gaming is also permitted in a limited portion of the MD-NW district, generally north of 5<sup>th</sup> Street, South of I-80, east of Keystone Avenue, and west of Vine.



**Table 2-16 MD-NW: Lot and Building Standards**

General Standards		
<b>A</b>	Lot width, minimum	30 ft
	FAR, minimum	2.0 [1]
	FAR, maximum	--
	Density, minimum	30 du/acre [1]
	Density, maximum	--
Setbacks, minimum		
<b>B</b>	Front (Fourth Street)	18 ft [2]
<b>B</b>	Front (All other streets)	12 ft [2] [3]
<b>C</b>	Side	0 ft/ 5 ft <sup>81</sup> [3] [4]
<b>D</b>	Rear	0 ft/ 5 ft [3] [4]
	Street-facing garage <sup>82</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage
	Rear (Porches/Canopies)	5 ft
	Building Separation	10 ft between primary buildings
Height, maximum		
	Height	--
	Stories	--
Other		
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in MD districts in Section 18.04.1003(a)(4).

<sup>80</sup> Standards from current Sections 18.08.301 MU base district and 18.08.16A DRRC overlay (Key Stone Avenue District) unless otherwise noted.

<sup>81</sup> New wording attempts to clarify existing ambiguous standard. Rear setback lowered from 10 to 5 feet.

<sup>82</sup> Added standard to be consistent with residential districts.

## Chapter 18.02 Zoning Districts

### Article 3 Mixed-Use Districts

18.02.303 MD-NW: Downtown - Northwest Quadrant79F

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[2] See general standards for front setbacks in MD districts in Section 18.04.1003(a)(2)

[3] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[4] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 5 feet.

**18.02.304 MD-RD: Downtown - Riverwalk District<sup>83</sup>**

**(a) Purpose**

The MD-RD district is intended to support the downtown regional center with a particular focus along the Truckee River frontage, which serves as a major resource and amenity to the community. Minimum densities are applied to support the use of transit and other alternative modes. Primary uses include a mix of employment uses, retail, and cultural facilities, and high-density residential. This district transitions in height and intensity south of the Truckee River where it abuts adjacent central neighborhoods.

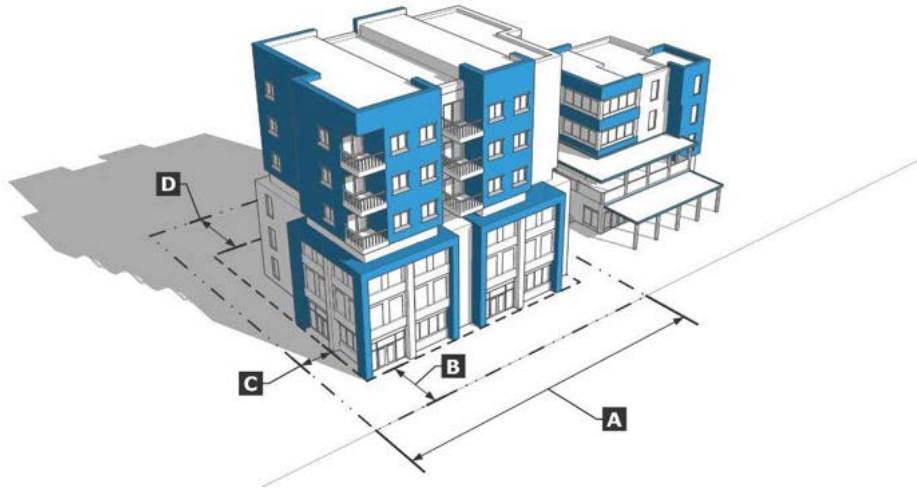


Table 2-17 MD-RD: Lot and Building Standards		
General Standards		
A	Lot width, minimum	30 ft
	FAR, minimum	1.0 [1]
	FAR, maximum	--
	Density, minimum	21 du/acre [1]
	Density, maximum	--
Setbacks, minimum		
B	Front (Virginia Street)	18 ft [2]
B	Front (All other streets)	12 ft [2] [3]
C	Side	0 ft / 5 ft <sup>84</sup> [3] [4]
D	Rear	0 ft / 5 ft [3] [4]
	Street-facing garage <sup>85</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage
	Rear (Porches/Canopies)	5 ft
	Setback from Truckee River	See Section 18.04.101(d) <sup>86</sup>
	Building separation	10 ft between primary buildings
Height, maximum		
	Height	See Section 18.04.1004 <sup>87</sup>
	Stories	--

<sup>83</sup> Standards from current Sections 18.08.301 MU base district and 18.08.16A DRRC overlay (Wells Avenue District) unless otherwise noted.

<sup>84</sup> New wording attempts to clarify existing ambiguous standard. Rear setback lowered from 10 to 5 feet.

<sup>85</sup> Added standard to be consistent with residential districts.

<sup>86</sup> Carries forward current Section 18.12.105 and Table 18.08-16A2.

<sup>87</sup> Carries forward Table 18.08-16A2.

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### Article 3 Mixed-Use Districts

18.02.304 MD-RD: Downtown - Riverwalk District82F

	Other	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in MD districts in Section 18.04.1003(a)(4).

[2] See general standards for front setbacks in MD districts in Section 18.04.1003(a)(2)

[3] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[4] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 5 feet.

**18.02.305 MD-UD: Downtown - University District<sup>88</sup>**

(a) **Purpose**

The MD-UD district is intended to support the expansion of university-supportive uses south of the UNR campus. The MU-UD district supports a mix of student housing, educational facilities, ground floor retail, innovation and research uses, and related uses; however, the overall mix and location of uses in the district should consider the University of Nevada Reno Campus Master Plan. Cannabis and gaming establishments (including accessory) are prohibited.

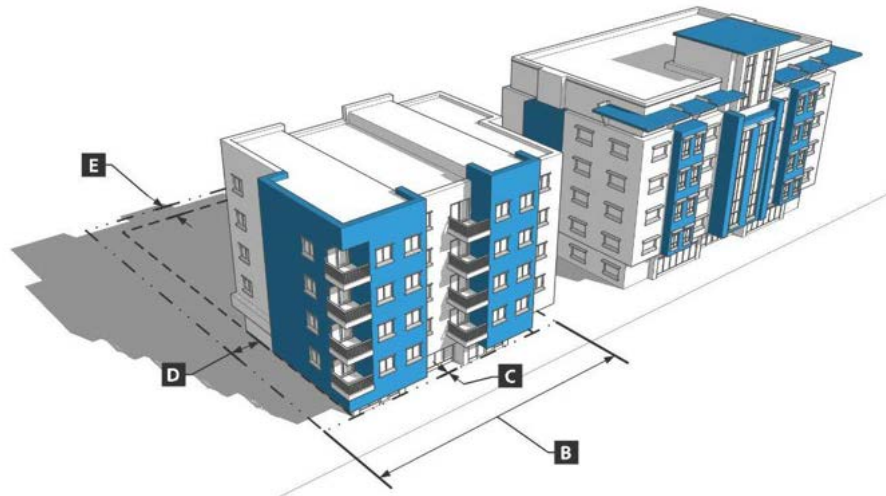


Table 2-18 MD-UD: Lot and Building Standards		
	<b>General Standards</b>	
<b>A</b>	Lot width, minimum	30 ft
	FAR, minimum	3.0 [1]
	FAR, maximum	4.0, additional FAR allowed for buildings that do not exceed 0.5 FAR per story [1] <sup>89</sup>
	Density, minimum	--
	Density, maximum	--
	<b>Setbacks, minimum</b>	
	Build-to Zone <sup>90</sup>	0-15 ft from setback to building; greater setback allowed to accommodate pedestrian amenities or plazas
<b>B</b>	Front (Virginia Street)	18 ft [2]
<b>B</b>	Front (Other streets)	12 ft [2] [3]
<b>C</b>	Side	0 ft / 5 ft <sup>91</sup> [3] [4]
<b>D</b>	Rear	0 ft / 5 ft [3] [4]
	Street-facing garage <sup>92</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage
	Rear (Porches/Canopies)	5 feet
	Building separation	10 feet between primary buildings
	<b>Height, maximum</b>	
	Height	--

<sup>88</sup> Standards from current 18.08.301 MU base district, 18.08.16A DRRC overlay (Wells Avenue District), and 18.08.405 (UNR Regional Center Planning Area Overlay District) unless otherwise noted.

<sup>89</sup> Added allowance for additional FAR for buildings that cover less of the lot area based on public comment.

<sup>90</sup> New based on Master Plan DTRC-UD.4: Relationship of Buildings to Street. Updated to provide flexibility and incentivize pedestrian amenities.

<sup>91</sup> New wording attempts to clarify existing ambiguous standard. Rear setback lowered from 10 to 5 feet.

<sup>92</sup> Added standard to be consistent with residential districts.

## Chapter 18.02 Zoning Districts

### Article 3 Mixed-Use Districts

18.02.305 MD-UD: Downtown - University District87F

	Stories	--
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in MD districts in Section 18.04.1003(a)(4).

[2] See general standards for front setbacks in MD districts in Section 18.04.1003(a)(2)

[3] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[4] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to a residentially zoned property, the minimum setback shall be 5 feet.

**18.02.306 MD-PD: Downtown - Powning District<sup>93</sup>**

**(a) Purpose**

The MD-PD district is intended to protect the historic character of this neighborhood within the downtown regional center. Primary uses include single-family homes, multi-family homes, offices, and retail uses.



Table 2-19 MD- PD: Lot and Building Standards			
General Standards <sup>94</sup>			
A	Lot Width, minimum	50 ft	
	Lot size, minimum	4,750 sf	
	FAR, minimum	--	
	FAR, maximum	1.5 [1] [2]	
	Density, minimum	--	
	Density, maximum	21 du/acre [1] [3]	
Setbacks, minimum		Principal Building	Accessory Structure
B	Front <sup>95</sup>	12 ft, and 3 ft from sidewalk or planned sidewalk [4]	12 ft, and 3 ft from sidewalk or planned sidewalk [4]
C	Side	5 ft [5]	5 ft [5]
D	Rear	20 ft [5]	5 ft [5]

<sup>93</sup> Formerly included as part of Keystone Avenue and California Avenue Districts. Both the Downtown Action Plan and Master Plan define as a standalone district with a distinct, more residentially-oriented character, although it is located within the Downtown Regional Center. As a result, standards are similar to the MF-14 and MF-21 districts, with additional non-residential uses allowed. This is a significant reduction in intensity compared to the current MU district standards.

<sup>94</sup> Standards were updated from earlier drafts to better reflect conditions on the ground, per Master Plan policy. Staff reviewed public input and conducted an analysis of existing neighborhood details. The most noteworthy adjustment is to provide opportunities for taller building and greater intensity in transition areas east of or fronting Ralston Street or fronting Second Street. The core of the district retains intensity reductions similar to prior drafts. Lot standards are based on historic platting (50' width and 4,750-7,000 sf lots). A few smaller lots exist and would not be allowed moving forward. Residential accessory structure and height/setback standards are also applied to this district.

<sup>95</sup> Setback updated because setbacks in MD districts are measure from curb, not property line. Added sidewalk setback to address wide range of sidewalk locations (sometimes up to 18 ft., but sometimes much less).

**Chapter 18.02 Zoning Districts**

**Article 3 Mixed-Use Districts**

18.02.306 MD-PD: Downtown - Powning District92F

Street-Facing Garage	20 ft measured from sidewalk or planned sidewalk to face of garage	
<b>Height, maximum</b>	<b>Principal Building</b>	<b>Accessory Structure</b>
Height	40 ft [6]	16 ft/29 ft/12 ft [6]
Stories	2.5	[7]
<b>Other</b>		
Building coverage, maximum	50%, or common open space shall be provided equal to at least 20% of the gross floor area [8] <sup>96</sup>	
Usable yard, minimum	400 sf with a maximum slope of 7:1 and a minimum width of 8 ft	
Accessory uses/structures	See Chapter 18.03 Article 4	
Site and building standards for mixed-use districts	See Chapter 18.04 Article 10	
Development standards (parking, landscaping, etc.)	See 18.04	

**Notes:**

[1] See general standards for density in MD districts in Section 18.04.1003(a)(4).

[2] FAR may be increased for east of or fronting Ralston Street or fronting Second Street.

[3] Maximum density is 45 du/acre for parcels fronting Second Street or fronting and west of Ralston Street. No maximum density between Ralston and Arlington streets.

[4] See general standards for front setbacks in MD districts in Section 18.04.1003(a)(2)

[5] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors.

[6] Maximum height is 65 for parcels fronting Second Street or fronting and west of Ralston Street. Maximum height is 105 feet between Ralston and Arlington streets.

[7] 29 feet maximum for a single accessory building on each lot; 16 feet maximum for one-story residential garage or carport; 12 feet maximum for all other accessory structures.

[8] Maximum building coverage may be increased for parcels east of or fronting Ralston Street or fronting Second Street.

<sup>96</sup> Building coverage standard updated following public outreach to reflect established development pattern.



**18.02.307 MU: Mixed-Use Urban<sup>97</sup>**

**(a) Purpose**

The MU district is intended to promote an urban pattern of mixed-use development. The MU district is located adjacent to existing/planned high-frequency transit corridors, or where higher pedestrian activity is desired. The district accommodates an integrated mix of higher-density residential, commercial, retail, employment, and other service-oriented uses. Higher-intensity uses are located adjacent to designated Urban Corridors (Virginia Street, Fourth Street, Mill Street and Plumb Lane), with lower intensities near the adjacent residential districts.

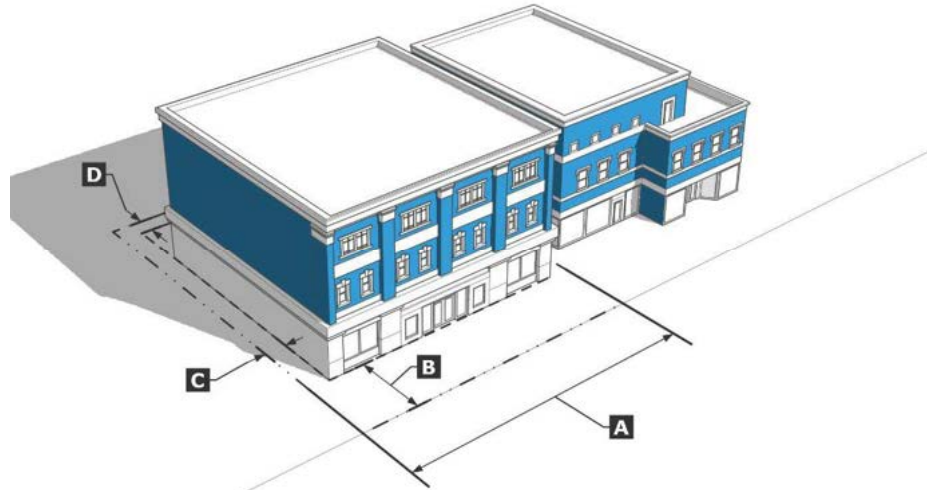


Table 2-20 MU: Lot and Building Standards		
	<b>General Standards</b>	
<b>A</b>	Lot Width, minimum	30 ft
	FAR, minimum	Abutting Virginia Street and Fourth Street: 0.75 [1] Abutting other streets: 0.25 [1]
	FAR, maximum	--
	Density, minimum	Abutting Virginia Street and Fourth Street: 18 du/acre [1] Abutting other streets: --
	Density, maximum	--
	<b>Setbacks, minimum</b>	
<b>B</b>	Front (Virginia Street and Fourth Street)	18 ft [2]
	Front (Other streets)	12 ft [2]
<b>C</b>	Side	0 ft / 5 ft [3] [4]
<b>D</b>	Rear	0 ft / 5 ft [3] [4]
	Street-Facing Garage	20 ft measured from sidewalk or planned sidewalk to face of garage
	Building Separation	10 feet between principal buildings
	<b>Height, maximum</b>	
<b>H</b>	Height	-- [5]
	Stories	--
	<b>Other</b>	

<sup>97</sup> New district for areas designated in the “Urban Mixed-Use” in the Master Plan. Includes the following existing districts: East 4<sup>th</sup> St Transit Corridor (E4TC); West 4<sup>th</sup> Street Transit Corridor (W4TC); Mill Street Transit Corridor (MSTC); River Landing at Mill (RLM – Grand Sierra Resort); Medical Center Regional Center (MRC); Convention Center – General Mixed-Use (CRC-GMU); Convention Regional Center – Tourist Commercial (CRC-TC); S. Virginia Street Transit Corridor (SVTC) Moana-Holcomb (for parcels adjacent to Virginia St); SVTC Moana-Holcomb (for other parcels); SVTC- Plumb Lane Crossing (SVTC-PLC).

**Table 2-20 MU: Lot and Building Standards**

Accessory uses/structures	See Chapter 18.03 Article 4
Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in the MU district in Section 18.04.1003(a)(4).

[2] See general standards for front setbacks in the MU district in Section 18.04.1003(a)(2)

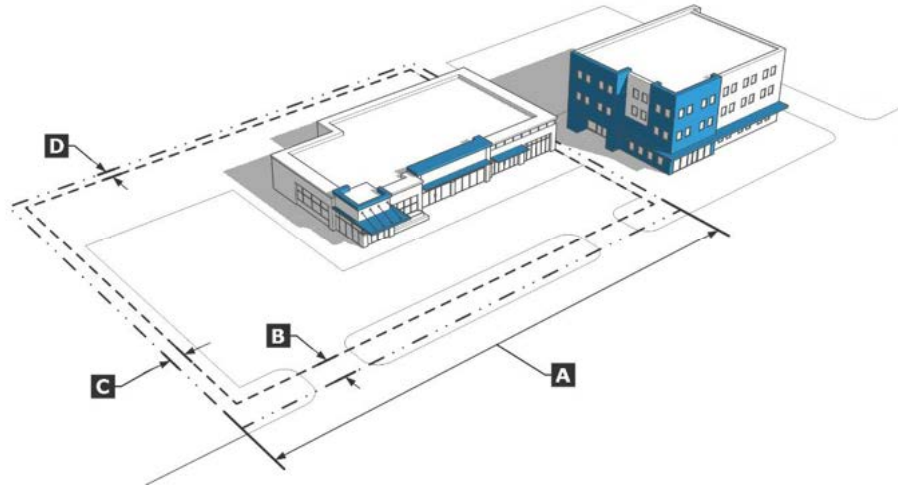
[3] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley. [4] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 5 feet.

[5] Site Plan review required for building greater than 85 feet.

**18.02.308 MS: Mixed-Use Suburban<sup>98</sup>**

**(a) Purpose**

The MS district is intended to accommodate a mix of low-intensity, auto-oriented uses, while supporting the gradual transition of the city’s suburban corridors to a mix of higher-density residential, retail, commercial, and other employment- and service-oriented uses.



**Table 2-21 MS: Lot and Building Standards**

General Standards <sup>99</sup>		
<b>A</b>	Lot Width, minimum	50 ft
	FAR, minimum	--
	FAR, maximum	--
	Density, minimum	--
	Density, maximum	--
Setbacks, minimum		
<b>B</b>	Front	10 ft [1]
<b>C</b>	Side	0 ft / 5 ft [1] [2]
<b>D</b>	Rear	0 ft / 5 ft [1] [2]
	Street-Facing Garage <sup>100</sup>	20 ft measured from sidewalk or planned sidewalk to face of garage
	Building Separation	10 ft between principal buildings
Height, maximum		
	Height	-- [3]
	Stories	--
Other		
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

<sup>98</sup> Includes the South Virginia Transit Corridor (SVTC) –south section; Redfield Regional Center-Tourist Commercial (RRC-TC); Redfield Regional Center – General Commercial/Academic (RRC-GC/A); and West 4<sup>th</sup> Street Transit Corridor (W4TC).

<sup>99</sup> Master Plan specifies that while no minimum density is required, concentrated nodes of higher-intensity development are encouraged at major intersections and near existing or planned transit stations. This will be addressed through development standards in Module 2.

<sup>100</sup> Added standard to be consistent with residential districts.

## Chapter 18.02 Zoning Districts

### Article 3 Mixed-Use Districts

18.02.308 MS: Mixed-Use Suburban97F

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[1] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley. [2] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 5 feet.

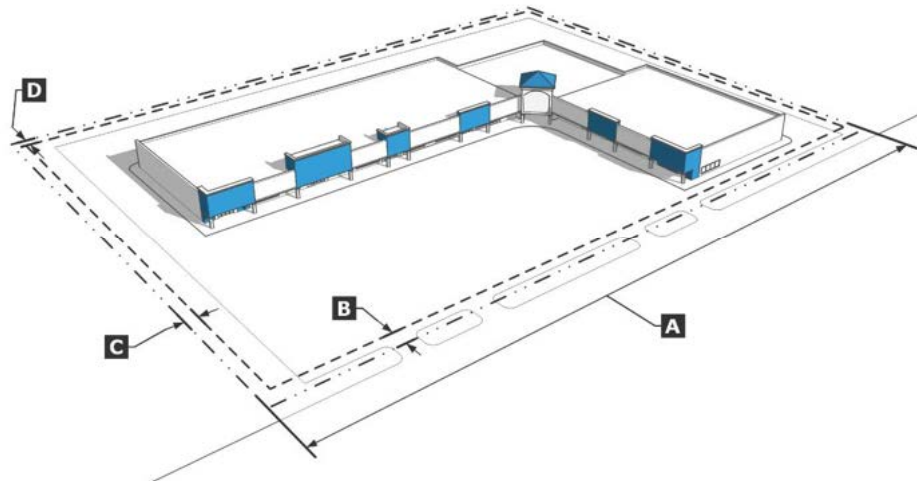
[3] Site Plan review required for buildings over 55 ft.

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**18.02.309 GC: General Commercial<sup>101</sup>**

**(a) Purpose**

The GC district is intended to accommodate a mix of established low-intensity auto-oriented uses, while supporting the gradual transition of the city’s suburban corridors to a mix of higher-density residential, retail, commercial, and other employment- and service-oriented uses.



**Table 2-22 GC: Lot and Building Standards**

General Standards		
<b>A</b>	Lot Width, minimum	50 ft
	FAR, minimum	--
	FAR, maximum	--
	Density, minimum	--
	Density, maximum	45 du/acre [1]
Setbacks, minimum		
<b>B</b>	Front	10 ft [2]
<b>C</b>	Side	10 ft [2] [3]
<b>D</b>	Rear	10 ft [2] [3]
	Street-Facing Garage	20 ft measured from sidewalk or planned sidewalk to face of garage
	Building Separation	10 ft between principal buildings
Height, maximum		
	Height	65 ft [4]
	Stories	5
Other		
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in mixed-use districts in Section 18.04.1003(a)(4).

[2] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

<sup>101</sup> General Commercial is a complement to the new Suburban Mixed-Use District. This district would consolidate AC and CC, to allow more established auto-oriented commercial centers to be carried forward. The 45 du/acre is from the 2019 regional plan.

## Chapter 18.02 Zoning Districts

### Article 3 Mixed-Use Districts

18.02.309 GC: General Commercial100F

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[3] The building shall be either placed on the property line or set back a minimum of 10 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 10 feet.

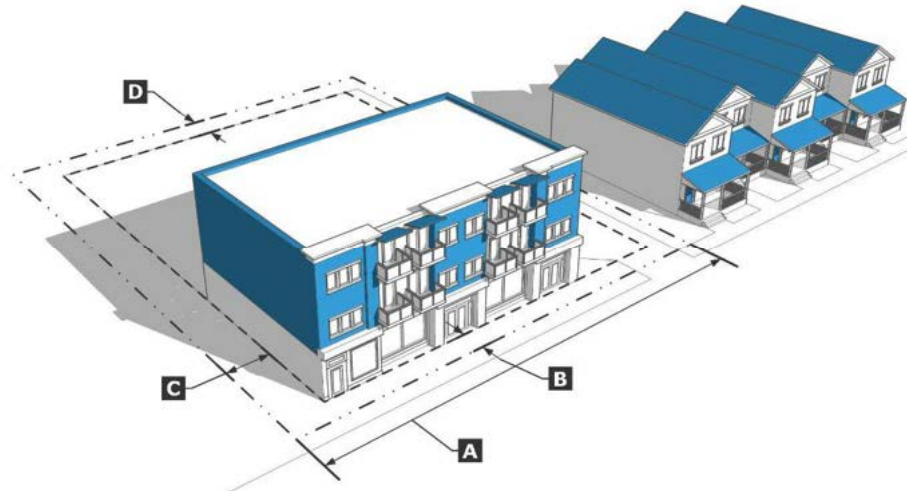
[4] One foot of additional step back is required for each one foot above the height of 35 feet.

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**18.02.3010 NC: Neighborhood Commercial<sup>102</sup>**

**(a) Purpose**

The NC district is intended to promote a mix of pedestrian-oriented commercial, retail, services, and housing options. Additional standards are included to ensure that the site design, uses, and scale are consistent with the adjacent neighborhoods.



**Table 2-23 NC: Lot and Building Standards**

General Standards		
A	Lot Width, minimum	50 ft
	FAR, minimum	--
	FAR, maximum	1.5 [1]
	Density, minimum	--
	Density, maximum	30 du/acre [1]
Setbacks, minimum		
B	Front	10 ft [2]
C	Side	0 ft / 10 ft [2] [3]
D	Rear	0 ft / 10 ft [2] [3]
	Street-Facing Garage	20 ft measured from sidewalk or planned sidewalk to face of garage
	Building Separation	10 ft between principal buildings
Height, maximum		
	Height	35 ft
	Stories	3
Other		
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in mixed-use districts in Section 18.04.1003(a)(4).

[2] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

<sup>102</sup> Revised district carrying forward the existing Neighborhood Commercial (NC) district and incorporates elements from the Mixed-Use (MU) district..

## Chapter 18.02 Zoning Districts

### Article 3 Mixed-Use Districts

18.02.3010 NC: Neighborhood Commercial101F

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[3] The building shall be either placed on the property line or set back a minimum of 10 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 10 feet.

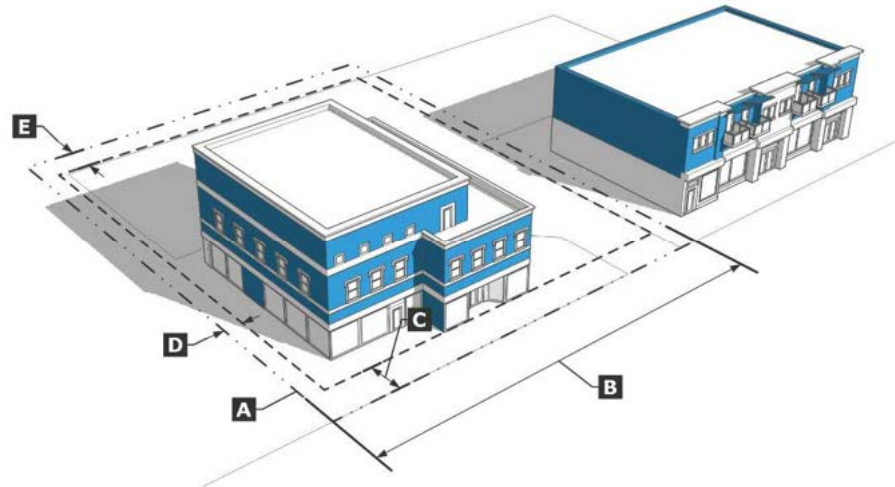
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**18.02.3011 PO: Professional Office**

(a) **Purpose**

The PO district provides for office conversions and small office developments and is considered appropriate in transitional areas designated on the Master Plan or adjacent to residential districts.



**Table 2-24 PO: Lot and Building Standards**

Lots		
A	Lot size, minimum	3,000 sf <sup>103</sup>
B	Lot width, minimum	50 ft
Setbacks, minimum		
C	Front	10 ft
D	Side	5 ft
E	Rear	10 ft
	Street-Facing Garage	20 ft measured from sidewalk or planned sidewalk to face of garage
Height, maximum		
	Height	35 ft [1]
	Stories	2.5 [1]
Other		
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] Building height may be increased to 55 ft for 3 acre or larger sites with 10 ft minimum side setbacks when located along McCarran Boulevard, Moana Lane, Plumb Lane, Maestro Drive, Double R Boulevard, Barron Way, or Reno Corporate Drive.<sup>104</sup>

**18.02.3012 MU-MC: Mixed-Use Midtown Commercial<sup>105</sup>**

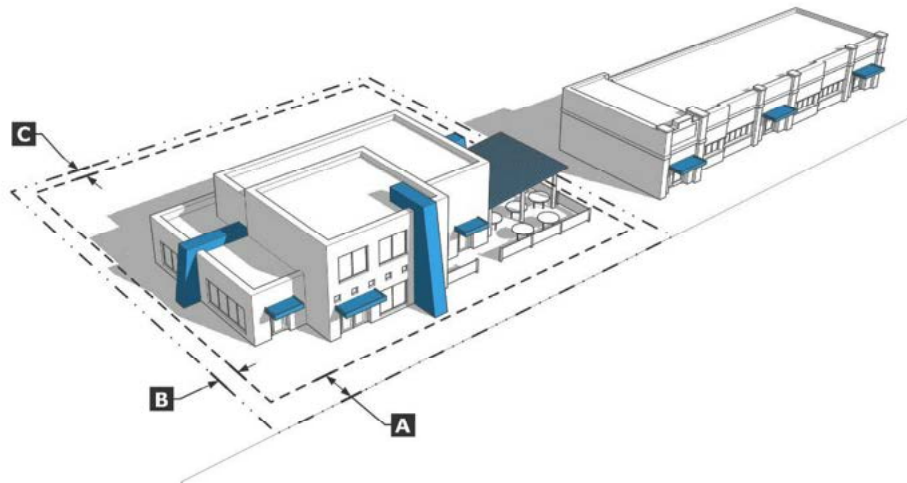
<sup>103</sup> New.

<sup>104</sup> Added to mirror former GO district allowances and limitation.

<sup>105</sup> This is a new base district intended to generally maintain the existing uses and density/intensity standards in the current Midtown overlay district.

(a) **Purpose**

The MU-MC district is intended to promote a mix of pedestrian-oriented commercial, retail, and services in the Midtown area along the Virginia Street corridor. Higher-density housing (above 30 units per acres) is only allowed within one block of South Virginia Street. Additional standards are included to ensure that the site design, uses, and scale are consistent with the adjacent established neighborhoods.



**Table 2-25 MU-MC: Lot and Building Standards**

General Standards	
Lot Width, minimum	--
FAR, minimum	-- [1] [2]
FAR, maximum	--
Density, minimum	-- [1] [3]
Density, maximum	30 du/acre [1] [4]
Setbacks, minimum	
Front	10 ft [5] [6]
Side	0 ft / 5 ft [6] [7]
Rear	0 ft / 5 ft [6] [7]
Street-Facing Garage	20 ft measured from sidewalk or planned sidewalk to face of garage
Building Separation	10 ft between principal buildings
Height, maximum	
Height	35 ft / 75 ft [8]
Stories	2.5 5 [8]
Other	
Accessory uses/structures	See Chapter 18.03 Article 4
Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in mixed-use districts in Section 18.04.1003(a)(4).

[2] Minimum FAR of 0.5 within one block of Virginia Street.

[3] Minimum density of 18 du/acre within one block of Virginia Street.

[4] No maximum density within one block of Virginia Street. On blocks adjacent to the one block area, maximum densities are not applicable to the approximate middle of the block. Densities on the remaining sides of these blocks shall have a maximum density of 30 du/acre.

[5] See general standards for front setbacks in the MU-MC district in Section 18.04.1003(a)(2).

## Chapter 18.02 Zoning Districts

### Article 3 Mixed-Use Districts

18.02.3012 MU-MC: Mixed-Use Midtown Commercial104F

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[6] A minimum zero-foot setback is allowed when the property line abuts an alley and at least 24 feet of backup space (including the alley) is provided from all garage doors and parking spaces that backup onto an alley.

[7] The building shall be either placed on the property line or set back a minimum of 5 feet. However, if the building is located immediately adjacent to the MU-RES district or a residentially zoned property, a minimum setback shall be 5 feet.

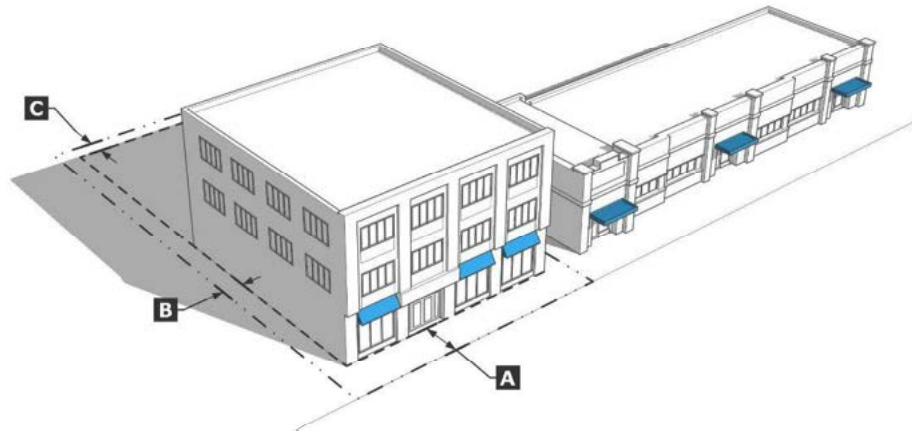
[8] The 5 story / 75 foot height standards applies within one block of Virginia Street. On blocks adjacent to the one block area, the 5 story / 75 foot height standard may be used with transitions to the 2.5 story / 35 foot height standard by the approximate middle of block. Site Plan Review required for more than 75 ft or 5 stories. The 35 foot height standards applies to other areas.

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**18.02.3013 MU-RES: Mixed-Use Midtown Residential**

(a) **Purpose**

The MU-RES district is intended to accommodate residential uses (up to 30 units per acre) in the Midtown area along the Virginia Street corridor. Nonresidential uses are limited. Additional standards are included to ensure that the site design, uses, and scale are consistent with the adjacent established neighborhoods.



**Table 2-26 MU-RES: Lot and Building Standards**

General Standards		
	Lot Width, minimum	--
	FAR, minimum	--
	FAR, maximum	--
	Density, minimum	--
	Density, maximum	30 du/acre [1]
Setbacks, minimum		
<b>C</b>	Front	10 ft [2]
<b>D</b>	Side	5 ft
<b>E</b>	Rear	5 ft
	Street-Facing Garage	20 ft measured from sidewalk or planned sidewalk to face of garage
	Building Separation	10 ft between principal buildings
Height, maximum		
<b>H</b>	Height	35 ft
	Stories	2.5 <sup>106</sup>
Other		
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for mixed-use districts	See Chapter 18.04 Article 10
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] See general standards for density in mixed-use districts in Section 18.04.1003(a)(4).

[2] See general standards for front setbacks in the MU-RES district in Section 18.04.1003(a)(2).

**Article 4 Nonresidential Districts**

**18.02.401 I: Industrial**

<sup>106</sup> Added standard to be consistent with SF and MF-14 districts.

(a) **Purpose**

The I district is intended to accommodate intensive land uses that require mitigation of impacts, including the heaviest industrial uses. Sites are commonly comprised of large-footprint buildings designed for warehousing, flex space, manufacturing, and supporting office uses. This district should be located in areas with access to air, roadway, and/or railway transportation systems. This zoning district should be separated from residential development and schools by natural and man-made buffers.<sup>107</sup>

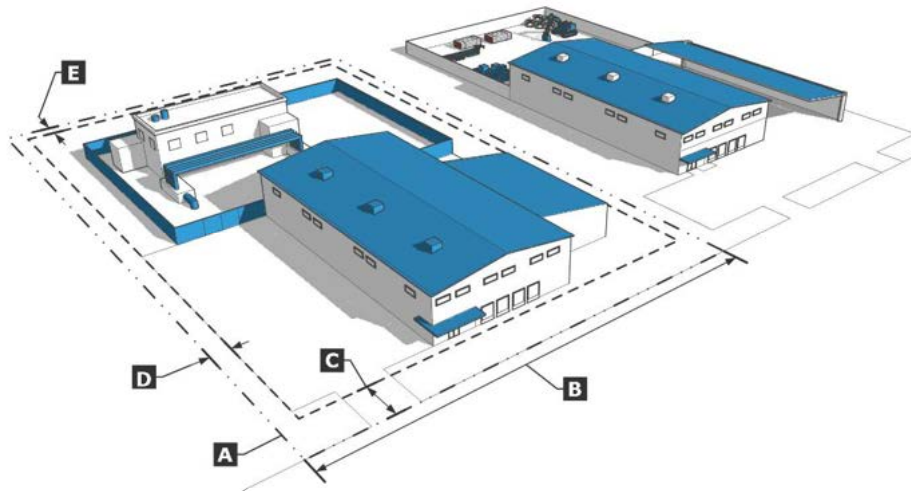


Table 2-27 I: Lot and Building Standards		
<b>Lots</b>		
A	Lot size, minimum	1 acre
B	Lot width, minimum	150 ft
<b>Setbacks, minimum</b>		
C	Front	Sites 20 acres or less: 10 ft Sites more than 20 acres: 20 ft
D	Side	0 ft/10 ft [1]
E	Rear	0 ft/10 ft [1]
<b>Height, maximum</b>		
	Height	55 ft [2]
	Stories	4
<b>Other</b>		
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for nonresidential districts	See <a href="#">Chapter 18.04, Article 11</a>
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] The building shall be either placed on the property line or set back a minimum of 10 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 10 feet.

[2] One foot of additional step back is required adjacent to streets and residentially zoned property for each one foot above the height of 35 feet.

<sup>107</sup> Enhanced residential adjacency and nonresidential/residential interface standards are included in Chapter 18.04, Articles 10 and 13.



**18.02.402 IC: Industrial Commercial**

(a) **Purpose**

The IC district is intended to provide for a mix of industrial, research and development, and commercial uses. Sites are commonly comprised of moderate-footprint buildings (generally less than 500,000 square feet) designed for warehousing, flex space, manufacturing, and supporting office uses. This zoning district should be separate from residential development by natural and man-made buffers.

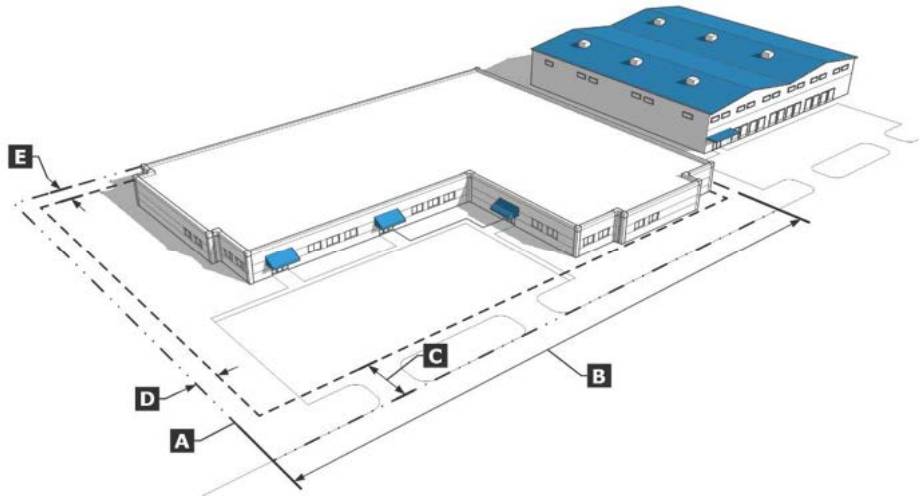


Table 2-28 IC: Lot and Building Standards		
	<b>General Standards</b>	
A	Lot size, minimum	0.5 acre
B	Lot width, minimum	50 ft
	Building area, maximum	500,000 sf [1] <sup>108</sup>
	<b>Setbacks, minimum</b>	<b>Principal Buildings</b>
C	Front	Sites 20 acres or less: 10 ft Sites more than 20 acres: 30 ft
D	Side	0 ft / 10 ft [2]
E	Rear	0 ft / 10 ft [2]
	<b>Height, maximum</b>	
	Height	45 ft [3] <sup>109</sup>
	Stories	3
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for nonresidential districts	See <a href="#">Chapter 18.04, Article 11</a>
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] Multi-tenant buildings may exceed the 500,000 sf maximum building area with approval of a Conditional Use Permit.

[2] Side and Rear Yard setbacks: The building shall be either placed on the property line or set back a minimum of 10 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 10 feet, and subject to residential adjacency standards.

<sup>108</sup> New standard proposed to require more moderate sized buildings compared to I District.

<sup>109</sup> Proposed increase from 40 feet to 45 feet. Enhanced residential adjacency and nonresidential/residential interface standards are included in Chapter 18.04, Articles 10 and 13.

**Chapter 18.02 Zoning Districts**

**Article 4 Nonresidential Districts**

18.02.402 IC: Industrial Commercial

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[3] One foot of additional step back is required adjacent to streets and residentially zoned property for each one foot above the height of 35 feet.

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**18.02.403 ME: Mixed Employment<sup>110</sup>**

**(a) Purpose**

The ME district is intended to provide a mix of employment focused uses such as light manufacturing, processing, wholesaling, flex space, research and development, and offices. Secondary uses include supportive services such as small-scale retail, restaurants, and caretaker’s quarters. Buildings are typically smaller than those found in the Industrial (I) District; however, may also include campus-like employment and educational development.

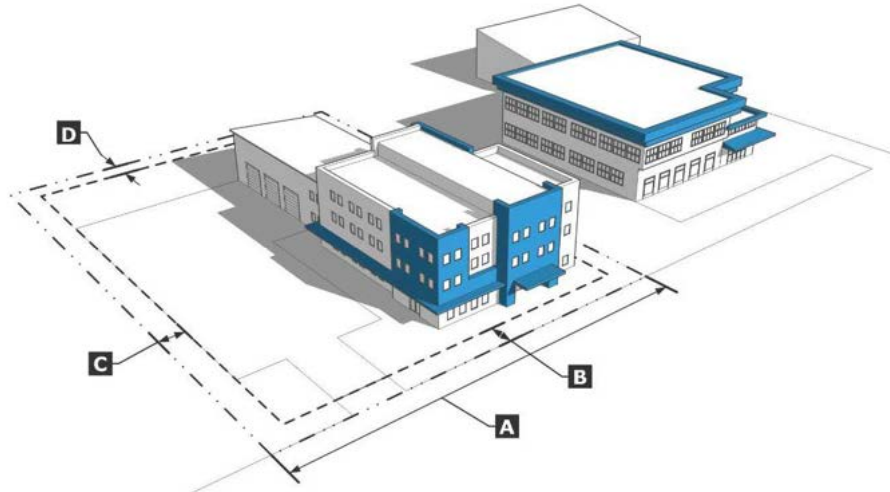


Table 2-29 ME: Lot and Building Standards		
	<b>General Standards</b>	
<b>A</b>	Lot width, minimum	--
	FAR, maximum	--
	Building area, maximum	500,000 sf [1] <sup>111</sup>
	<b>Setbacks, minimum</b>	
<b>B</b>	Front	10 ft
<b>C</b>	Side	0 ft / 10 ft [2]
<b>D</b>	Rear	0 ft / 10 ft [2]
	Building Separation	10 ft between principal buildings
	<b>Height, maximum</b>	
	Height	55 ft [3]
	Stories	4
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for nonresidential districts	See <a href="#">Chapter 18.04, Article 11</a>
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] Multi-tenant buildings may exceed the 500,000 sf maximum building area if no unit is greater than 200,000 sf and the building is not taller than 35 ft.

<sup>110</sup> New district proposed to implement the Mixed-Employment land use category in the MP. Replaces the current IB district.

<sup>111</sup> New standard proposed to require more moderate sized buildings compared to the I District.

## Chapter 18.02 Zoning Districts

### Article 4 Nonresidential Districts

18.02.403 ME: Mixed Employment109F

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[2] The building shall be either placed on the property line or set back a minimum of 10 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 10 feet.

[3] One foot of additional step back is required adjacent to streets and residentially zoned property for each one foot above the height of 35 feet.

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**18.02.404 MA: Mixed-Use Airport<sup>112</sup>**

(a) **Purpose**

The MA district is intended to promote a broad range of transportation, service, and employment uses on Reno Tahoe Airport Authority (RTAA) property that compliment and are compatible with RTAA’s core mission of maintaining and expanding aviation services and facilities to meet regional demand, while recognizing the unique operational requirements of the each airport.

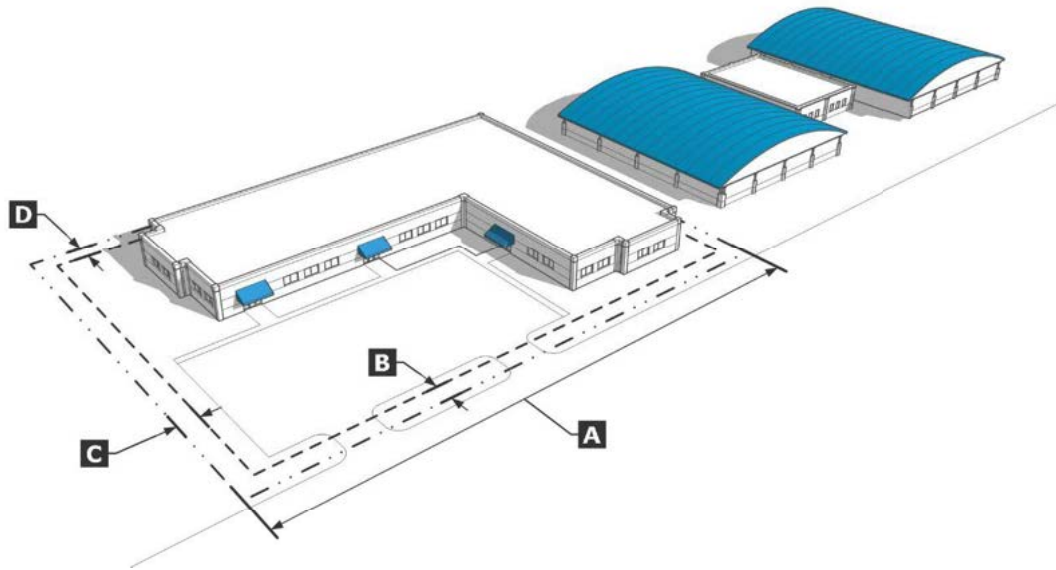


Table 2-30 MA: Lot and Building Standards		
	<b>General Standards [1]</b>	
<b>A</b>	Lot Width, minimum	30 ft
	FAR, maximum	--
	Density, maximum	--
	<b>Setbacks, minimum</b>	
<b>B</b>	Front	10 ft
<b>C</b>	Side	0 ft / 10 ft [1]
<b>D</b>	Rear	0 ft / 10 ft [1]
	<b>Height, maximum</b>	
	Height	65 ft [2]
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Site and building standards for nonresidential districts	See <a href="#">Chapter 18.04, Article 11</a>
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] The building shall be either placed on the property line or set back a minimum of 10 feet. However, if the building is located immediately adjacent to a residentially zoned property, a minimum setback shall be 10 feet.

<sup>112</sup> New district to implement the “Airport Transportation Areas” in the Master Plan. Combines two existing regional center overlays: Reno-Tahoe International Airport Regional Center Planning Area Overlay Zoning District (RTIARC) and Reno-Stead Airport Regional Center Planning Area Overlay Zoning District (RSARC). Module 2 will address distinctions in each airfield’s specific operational requirements and desired uses.

**Chapter 18.02 Zoning Districts**

**Article 4 Nonresidential Districts**

18.02.404 MA: Mixed-Use Airport111F

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[2] One foot of additional step back is required adjacent to residentially zoned property for each one foot above the height of 35 feet.

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## Article 5 Special Purpose Districts

### 18.02.501 PGOS: Parks, Greenways and Open Space <sup>113</sup>

(a) **Purpose**

The PGOS district is intended to preserve areas for drainage facilities, utilities, open space, conservation, recreation, or multi-use trails. In addition to providing active and passive recreational opportunities for the community, the district is intended to protect the scenic and environmental quality of sensitive natural areas. This district is generally owned by public agencies, however in some instances may include privately-owned and maintained open spaces.

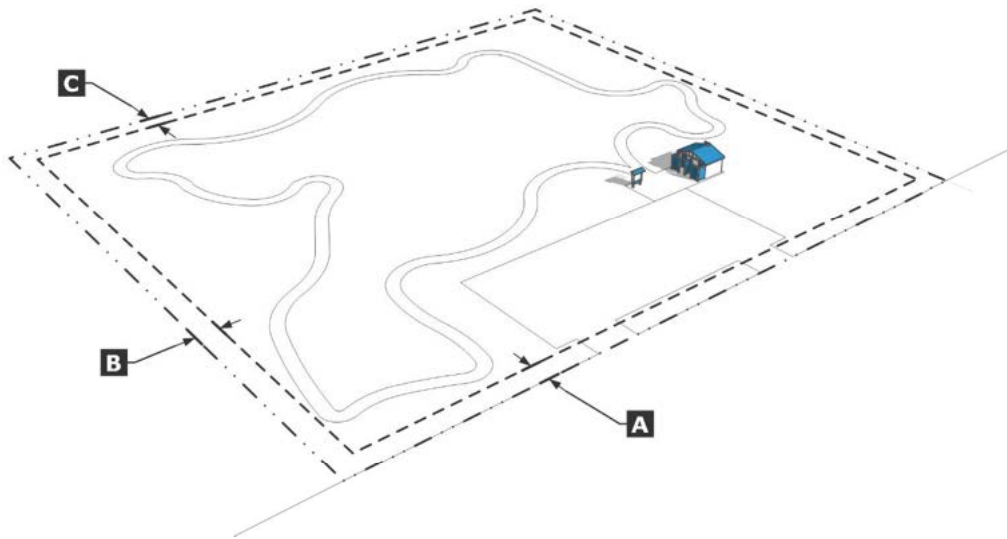


Table 2-31 PGOS: Building Standards		
	<b>Setbacks, minimum</b>	
A	Front	10 ft
B	Side	5 ft
C	Rear	10 ft
	<b>Height, maximum</b>	
	Height	35 ft [1]
	Stories	2.5 [1]
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] Additional height possible through Site Plan review, additional stepback from residentially zoned property for height above 35 ft., and finding of compatibility. <sup>114</sup>

<sup>113</sup> Revised OS district to revise name and standards to align with the parks, greenways, and open space land use category in the Master Plan.

<sup>114</sup> New.

**18.02.502 PF: Public Facilities**

(a) **Purpose**

The PF district is intended to provide for public and quasi-public facilities and services. Primary uses include public institutions, cultural centers, religions institutions, government centers, libraries, hospitals, schools, and utility installations. Depending on the scale and impacts of the proposed use, additional mitigation may be appropriate when adjacent to residential districts.

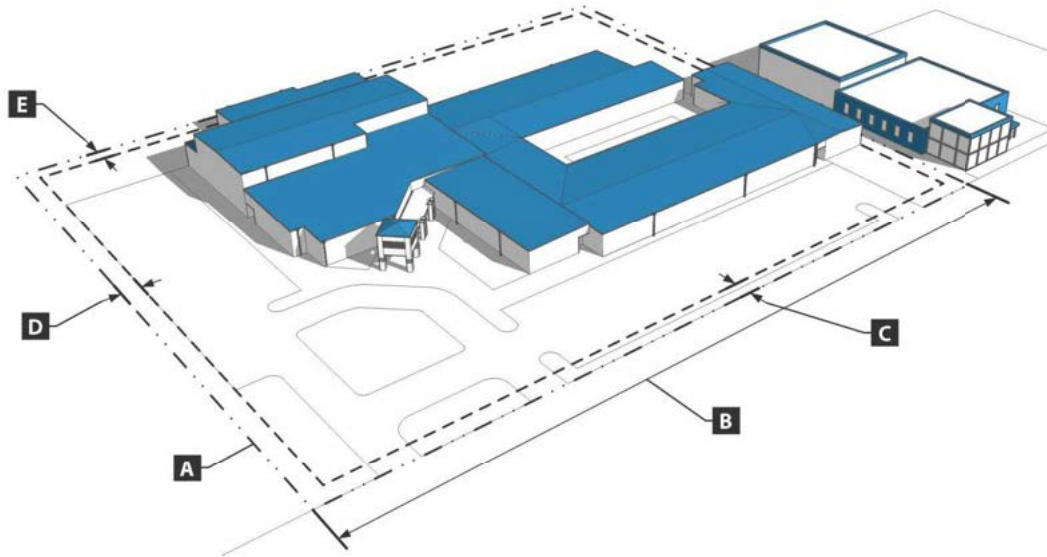


Table 2-32 PF: Lot and Building Standards		
	<b>Lots</b>	
A	Lot size, minimum	6,000 sf [1]
B	Lot width, minimum	50 ft [1]
	<b>Setbacks, minimum</b>	
C	Front	10 ft
D	Side	5 ft
E	Rear	10 ft
	<b>Height, maximum</b>	
	Height	45 ft [2]
	Stories	3 [2]
	<b>Other</b>	
	Accessory uses/structures	See Chapter 18.03 Article 4
	Development standards (parking, landscaping, etc.)	See 18.04

**Notes:**

[1] Exceptions to minimum lot standards apply per Section 18.09.204(c), *Exceptions to Minimum Lot Standards*.

[2] Additional height possible through Site Plan review, additional stepback from residentially zoned property for height above 35 ft., and finding of compatibility. <sup>115</sup>

<sup>115</sup> New. This is appropriate because additional properties, including the University, are proposed to be zoned PF.

**18.02.503 UT-5: Unincorporated Transition 5 Acres**

(a) **Purpose**

The UT-5 district is intended to preserve properties that Washoe County has planned for large lot residential development into a Reno zoning district without modifying the planned density. Secondary uses may include agriculture, energy production, and outdoor recreation.

Table 2-33 UT-5: Lot and Building Standards			
Lots			
	Lot size, minimum	5 acres	
	Lot width, minimum	200 ft	
Setbacks, minimum		Principal Building	Accessory Structure
C	Front	30 ft	30 ft
D	Side	15 ft	5 ft / 15 ft [1]
E	Rear	30 ft	5 ft / 30 ft [1]
Height, maximum		Principal Building	Accessory Structure
F	Height	35 ft	35 ft <sup>116</sup>
	Stories	3	2

**Notes:**

[1] Accessory buildings up to 12 feet tall are subject to the reduced setback.

**18.02.504 UT-10: Unincorporated Transition 10 Acres**

(a) **Purpose**

The UT-10 district is intended to preserve properties that Washoe County has planned for large lot residential development into a Reno zoning district without modifying the planned density. Secondary uses may include agriculture, energy production, and outdoor recreation.

Table 2-34 UT-10: Lot and Building Standards			
Lots			
	Lot size, minimum	10 acres	
	Lot width, minimum	250 ft	
Setbacks, minimum		Principal Building	Accessory Structure
C	Front	30 ft	30 ft
D	Side	50 ft	5 ft / 50 ft
E	Rear	30 ft	5 ft / 30 ft
Height, maximum		Principal Building	Accessory Structure
F	Height	35 ft	35 ft
	Stories	3	2

**Notes:**

[1] Accessory buildings up to 12 feet tall are subject to the reduced setback.

<sup>116</sup> Accessory building height in all UT districts changed from 29 to 35 feet to reflect county code. The lower accessory setback allowances in all three districts also reflect county code.

**18.02.505 UT-40: Unincorporated Transition 40 Acres**

(a) **Purpose**

The UT-40 district is intended to preserve properties that Washoe County has planned for large lot residential development into a Reno zoning district without modifying the planned density. Secondary uses may include agriculture, energy production, outdoor recreation, or a preserved rural state due to environmental sensitivity.

Table 2-35 UT-40: Lot and Building Standards			
Lots			
	Lot size, minimum	40 acres	
	Lot width, minimum	660 ft	
Setbacks, minimum		Principal Building	Accessory Structure
C	Front	30 ft	30 ft
D	Side	50 ft	5 ft / 15 ft [1]
E	Rear	30 ft	5 ft / 30 ft [1]
Height, maximum		Principal Building	Accessory Structure
F	Height	35 ft	35 ft
	Stories	3	2

**Notes:**

[1] Accessory buildings up to 12 feet tall are subject to the reduced setback.

**18.02.506 SPD: Specific Plan District<sup>117</sup>**

(a) **Purpose**

- (1) The purpose of this district is to accommodate projects or plans where the design and configuration of the uses are so arranged as to constitute a single functionally integrated entity. In such projects the use of land within a component, and among the various components if there is more than one component, shall be designed to be compatible and complementary. In this district, the location, use, and physical characteristics of structures, improvements, and open space shall all work together in furthering the stated purpose of the design of the project or plan.
- (2) In order to achieve optimal functional integration in such projects or plans, the City recognizes that it may be desirable to regulate and restrict on a project- or plan-specific basis the erection, construction, reconstruction, alteration, repair, or use of buildings, structures, or land.

(b) **Permitted Uses**

The City recognizes that the master plan may be furthered by permitting a diversity of land uses not found in other zoning districts. In light of the diverse land uses that may be permitted in this district, and the need to ensure that such uses are internally compatible and both complementary and compatible with nearby existing and/or planned uses of land, it is the express intent of the City to subject requests for changes in zoning to the SPD to a heightened level of scrutiny during the review process and to apply appropriate restrictions to maintain compatibility over time.

(c) **Development Standards**

- (1) Generally, all development and design standards should be based on an existing base zone district. The project applicant shall be responsible for demonstrating the

<sup>117</sup> SPD district to be re-added to the Code. New criteria proposed to support existing purpose and permitted use standards.



benefits of modifications to the standards that would otherwise be applicable in a standard zoning district.

- (2) Any potentially modified provisions for lot and building standards, land uses, or development standards shall result in an improvement to the overall design and compatibility of the project.
- (3) Requirements and standards pertaining to public safety, natural resources, and public infrastructure shall not be modified.

### 18.02.507 PUD: Planned Development<sup>118</sup>

(a) **Purpose<sup>119</sup>**

The Planned Unit Development (PUD) District is intended to achieve the following purposes:

- (1) To implement the Reno Master Plan;
- (2) To allow various combinations of land uses;
- (3) To ensure compatibility between residential and mixed-use or nonresidential areas and to minimize potential impacts to residential areas from adjacent more intensive uses; and
- (4) To facilitate development by permitting greater flexibility than allowed by the strict application of this Title in exchange for more creative and imaginative designs with a higher level of amenities and public benefits than would otherwise occur under the standard zoning districts.

(b) **Permitted Uses**

A PUD is subject to the approval of the City Council and may include any uses permitted in any zone classification, provided that any combination of uses is planned in a manner compatible to each and to the surrounding environment.

(c) **Minimum Development Size**

A PUD shall contain a minimum of ten contiguous acres of land unless proper justification for a smaller size is made to the satisfaction of the decision-making body.<sup>120</sup>

(d) **Site and Building Intensity Standards**

A PUD shall be located within city limits. Lot size, lot coverage, street width, height, and distance between buildings shall meet health, safety, and welfare requirements and reflect good planning practices subject to the approval of the City Council.

(e) **Development Standards<sup>121</sup>**

- (1) Generally, all development and design standards should be based on an existing base zone district. The project applicant shall be responsible for demonstrating the benefits of modifications to the standards that would otherwise be applicable in a standard zoning district.
- (2) Any potentially modified provisions for lot and building standards, land uses, or development standards shall result in an improvement to the overall design and compatibility of the project.

<sup>118</sup> Current content from 18.08.302(a) with modified criteria for enhanced review and land use compatibility. Additional changes for PUD review and monitoring processes are included in Chapter 18.08.

<sup>119</sup> New. Added to reflect common structure in other zoning districts and inform decision-makers on the intended use of this district.

<sup>120</sup> Updates the decision-maker to be not staff to reflect the PUD review procedure.

<sup>121</sup> Modified language for improved review of PUD proposals and enhanced land use compatibility

- (3) Requirements and standards pertaining to public safety, natural resources, and public infrastructure shall not be modified.
- (f) **Common Open Space**
  - (1) **Amount**

A planned unit development including residential development shall provide common open space developed with recreational amenities. The landowners may apply for an exemption from the City of Reno's Residential Construction Tax Program with the amount of the exemption to be based on the merits of the plan and as approved by the City Council.
  - (2) **Management**

A planned unit development which includes common open space shall be subject to the requirements and regulations pertaining to organization for ownership and maintenance and procedures for enforcing payments of assessments for the maintenance of common open space as provided in NRS Sections 278A.130 to 278A.160, inclusive.
- (g) **Composition of Final Plan**

The graphic and textual elements together compose the final plan.

## Article 6 Overlay Districts

### Commentary

The following section includes the overlay zoning districts being retained and the standards being carried forward from those overlay districts.

The Historic or Landmark (HL) overlay district is replaced with the updated organization and procedures of the Historic Preservation ordinance (Chapter 18.07) – all relevant standards have been retained. Standards for the Cooperative Planning Area have also been refined and included in other code standards.

The gaming overlay is a new overlay but is proposed to simply carry forward and replace the current Hotel Casino (HC) district and other areas where non-restricted gaming is currently allowed. Gaming regulations are proposed to remain unchanged.

The existing neighborhood plan overlays are retained and carried forward unchanged. These are intended remain in place and will be evaluated for consolidation with new city-wide standards following the code update and in coordination with neighborhood stakeholders.

The three conservation overlays are placeholders for future development (following code adoption). A Wellhead / Source Water Protection Overlay District was included in prior drafts, but has been replaced with generally applicable standards in Section 18.04.107.

### 18.02.601 Overlay Districts, Generally<sup>122</sup>

(a) **General Purpose of Overlay Zoning Districts**

An overlay district, whether a general or a planning area overlay district, is a zoning district that is superimposed on an underlying base zoning district, thus establishing a layer of additional regulations that restrict, prohibit, or add to the base zoning regulations set forth in this Title.

(b) **Establishment of Overlay Districts**

Pursuant to authority granted by NRS Section 278.250, the City Council hereby establishes two types of overlay zoning districts: general and planning area overlay districts.

(1) **General Overlay Districts**

General overlay districts are intended to address unique issues, opportunities, and challenges associated with a specific type of land use or specific type of geologic feature that may be found or established in many different parts of the city.

(2) **Planning Area Overlay Districts**

Planning area overlay districts are intended to address unique land use issues, opportunities, and challenges associated with a specific geographic part or portion of the city, and for which the city has adopted or applied specific area land use plans or policies. Accordingly, the general and planning area overlay districts applicable in the city are:

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<sup>122</sup> Current 18.08.101(e).

Table 2-36 Overlay Zoning Districts Established	
Overlay Zoning Districts	Section
<b>General Overlay Districts</b>	
AF – Airport Flight Path	18.02.602(a)
AN – Airport Noise Exposure	18.02.602(b)
G – Gaming	18.02.602(c)
HL – Historic Landmark	18.02.602(d)
<b>Neighborhood Planning Area Overlay Districts</b>	
CCAN – Country Club Acres Neighborhood Planning Area Overlay	18.02.603(a)
GF – Greenfield Neighborhood Plan Overlay	18.02.603(b)
MGOD – Mortensen-Garson Neighborhood Planning Area Overlay	18.02.603(c)
MQ – McQueen Neighborhood Planning Area Overlay	18.02.603(d)
PL – Plumas Neighborhood Planning Area Overlay	18.02.603(e)
SE – Southeast Neighborhood Planning Area Overlay	18.02.603(f)
WA – Wells Avenue Neighborhood Planning Area Overlay	18.02.603(g)
WU – West University Neighborhood Plan Overlay	18.02.603(h)
<b>Conservation and Historic Overlay Districts</b>	
NH – Newlands Heights Conservation Overlay	18.02.604(a)
PN – Powning Conservation Overlay	18.02.604(b)
WA – Wells Avenue Conservation Overlay	18.02.604(c)

(c) **Conflicting Regulations**

If a conflict exists between one or more standards applicable in the base zoning district and one or more standards applicable in the overlay zoning district, provisions of the zoning overlay district shall apply and control. Where conflicts exist between different overlay districts, the more restrictive standard as determined by the Administrator shall apply.<sup>123</sup>

**18.02.602 General Overlay Districts<sup>124</sup>**

(a) **Airport Flight Path (AF) Overlay District<sup>125</sup>**

(1) **Purpose**

The purpose of establishing airport flight path areas is to reduce the risk of injury and property damage areas near Reno-Tahoe International and Reno-Stead Airports.

(2) **Applicability**

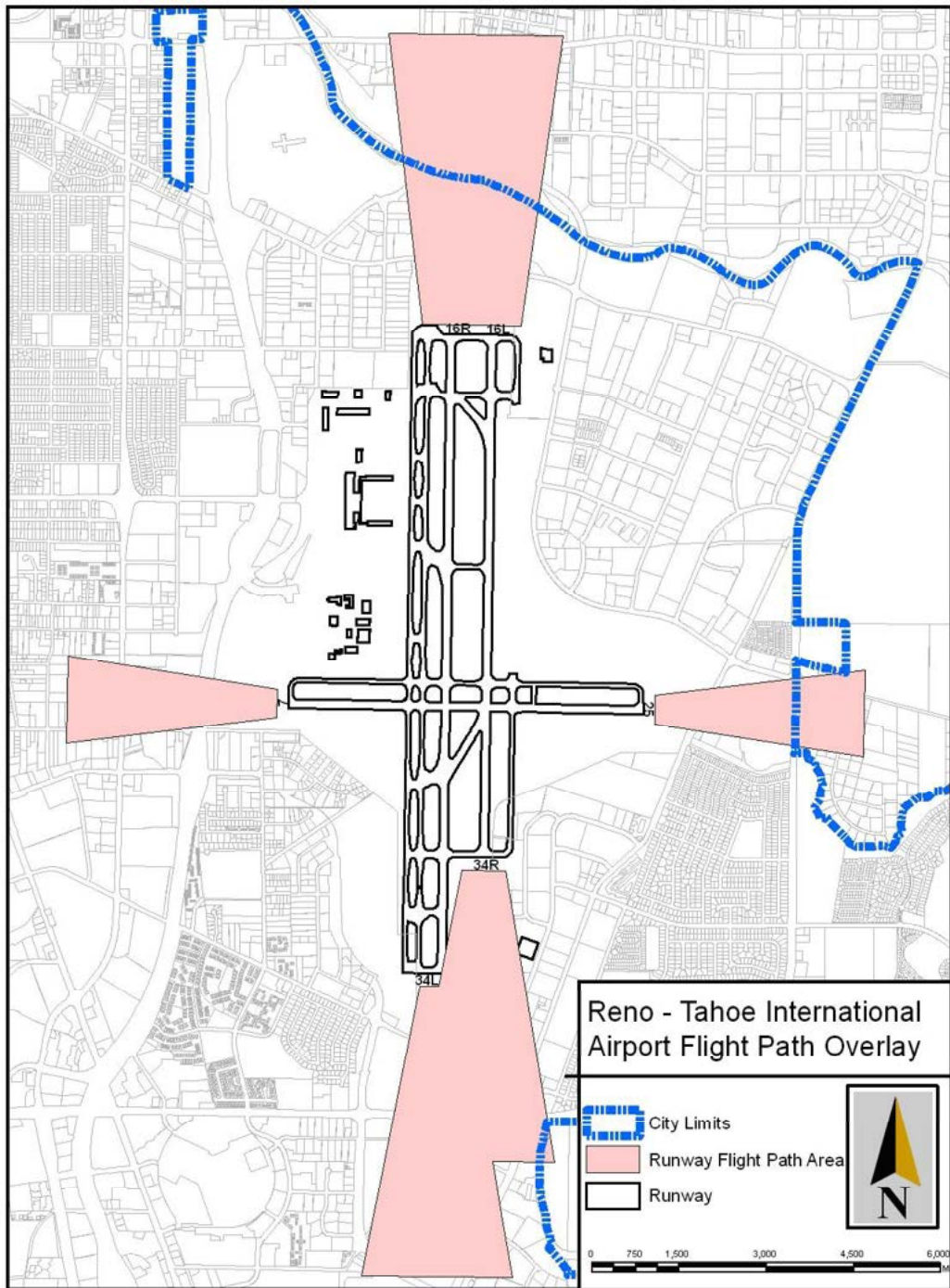
New construction and expansion of existing buildings located within airport critical areas as identified in Figure 2-1 and Figure 2-2 shall be subject to the requirements of this Subsection.

<sup>123</sup> Final sentence is new and introduces a more typical approach to reconciling conflicts among overlays. The current code references a complex district hierarchy that is not being carried forward.

<sup>124</sup> Parking standards removed. The flight path overlay doesn't really have anything to do with airport uses.

<sup>125</sup> Current 18.08.402(a).

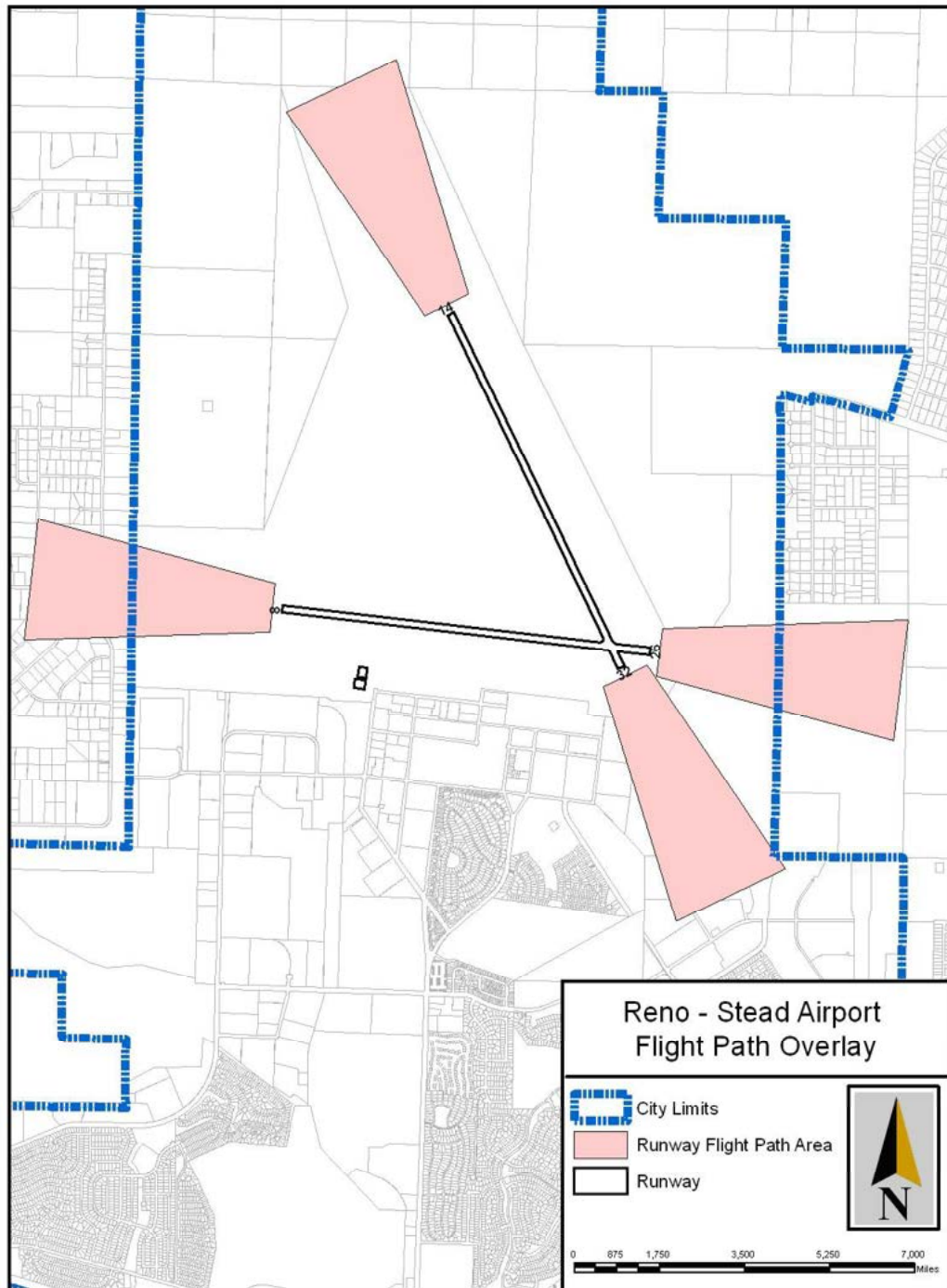
Figure 2-1: Reno-Tahoe International Airport Critical Areas



**(3) Building Height Review in Vicinity of Airports**

New construction of, or expansion of existing structures to a height greater than 45 feet above ground level, on properties located within the FAR Part 77 Airspace map for the

Figure 2-2: Reno-Stead Airport Critical Areas



Reno-Tahoe International Airport (Figure 2-3) or the Reno-Stead Airport (Figure 2-4) shall be required to show documentation their plans have been submitted to the Reno-Tahoe Airport Authority, before plans will be approved or a building permit issued.



Figure 2-3: FAR Part 77 Airspace Map for Reno-Tahoe International Airport

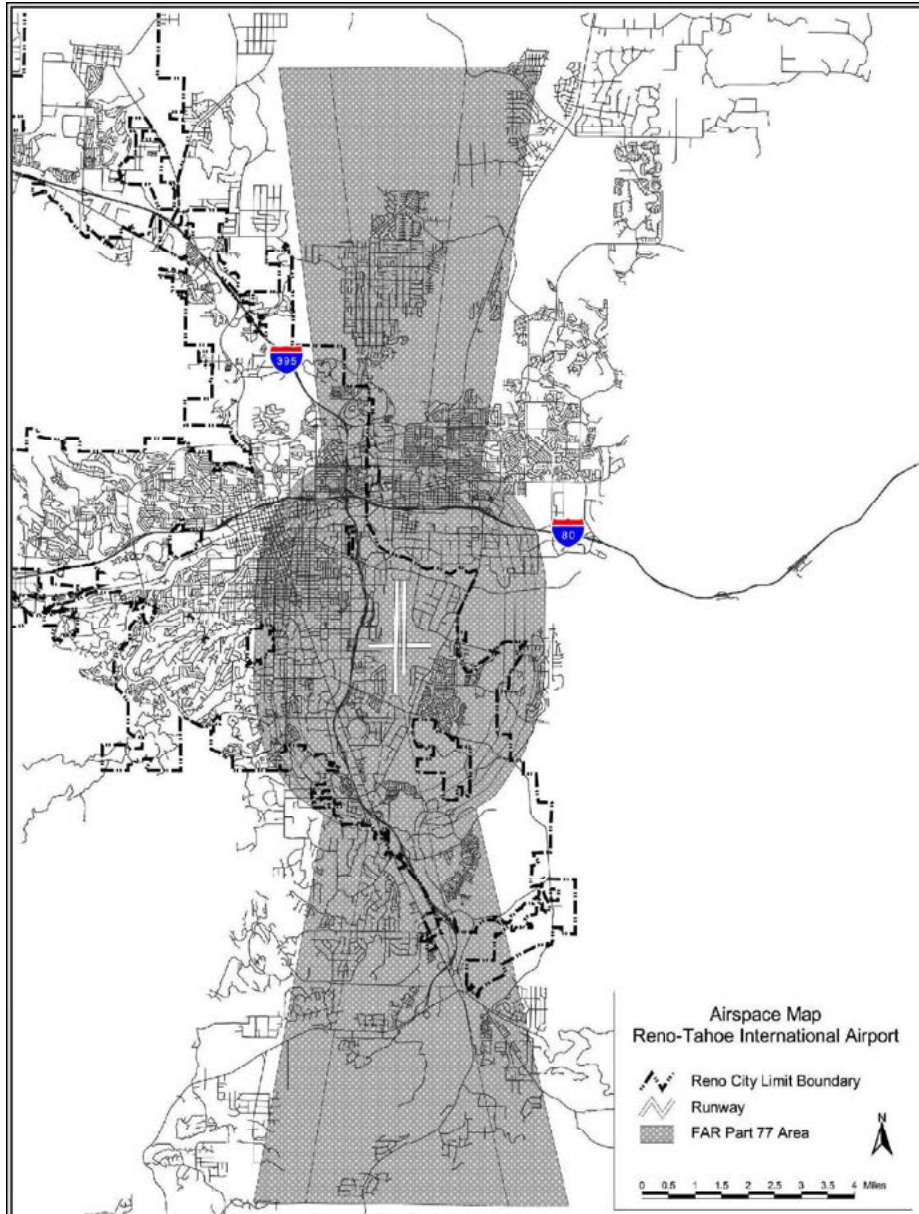
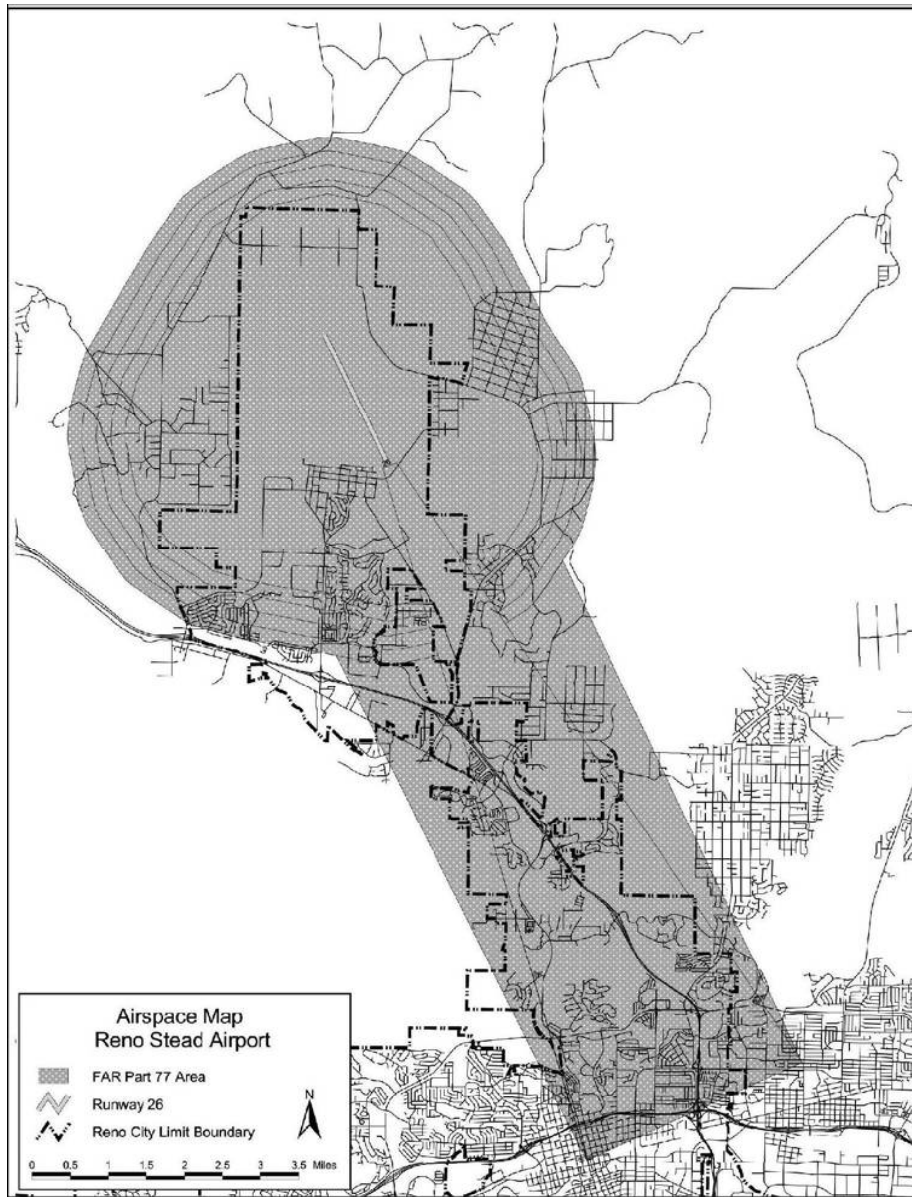


Figure 2-4: FAR Part 77 Airspace Map for Reno-Stead Airport



(4) **Prohibited Uses**<sup>126</sup>

No property within an airport flight path area shall be used for:

- a. Any residential land use.
- b. Any building occupied or intended to be occupied as a temporary residence for at least one overnight stay, to include but not be limited to hotel, motel, prison/custodial institution, homeless shelter, etc.
- c. Primary schools, secondary schools, hospitals-acute and over-night care, childcare facilities;

<sup>126</sup> Use terms adjusted to match new use table.



- d. Sports arena, stadium, or track; banquet hall; amusement/recreation facilities (indoor or outdoor); religious assemblies;
- e. Any nonresidential use which will result on a regular basis in a concentration of population exceeding 25 persons per acre per parcel per hour over a 24-hour period. Density calculations shall exclude public streets; for the purpose of calculation, time shall be calculated in per person hours based on dwell time. Dwell time shall be defined as the amount of time an individual is on site based on minutes per hour. Density calculations for commercial condominium development shall be allowed to include common area proportionate to the size of the condominium unit in proportion to the total site area. Density calculations shall be made in writing with the development permit application and shall be attached to each business license;
- f. Any nonresidential use which will result on a regular basis in a concentration of population exceeding 50 persons per acre per parcel for more than two hours. Density calculations shall exclude public streets; for the purpose of calculation, time shall be calculated in per person hours based on dwell time. Dwell time shall be defined as the amount of time an individual is on site based on minutes per hour. Density calculations for commercial condominium development shall be allowed to include common area proportionate to the size of the condominium unit in proportion to the total site area. Density calculations shall be made in writing with the development permit application and shall be attached to each business license;<sup>127</sup>
- g. Rifle ranges, above-ground bulk tank storage of compressed flammable or compressed toxic gases and liquids, gas station;
- h. Electric power plants or substations;
- i. Any use or building material which would cause sunlight to be reflected toward an aircraft engaged in an initial straight climb following takeoff or toward an aircraft engaged in a straight final approach toward a landing at the airport;
- j. Any use which would attract large concentration of birds, or which may otherwise affect safe air navigation within this area; or
- k. Any transmission system that would generate electrical interference that may be detrimental to the operation of aircraft and/or aircraft instrumentation.

(b) **Airport Noise Exposure (AN) Overlay District<sup>128</sup>**

(1) **Purpose**

The purpose of establishing airport noise exposure areas is to ensure that appropriate construction methods are used to reduce noise impacts near the Reno-Tahoe International and Reno-Stead Airports.

(2) **Noise Exposure for Airport Operations**

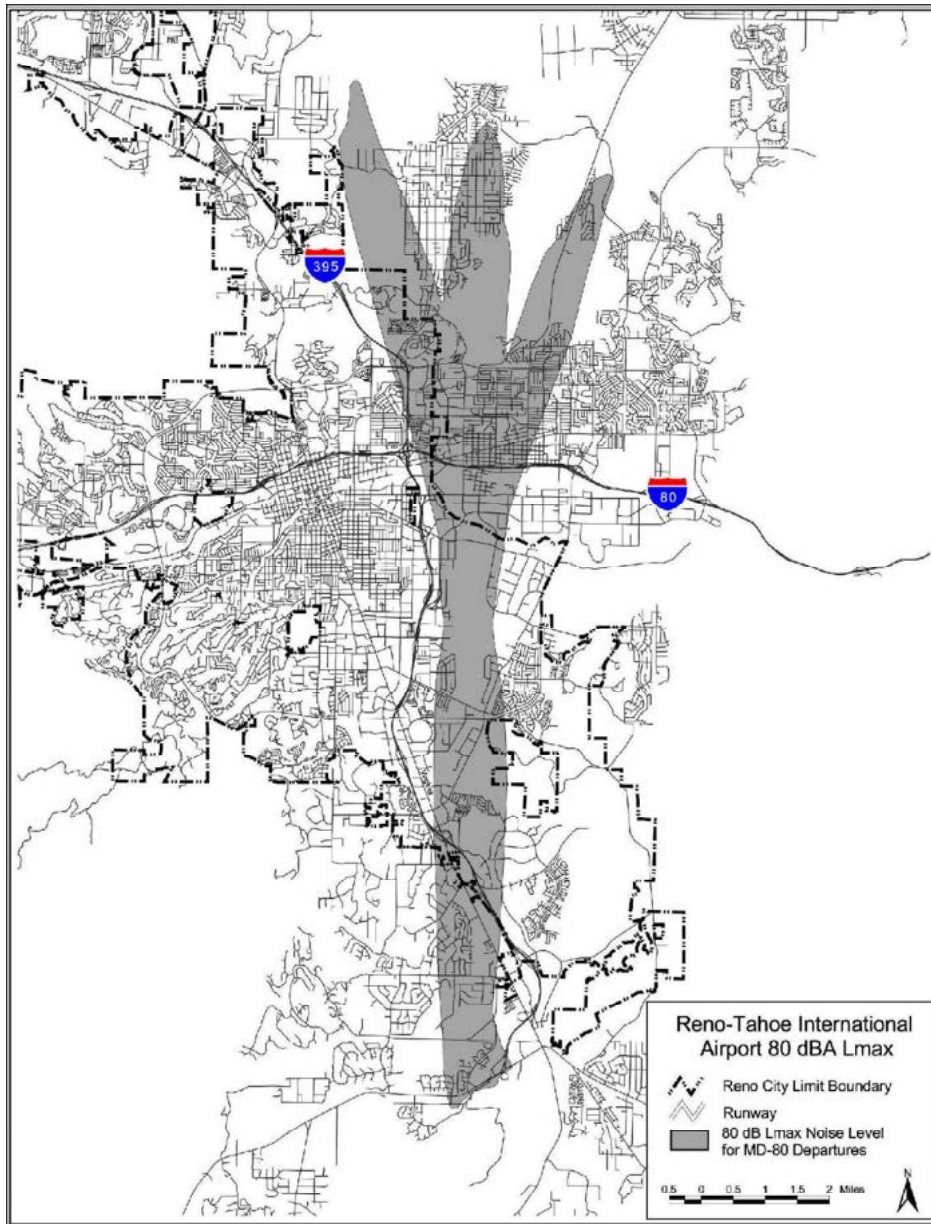
- a. Residential development, hospitals, religious assemblies, schools, offices, and the office portion of industrial or commercial uses shall comply with (b) and (c) below.

<sup>127</sup> Subsections e. and f. have been updated to address staff need for a method of enforcement.

<sup>128</sup> Renamed from ANE. Current 18.08.403. No substantive changes proposed.

- b. Properties located within the 80 dBA Lmax noise contour map for the Reno-Tahoe International Airport (see Figure 2-5) will be required to provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior noise level of 45 dBA DNL prior to the issuance of a building permit.
- c. Properties located within the 1998 65 dBA DNL noise contour for the Reno-Tahoe International Airport (Figure 2-5) will be required to meet the following:
  - 1. Provide a list, verified by a qualified acoustical consultant, of construction methods to be utilized for noise attenuation to a maximum interior noise level of 45 dBA DNL prior to the issuance of a building permit.
  - 2. Air conditioning systems shall be incorporated in all dwelling units.

Figure 2-5: Reno-Tahoe International Airport 1998 65 dBA DNL



**(3) Building Height**

- a. Properties located within the FAR Part 77 Airspace map for the Reno-Tahoe International Airport (Figure 2-3) or the Reno-Stead Airport (Figure 2-4) the following building height requirements apply.
- b. New construction of, or expansion of existing structures to a height greater than 45 feet above ground level, on properties located within the FAR Part 77 Airspace map for the Reno-Tahoe International Airport (Figure 2-3) or the Reno-Stead Airport (Figure 2-4) shall be required to show documentation their plans

have been submitted to the Reno-Tahoe Airport Authority, before plans will be approved or a building permit issued.

(c) **Gaming (G) Overlay District<sup>129</sup>**

(1) **Purpose**

This district establishes regulations that recognize the unique characteristics of hotel/casino developments to mitigate potential impacts and encourage higher quality destination resorts that will increase tourism within the community.

(2) **General Standards<sup>130</sup>**

a. **Signs**

Sign regulations for the Gaming Overlay District are set forth in the following table.

Table 2-37 Sign Regulations for Gaming Overlay District				
Maximum Height (Freestanding)	Sign Area (Freestanding)	Sign Area (Wall)	Illumination (All)	Flashing or Animated (All)
100 ft. [1]	No limit	No limit	All types	No limit

Note:

[1] Conditional use permit required to exceed 100 feet.

(3) **Specific Gaming Overlay District Standards**

In addition to the general standards of this Subsection, hotels with nonrestricted gaming in specific gaming overlay districts are subject to the following standards:

a. **Gaming Overlay 1: Convention Center (Formerly CRC/TC)**

1. **Design and Layout**

- [a] A minimum of 20,000 square feet of convention space shall be provided on site.
- [b] A minimum of 35,000 square feet of gaming area consisting of both slot machines and live games.
- [c] Three restaurants shall be provided, one of which must be open for service to the public 24 hours per day, seven days a week and which has a minimum seating capacity of 60 patrons at one time.
- [d] Safe connections and amenities supporting the convention center.
- [e] All off the above improvements shall be constructed or provided prior to any certificate of occupancy for any new development.

2. **Building Height<sup>131</sup>**

- [a] Maximum building height shall be determined by the number of hotel rooms as follows:

<sup>129</sup> New. Purpose statement and standards are from current HC district. The intent is not to change any standards for gaming.

<sup>130</sup> Maximum lot size (3 acres) and building height standard (65 feet) removed because this is already addressed in the base zone districts, which conflict.

<sup>131</sup> Existing standards for Hotels with nonrestricted gaming in the former CRC district are carried forward.

**Table 2-38 Maximum Building Height for Hotels with Nonrestricted Gaming**

Number of Hotel Rooms	Maximum Height
201-399	300 ft.
400-599	400 ft.
600 or more	500 ft.

3. Maximum building height within each room number category may be increased with the approval of a special use permit.

**b. Gaming Overlay 2: Redfield (Formerly RRC/TC)**

Only one Hotel with Nonrestricted Gaming shall be allowed. An additional Hotel with Nonrestricted Gaming shall not be approved unless any existing special use permit for this use is simultaneously revoked.

**c. Gaming Overlay 3: Reno-Tahoe International Airport (Formerly RTIARC)**

Shall be located within ½ mile of the airport terminal, except prohibited in the Airport Critical Area.

**d. Gaming Overlay 4: Corridor Gaming (Formerly TODs)<sup>132</sup>**

Nonrestricted gaming is only allowed where currently operating, existing, or entitled at the time of adoption of this Code.

**e. Gaming Overlay 5: Western Gateway (Formerly HC)**

**1. Location**

- [a] The site shall have direct access from a collector street or greater.
- [b] The building footprint of the casino floor shall be located at least 500 feet from the nearest existing school, church, residentially zoned property, or hospital.

**2. Gaming Space**

- [a] The maximum area of all gaming space shall not exceed ten percent of the net land area of the site.
- [b] No hotel with or without gaming shall be permitted on a site of less than three acres in net land area.
- [c] The project shall provide convention space at a minimum ratio of 50 square feet per hotel room.

**3. Landscaping and Recreation**

- [a] The minimum area devoted to landscaping and recreational uses shall be equal to 30 percent of the net land area.
- [b] A minimum of 15 percent of the net land area shall be landscaped in such a manner as to soften the appearance of the project from the street, break up the parking lot(s), and buffer adjoining land uses.

<sup>132</sup> Existing standard carried forward to address the old gaming policy CD-8: "Existing non-restricted gaming uses, and non-restricted gaming allowed by land use, zoning and/or special use permits should be allowed in transit oriented development (TOD) corridors unless eliminated through a Master Plan amendment, zoning map amendment, and/or the expiration or revocation of a special use permit. New and existing non-restricted gaming uses and non-restricted gaming allowed by land use, zoning and/or active special use permits should be allowed in the Downtown Reno Regional Center, Reno-Tahoe International Airport Regional Center, Convention Regional Center, Redfield Regional Center, and Western Gateway Regional Center."

- [c] The minimum area devoted to recreational uses shall be equal to seven and one-half percent of the net land area. Recreational uses shall include putting greens, jogging paths, fitness centers, video arcades, tennis courts, outdoor picnic areas, court games, swimming pools, playgrounds, theaters, bowling alleys, ice skating rinks, and other similar facilities.

(d) **Historic Landmark (HL) Overlay District**

(1) **Purpose**<sup>133</sup>

This district preserves the integrity of buildings, structures, historic landscapes, or other character defining features with historical, architectural, cultural, or landmark significance as determined by the Historical Resources Commission and City Council. This district also provides for property owner incentives and allows for appropriate uses other than those permitted in the underlying zoning district as an aid to the owner's efforts to preserve the historical, architectural, cultural, or landmark value.

(2) **Applicability**

This zoning district's standards shall apply only to properties or resources listed individually or within a district on the City Register of Historic Places.

(3) **Standards**

See Chapter 18.07 for all processes and standards related to Historic Preservation.

### 18.02.603 Neighborhood Planning Area Overlay Districts

#### Commentary

The existing neighborhood plan overlays are retained and carried forward unchanged. These are intended to remain in place and will be evaluated for consolidation with new city-wide standards following the code update and in coordination with neighborhood stakeholders.

(a) **Country Club Acres Neighborhood Planning Area (CCAN) Overlay District**

(1) **Purpose**

This district outlines the development standards that specifically apply to this neighborhood in addition to those set forth in the underlying zoning districts. These standards provide a detailed description of the elements that create the desired development character.

(2) **Applicability**

This zoning district's standards shall apply to properties located within the Country Club Acres Neighborhood Plan.

(3) **Country Club Acres Neighborhood Plan/Residential (CCAN/RD) District**

a. **Land Uses**

The following land uses shall be prohibited:

1. Accessory Dwelling Units;
2. Mini-Warehouse;
3. Mobile Home Subdivisions;

<sup>133</sup> This purpose statement uses provisions from the existing code. The language is expanded to include explicit reference to the City Register and the intent of protecting the resource's integrity.

4. Multi-Family;
5. Duplex, Triplex, and Fourplex;<sup>134</sup>
6. Single Family, attached Condominium/Townhouse; and
7. Single Family, Zero Lot Line.

**(4) Development Standards**

In addition to those requirements contained in this Title, the following shall prevail:

- a. Maximum building coverage: 40 percent, including all detached structures.

**(b) Greenfield Neighborhood Planning Area (GF) Overlay District**

**(1) Applicability**

This zoning district's standards shall apply to the plan area identified in the Greenfield Neighborhood Plan.

**(2) Greenfield Single-Family (GFSF) District**

**a. Applicability**

These standards shall apply to all properties designated as GFSF in the Greenfield Neighborhood Plan.

**b. Land Uses**

1. Permitted land uses shall be:
  - [a] Single Family, detached; and
  - [b] Accessory Dwelling Unit.
2. Permitted land uses with the approval of a conditional use permit:
  - [a] Child Care Center, as accessory use only;
  - [b] Churches/House of Worship;
  - [c] Utility Box/Well House, Back-up Generator, Pumping Station or Booster Station;
  - [d] Utility Installation other than listed; and
  - [e] Communication Facility, Equipment Only

**c. Accessory Buildings**

1. Shall not be located closer than three feet to any main building on the same lot;
2. One of the following:
  - [a] If the building is 120 square feet or less in size and has a building height of seven feet or less, and the highest point of the roof does not exceed ten feet, the minimum side and rear setback will be five feet; or
  - [b] If the building is greater than 120 square feet in size or over seven feet in building height, or the highest point of the roof exceeds ten feet, the minimum side and rear setback will be ten feet;
3. Shall not exceed two stories or 25 feet in building height as defined in this Title; and

<sup>134</sup> New comparable uses added to the list of prohibited uses in this area.



4. Shall not occupy more than 1,200 square feet of any lot nor be located in the front yard area.

d. **Setbacks**

Minimum setbacks shall be:

1. Front: 30 feet.
2. Side: 12 feet.
3. Rear: 30 feet.

e. **Height Limitation**

Two stories.

f. **Required Area and Width**

A one-acre minimum area with a 120-foot average width is required. Lots that are less than one acre in size at the time of enactment of these regulations shall be considered to conform to these standards. Existing lots that do not meet the minimum lot size/average lot width shall not be further divided/reduced in size and/or width.

g. **Parking**

One off-street parking space is required per bedroom.

h. **Fencing**

Open rail fencing of five feet or less in height may be erected on the lot line in front yards, except within 20 feet of the primary driveway.

(3) **Greenfield Professional Office (GFPO) District**

a. **Applicability**

These standards and regulations shall apply to all properties designated GFPO in the Greenfield Neighborhood Plan.

b. **Land Uses**

1. Permitted land uses shall be:
  - [a] Single Family, detached; and
  - [b] Accessory Dwelling Unit.
2. Permitted land uses with the approval of a site plan review (SPR):
  - [a] Medical Facility, Day Use only; and
  - [b] Office, Other than listed;
3. Permitted land uses with the approval of a conditional use permit:
  - [a] Utility Box/Well House, Back-up Generator, Pumping Station or Booster Station;
  - [b] Utility Installation other than listed; and
  - [c] Communication Facility, Equipment Only.

c. **Setbacks**

Minimum setbacks shall be:

1. Front: 20 feet.
2. Side: Ten feet.



3. Rear: 15 feet.
- d. **Maximum Building Height**  
Main buildings shall not exceed two stories or 35 feet whichever is greater.
- e. **Required Parcel Width**  
No parcel may be less than 100 feet wide.
- f. **Minimum Office Development**
  1. The minimum parcel size is one acre.
  2. In the case of business condominiums and business common interest communities, where the pre-project parcel and building size meets the minimum parcel size and setbacks of the GFPO Zoning District, deviations in parcel size as necessary to effectuate the business condominium or business common interest community are allowed when consistent with the purpose and intent of Chapter 18.02 *Zoning Districts*, Chapter 18.03 *Use Regulations*, and Chapter 18.06 *Land Division*.
  3. The maximum building footprint coverage, including all buildings and accessory structures, excluding covered patio areas, gazebos, enclosed trash receptacles, and enclosed utilities, is 25 percent of the gross parcel area.
- g. **Building Separations**  
There shall be a minimum separation of 20 feet between buildings on the same parcel.
- h. **Traffic Generation**  
Traffic generation shall not exceed 25 average daily trips per 1,000 square feet of gross floor space.
- i. **Parking**  
Chapter 18.04, Article 7, *Off-Street Parking and Loading*, is applicable to off-street parking in the Professional Office Zoning District with the following exceptions:
  1. No more than 30 percent of required parking shall be permitted in the front yard of a building;
  2. No surface parking spaces shall be located within 50 feet of the Plumas Street right-of-way;
  3. Parking in excess of five percent of the amount required by Chapter 18.04, Article 7, *Off-Street Parking and Loading*, is prohibited;
  4. Excess parking shall not be counted toward future development needs;  
and
  5. A minimum of ten percent of the required parking for two-story structures shall be enclosed within the structure or located within a detached garage.
- j. **Minimum Landscape Area**  
A minimum of 30 percent of the site shall be landscaped in accordance with Chapter 18.04 Article 8, *Landscaping, Buffering, Screening, and Fencing*, with the following exceptions:

1. A maximum of 20 percent of the required landscape area may be decorative hardscape, such as, decorative sidewalks, walkways, fountains, and covered patio areas;
2. The first 15 feet adjacent to any exterior property line of a development shall contain 50 percent evergreen and 50 percent deciduous trees and within these ratios there shall be the following mixes:
  - [a] There shall be a mix of 50 percent six-foot tall trees, 25 percent eight-foot tall trees, and 25 percent ten-foot tall evergreen trees;
  - [b] There shall be a mix of 50 percent two-inch caliper trees and 50 percent three-inch caliper deciduous trees;
  - [c] A minimum of one tree shall be planted for every 250 square feet of landscape area; and
  - [d] Six shrubs shall be planted for each tree. The shrubs shall be a minimum 50 percent five-gallon or larger and 50 percent one gallon or larger with a minimum of 50 percent of all required shrubs evergreen.

**k. Landscaping of Yards**

1. Front yards shall be landscaped except for curb cuts, sidewalks, and driveways; and
2. Side and rear yards shall be landscaped except for sidewalks and driveways.

**l. Sign Regulations**

On-premise signs are allowed with the following exceptions:

1. No signs shall be allowed on Plumas Street;
2. Signs shall only face or front onto Moana Lane;
3. Heights of monument signs shall be limited to an overall height of six feet including pedestals;
4. Only indirect lighting is allowed;
5. Sign lights shall be turned off daily between the hours of 7:00 p.m. and 6:00 a.m.;
6. Sign design shall be compatible with and complementary to the building architecture; and
7. No other signs whatsoever shall be allowed, except temporary signs permitted in Chapter 18.05 *Signs*.<sup>135</sup>

**(c) Mortensen-Garson Neighborhood Plan (MGOD) Overlay District<sup>136</sup>**

**(1) Purpose**

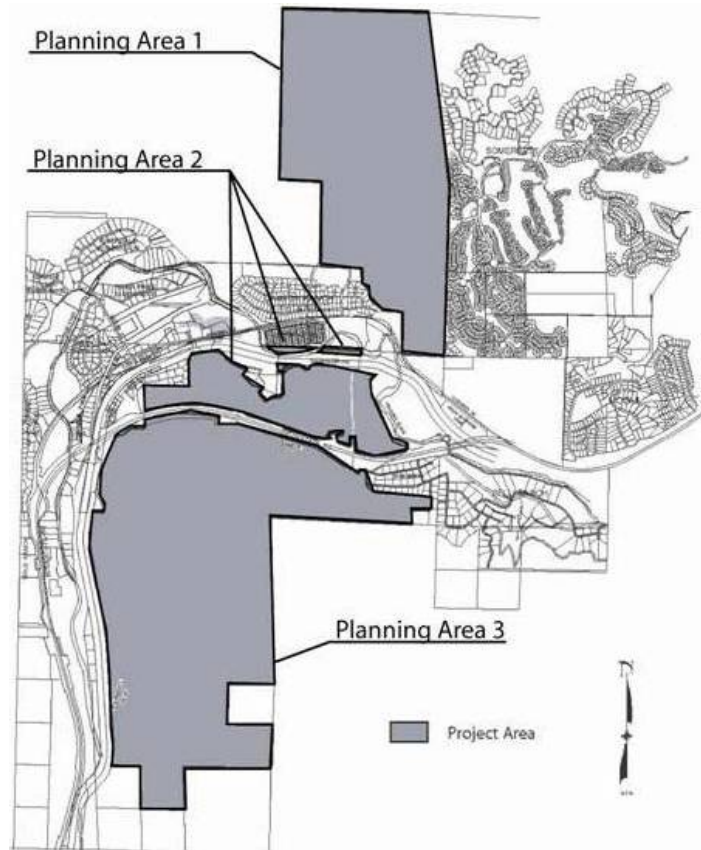
This district modifies the underlying base zoning land uses, development standards, and development review procedures within the Western Gateway Regional Center Plan and Mortensen-Garson Neighborhood Plan areas.

<sup>135</sup> Updated to allow temporary signs (real estate, political, etc.).

<sup>136</sup> Revisions and clarifications to the MGOD overlay have been initiated through a separate process.

**(2) Applicability**

The MGOD encompasses the plan areas as defined in the Western Gateway Regional Center Plan and the Mortensen-Garson Neighborhood Plan on approximately 2,723.9 acres as illustrated in Figure 2-6.



**Figure 2-6: MGOD Project Area**

**(3) Uses**

Uses permitted within each zoning district shall be those identified in this Title, except for the following uses which shall be prohibited:

- a. Auto repair garage, paint and body shop (does not include quick lube or vehicle maintenance associated with service station);
- b. Single room occupancy;
- c. Adult business;
- d. Towing and impound yard;
- e. Blood plasma donor center
- f. Outdoor manufacturing, processing, assembly or fabrication;
- g. Outdoor storage;
- h. Salvage or reclamation products (indoors);

- i. Tattoo parlor, body painting and similar uses;
- j. Laundry, self service;
- k. Theaters (in AC and IC only - allowed in HC);
- l. Crematoriums; or
- m. Billboards

**(4) Land Use Plan**

Zoning for the plan area (see Figure 2-7) was developed in the Mortensen-Garson Development Standards Handbook and adopted into Reno Municipal Code as base zoning established on parameters outlined in Table 2-39 and Table 2-40, below. Adjustments to the total numbers and types of development allocated to each planning area may only be made as allowed in Section 18.08.406(h)(15) entitled "Administration/Amendments."

Figure 2-7: MGOD Land Use Plan

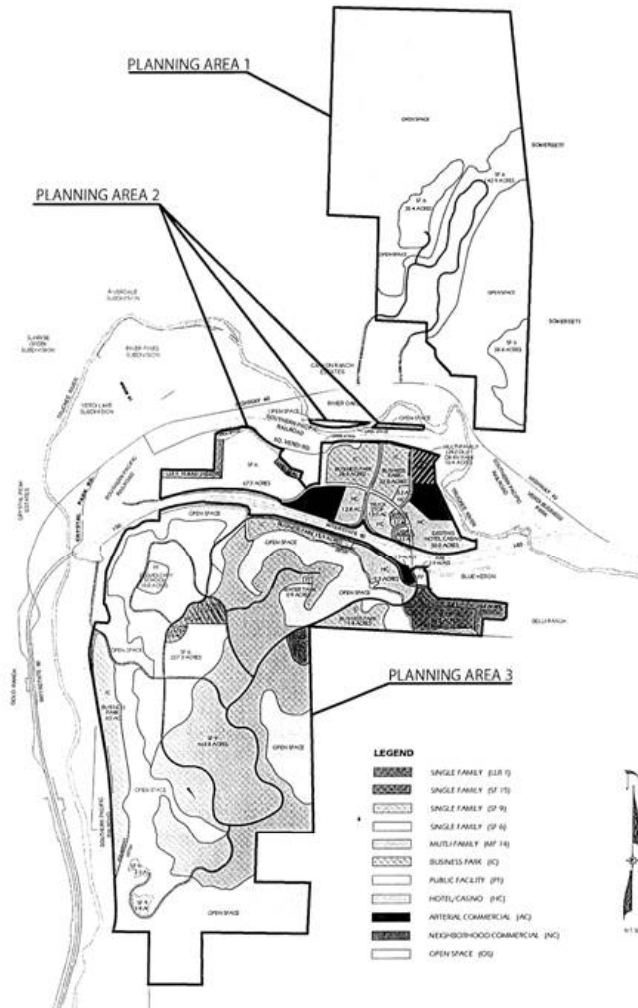


Table 2-39 MGOD Development Potential by Land Use Designation		
Designation	Abbreviation	Acreage
Large Lot Residential	LLR1	±31
Single-family Residential (15,000 sq. ft.)	SF15	±26
Single-family Residential (6,000 sq. ft.)	SF6	±523
Public Facility	PF	±14
Hotel Casino	HC	±56.6
Arterial Commercial	AC	±85
Neighborhood Commercial	NC	±15
Open Space	OS	±1,344

Table 2-40 MGOD Development Potential by Planning Area		
Planning Area	Land Use Designation	Dwelling Units
Planning Area 1	Single-family (SF6)	676 units
Planning Area 2	Single-family (LLR1)	13 units
	Single-family (SF6)	270 units
	Multifamily (MF14)	242 units
Planning Area 3	Single-family (LLR1)	14 units
	Single-family (SF15)	76 units
	Single-family (SF9)	943 units
	Single-family (SF6)	594 units
	Multifamily (MF14)	172 units

#### (5) Traffic Studies

Each development application will include a traffic analysis identifying the roadway improvements necessitated by that particular development. This will assure that improvements are planned to coincide with the need to maintain level of service C, with the exception of freeways and freeway ramps.

##### a. Trip Reduction

1. In order to facilitate trip reduction, a park and ride facility will be provided when determined feasible by the City of Reno and Regional Transportation Commission (RTC). Such a facility will be placed at the southern end of the employment center located south of I-80. RTC has indicated that 50 parking spaces will be adequate for this facility. An area of approximately 6,000 square feet should accommodate this facility.
2. A temporary parking area will be provided prior to construction of the fire station at this location. With construction of the fire station, a permanent parking area will be provided if warranted.

##### b. Connection to Somerset

Access from Planning Area 1 to the east (i.e., Somerset) shall be limited to emergency access only. In no way shall this preclude pedestrian or bicycle access.

- c. Traffic studies for individual projects shall evaluate the cumulative impacts of development.
- d. Traffic studies for Planning Area 1 will include an assessment of impacts to the on-ramp for the Highway 40/I-80 interchange.

#### (6) Hillside Development

##### a. Purpose

The purpose of this subsection is to regulate hillsides in a manner different from regulation of flat terrain. This subsection establishes provisions for developing, preserving and protecting hillsides and ridgelines with the intent of protecting the public health, safety and welfare by:

1. Minimizing use of slopes subject to instability, erosion, landslide, flood hazards or drainage problems;
2. Minimizing the careless alteration of and disruption to the natural topography and landscape;
3. Providing safe and adequate vehicular and pedestrian access to and within hillside areas, including emergency access;
4. Establishing stormwater runoff and erosion control techniques to minimize adverse water quality impacts resulting from non-point runoff;
5. Encouraging innovative grading techniques and building design which respond to the hillside terrain and natural contours of the land;
6. Minimizing impacts on existing trees and vegetation which reduce erosion, stabilize steep hillsides, enhance visual quality, protect water quality and preserve critical water-shed recharge areas;
7. Encouraging the transfer of density to avoid hazardous areas and to protect environmentally sensitive and open space areas; and
8. Minimizing impacts on prominent ridgelines, significant viewsheds, canyons and visually prominent rock outcroppings which reflect the visual value and scenic character of hillside areas.

**b. Applicability**

The provisions set forth in this subsection shall apply as follows:

**1. Hillside and Ridgeline Development**

This article applies to all new development that requires tentative maps or conditional use permits by the City and contains slopes greater than 15 percent on 20 percent or more of the site.

**c. Application Requirements and Procedures**

In place of the application requirements found in the Chapter 18.04 Article 4, *Hillside Development*, the following submittals shall be required for all hillside development:

**1. Site Analysis**

A site analysis, prepared by a qualified engineer, planner, landscape architect or architect shall be submitted. This analysis shall provide the basis for assessing the opportunities and constraints of the site for development and shall be in the form of a design standards handbook incorporating both textual and graphical representations of the requested action. At a minimum, a site analysis shall indicate:

- [a] Major topographic conditions including ridgelines, ravines canyons and knolls;
- [b] Preliminary geological conditions including major rock outcroppings, slide areas and areas underlain with faults that have been active during the Holocene epoch of geological time;
- [c] Preliminary soil conditions including soil type, expansiveness, slumping, erodibility and permeability;
- [d] Significant surface hydrological conditions including natural drainage courses, perennial streams, floodplains, wetlands and ponding area;

- [e] The location and types of significant vegetation including known rare and endangered plant species and general plant communities;
- [f] Habitat areas for rare or endangered animal species;
- [g] Preliminary viewshed analysis including cross sections of views to and from the development site from all major roadways within one mile of the project site, and from major focal points on the project site;
- [h] How the development responds to the unique conditions of the hillside and;
- [i] A slope analysis, submitted on a topographic map with contour intervals of at least five feet for planning purposes. This analysis shall indicate the location and amount of land included within the following slope categories, tabulated in acres;
  - i. 0—15 percent
  - ii. 15—20 percent
  - iii. 20—25 percent;
  - iv. 25—30 percent; and
  - v. Greater than 30 percent.

## 2. **Developable Area Map**

A developable area map, prepared pursuant to the following subsection entitled "Determination of Developable Area."

## 3. **Constraint and Mitigation Analysis**

A detailed analysis of how the identified constraints will be mitigated and incorporated into the project's design.

## 4. **Detailed Contour Analysis**

A topographic map with more or less detailed contour intervals may be required by the Administrator for design purposes.

## d. **Determination of Developable Area**

To determine the location and amount of land suitable to support development, a developable area analysis is required on a hillside property.

### 1. **Purpose**

The purpose of identifying the developable area of a hillside is to designate those areas suited for development and construction as evidenced by soils, geotechnical, biological and hydrological investigations and studies. A developable area analysis is required to ensure that the proposed project complies with the intent, standards and requirements of the MGOD.

### 2. **Developable Area Map**

The developable area analysis shall be in the form of a developable area map; shall be drawn at a scale appropriate to the project; shall identify the location and amount of total land area suitable for development pursuant to the standards outlined in "Determination of Developable Area" (below); and shall be prepared by a qualified engineer, planner, landscape architect or architect.

### 3. **Determination of Developable Area**

Areas considered less suitable for development include:



- [a] Slopes greater than 30 percent, based on a slope analysis;
- [b] Areas of landslides or landslide potential;
- [c] Areas underlain with faults that have been active during the Holocene epoch of geological time;
- [d] Habitat area of known rare or endangered plant or animal species; and
- [e] Significant streams, ravines and drainageways.

**4. Exceptions**

Development shall be permitted within areas of a hillside property considered less suitable for development by the Administrator due to extenuating circumstances, provided the applicant can demonstrate that:

- [a] The purpose of this article will not be compromised;
- [b] Unstable slopes proposed for development will be sufficiently stabilized;
- [c] Areas of landslide or landslide potential proposed for development will be stabilized;
- [d] Earthquake resistant structures will be constructed on development sites proposed on potential earthquake areas;
- [e] Areas of rare and endangered animal or plant habitat proposed for development will be relocated and mitigation measures adhered to; and
- [f] Significant ridgelines, rock outcroppings, canyon and landforms will be protected to the greatest extent possible.

**e. Protected Open Space Areas**

Any portion of a hillside development which has been deemed unsuitable for development pursuant to this subsection shall be designated as permanent open space and shall be subject to the following provisions:

**1. Permitted Uses**

Uses permitted within the permanent open space areas shall be those that are directly related to the open space function of the land, are necessary to provide community services, or are necessary for the health, safety or welfare of the public. The following uses and facilities shall be permitted in the permanent open space area:

- [a] Paved and unpaved pedestrian, equestrian and bicycle paths and trails;
- [b] Outdoor recreational uses and facilities such as skiing, fishing, boating, swimming, horseback riding, nature observation, community parks and picnic areas;
- [c] Roads, bridges and culverts for vehicles, pedestrians, bicyclists or equestrians used to provide access to permitted open space uses or to developable areas;
- [d] Installations, maintenance and operation of typical utilities; and
- [e] Dams, swales, detention ponds and impoundments areas, wetlands and wetlands mitigation sites, and other structures necessary to prevent flooding and erosion and to protect water quality.

**2. Land Restriction**

A deed restriction, easement, offer of dedication, or other conveyance describing limitations placed on the permanent open space areas of the property shall be recorded concurrent with the issuance of a development

permit. The restriction shall include provisions for the management and maintenance of the property. Where appropriate, open space shall be dedicated to a public agency.

f. **Site Development Standards**

This subsection sets forth development standards to address the physical and technical conditions unique to hillside and ridgeline property within the MGOD. In case of conflict between the provisions of this subsection and those of any other portion of Reno Municipal Code, the provisions of this subsection shall prevail unless otherwise determined by the Administrator, City Engineer, or designated staff from the appropriate fire protection agency.

1. **Building Location**

The following standards are intended to encourage compatibility between development and the existing hillside and vegetation character:

- [a] Structures shall be located on the natural slope of the land rather than on man-made pads and terraces;
- [b] Structures shall be located in such a manner so as to retain or enhance views, particularly views from public places as identified in the required viewshed analysis and individual residential dwelling units;
- [c] Development clusters shall be permitted, where appropriate, to preserve natural features, reduce grading and impervious surface area, increase usable open space areas, and preserve views of the hillsides;
- [d] The character and profile of the hillside should be preserved by using existing disturbed areas for building envelopes rather than undisturbed areas; and
- [e] For projects with multiple buildings, structures should be sited in staggered arrangements and height variation to minimize a "walled" effect.

2. **Building Design**

The following standards are intended to encourage building design that is compatible to the character of hillsides and ridgelines and minimize alteration of the natural landforms:

- [a] Split-pad and stepped foundations will be used where appropriate;
- [b] The use of decks and small patios shall be encouraged to reduce the amount of grading;
- [c] Structures shall be designed to blend into the natural character of the hillside by reducing the visual bulk through landscaping, terraced building forms and height variations; and
- [d] A series of smaller, visually distinct roofs, specifically pitched, gabled and hipped roofs, shall be encouraged to reflect the visual diversity of the natural hillsides.

3. **Building Height**

Buildings shall not exceed the maximum allowable height standards established for the zoning district in which the structure is located.

4. **Yards**

The following standards are intended to ensure sloped yards are adequately maintained by the dwelling unit physically and visually accessing them:

- [a] Cut or fill slopes should be designed such that they are visible from the residence on the property in which they are located. This will encourage property owners to stabilize, maintain and treat slopes to prevent erosion.
- [b] Slopes adjacent to a roadway should be designed and maintained in a uniform manner.
- [c] To promote creative site planning design, residential yard requirements and building placement standards may be reduced by the Administrator with a tentative map or conditional use permit provided the applicant can demonstrate that the reduction:
  - i. Does not diminish solar access to the primary living space or yard area of an adjoining residence;
  - ii. Does not block views from adjoining lots and streets beyond that which would have occurred without the reduced yard allowance; and
  - iii. Is consistent with the natural hillside character.

#### 5. **Parking and Sidewalks**

The following standards are intended to ensure safe and adequate access to residential hillside development areas and to minimize the width of hillside roadways where feasible and as appropriate:

- [a] On lots fronting a street with on-street parking prohibited on both sides of the street, one additional off-street parking space shall be provided per unit;
- [b] The width of a driveway at curb cut shall not exceed 24 feet, and the distance between two or more curb cuts on the same property shall be at least 20 feet;
- [c] To reduce the number of curb cuts, amount of grading impervious surface area, and site disturbance, use of common driveways shall be encouraged by the Administrator, provided that a common easement maintenance agreement is secured; and
- [d] Tandem parking may be permitted by the Administrator provided that the applicant can demonstrate that such configuration will reduce the amount of grading.

#### 6. **Lot Configuration**

The following standards are intended to ensure platting of new lots which reflect the natural character of hillside properties:

- [a] Stable and sufficiently usable areas of land for development shall be provided for each lot;
- [b] Building envelopes, disturbed areas and areas to remain undisturbed for each created lot shall be shown on the tentative and final maps;
- [c] Reasonably safe and adequate access from public streets without requiring massive grading or substantial vegetation removal shall be required for each created lot; and
- [d] Lot patterns which offer a variety of configurations shall be encouraged.

#### 7. **Fences and Walls**

The following standards are intended to minimize the visual effect of excessive fencing and retaining walls in hillside and ridgeline development:

- [a] Multiple retaining walls shall be separated horizontally by a distance equal to at least the height of the lower retaining wall and include appropriate landscaping between walls (see also the Community Design subsection standards below), and;
- [b] A series of smaller retaining walls shall be encouraged rather than one large, uninterrupted wall.

**8. Significant Natural Features**

Significant natural features shall be protected and preserved where appropriate and feasible including, but not limited to, ridgelines, canyons, ravines, streams and creeks, natural drainages, and rock outcroppings.

**9. Open Space and Recreational Trails**

Open space areas and recreational trails provided as part of a hillside development shall be consistent with Figure 2-11.

**g. Grading and Drainage Standards**

This section sets forth development standards for grading of hillside and ridgeline properties.

**1. Grading**

These grading standards are applicable to hillside and ridgeline development only if a conditional use permit for grading is required pursuant to Reno Municipal Code. The following standards are intended to preserve natural topographic features, foster resource preservation, and minimize degradation of the visual character of hillsides:

- [a] Grading shall relate to the natural topography with the natural topography maintained to the greatest extent possible. Mass grading in areas of 30 percent or greater slope shall be avoided unless associated with necessary access, utilities or is in an isolated area not a part of a larger hillside, or significant ridgeline;
- [b] Where alteration to the natural topography is necessary, graded slopes shall be contoured to provide a smooth and gradual transition of grading and natural slopes, while maintaining the basic character of the terrain;
- [c] Standard pad grading or terracing which results in grading outside the building footprint and access area shall be discouraged;
- [d] Grading of knolls, ridgelines or toes of slopes shall be rounded to conform with the natural grades and to provide a smooth transition to the natural slope;
- [e] Grading shall create varying gradients in order to avoid a "manufactured" appearance;
- [f] Grading in environmentally sensitive habitat areas shall occur only when necessary to protect, maintain, enhance, or restore the habitat; and
- [g] A slope stability and scarring mitigation plan, certificated by the project engineer, shall be reviewed, and approved by the Administrator prior to initiation of grading.

**2. Drainage and Erosion Control**

All hillside development shall satisfy current Reno Municipal Code for drainage and erosion control.

#### h. **Vegetation Preservation and Restoration Standards**

This section sets forth development standards to ensure maximum preservation and restoration of existing trees and vegetation on hillsides and ridgelines, reduce damage from sediment and runoff, improve wildlife habitat, and retain the desirable qualities of hillsides.

##### 1. **Existing Native Trees and Vegetation**

Existing native trees and vegetation shall be retained and integrated into the site development plan to the maximum extent feasible so as to maintain the natural surface drainage system, protect and preserve ecological communities, and enhance the natural scenic and visual quality.

##### 2. **Disturbed Areas**

Where existing trees or plants have been removed from hillside or ridgeline properties, the following standards shall apply;

- [a] Existing vegetation shall not be destroyed, removed or disturbed more than 15 days before grading is scheduled to begin; and
- [b] All graded or disturbed area, exposed slopes and areas of soil or land form disturbance not designated for development shall be revegetated and replanted immediately after grading in order to mitigate adverse visual impacts, improve soil conditions, minimize erosion and stabilize necessary cut and fill slopes with plant roots.

#### i. **Street Standards**

This subsection sets forth development standards to ensure streets and roadways are adequate for serving the unique conditions of hillside areas.

##### 1. **Applicability**

Street standards for hillside and ridgeline properties shall be subject to the provisions of Reno Municipal Code, and be in accordance with a detailed geotechnical engineering investigation that provides recommendations for the following:

- [a] Design of cut and fill slopes;
- [b] Design of roadway drainage systems;
- [c] Protection of slopes from erosion;
- [d] Pavement and structural design; and
- [e] Construction procedures and methods to be used during site grading and roadway construction.

##### 2. **Standards Waiver**

The street standards in Reno Municipal Code, Street Design Standards, may be modified for hillside development if the geotechnical investigation indicates that other roadway cross sections are more suitable for the proposed development. Any modifications to the standards shall be designed in accordance with Reno Municipal Code and to the satisfaction of the Administrator, City Engineer, and staff from the appropriate fire protection agency.

#### j. **Fire Safety Standards**

This section sets forth development standards to minimize the potential of fire spread and ensure fire safety to hillside areas through the provision of adequate water supply and sources, fuel breaks and fire-resistant landscaping.

**1. Water Provisions**

The applicant shall demonstrate that adequate fire line water supply, flow and pressure are available and consistent with standards established by the appropriate fire protection agency, and that all applicable fire hydrant requirements have been fulfilled.

**2. Building Materials**

Fire retardant roofing and decking shall be required.

**3. Fuel Breaks**

Fuel breaks shall be provided to reduce the risk of spread of wildfire and the opportunity of ignition, and to assure emergency access to the hillside development. The fuel breaks shall be established around all buildings and community facilities, and at appropriate intervals and locations within a hillside development to provide safer access for firefighting and to reduce the rate of fire spread, as follows:

- [a] The perimeter of all buildings shall be cleared of underbrush and excess vegetation;
- [b] Lot size and building placement shall allow adequate clearance of hazardous flammable vegetation; and
- [c] Fuel breaks shall allow safe access for fire-fighting personnel and equipment.

**4. Fire-Resistant Planting**

In high-risk fire areas, the following standards shall apply:

- [a] Existing fire-resistant and fire-retardant plants shall be retained where feasible;
- [b] The use of fire-resistant and fire-retardant plants shall be encouraged, and the use of highly flammable plants shall be prohibited;
- [c] New trees shall be planted at least 15 feet from existing and proposed structures. Where this setback is infeasible due to yard requirements or other physical constraints, the use of fire-resistant trees shall be required;
- [d] Trees shall be pruned such that no dead branches or foliage extend lower than six feet above finished grade within ten feet of a chimney; and
- [e] Yard areas shall be regularly maintained to remove excessive dry wood, debris, weeds, and other highly flammable materials.

**(7) Significant Hydrologic Resources**

**a. Purpose**

The purpose of this Subsection, Significant Hydrologic Resources, is to regulate development activity within and adjacent to perennial streams to ensure that these resources are protected and enhanced. This subsection establishes standards for use of land in "critical stream zone buffer areas" and "sensitive stream zone buffer areas" preserving and protecting perennial streams to implement a policy of "no net loss" of significant hydrological resource size, function and value. The purpose of requiring perennial stream buffer areas is to

recognize that many uses directly adjacent to a hydrologic resource may compromise the integrity of the resource through various negative features endemic to the specific use. Negative activities in the buffer areas may impact the quality or quantity of the existing hydrology, soil characteristics, vegetation communities or topography thereby jeopardizing the resource's functions. The intent of these regulations is to protect the public health, safety, and welfare by:

1. Preserving, protecting and restoring the natural functions of existing perennial streams in Washoe County;
2. Reducing the need for the expenditure of public funds to remedy or avoid flood hazards, erosion, or other situations caused by inappropriate alterations of streams;
3. Ensuring the natural flood control functions of perennial streams including, but not limited to, stormwater retention and slow-release detention capabilities are maintained;
4. Ensuring stormwater runoff and erosion control techniques are utilized to stabilize existing stream banks, reduce downstream sediment loading, and ensure the safety of people and property;
5. Ensuring the natural water quality functions of perennial streams including, but not limited to, pollution filtering, groundwater recharge, nutrient storage, nutrient recycling capabilities, and sediment filtering capabilities are not impacted by existing and proposed developments;
6. Encouraging common open space to avail hazardous or environmentally sensitive areas, protect important habitat and open space areas, and minimize impacts on groundwater recharge areas;
7. Establishing buffer areas around all significant hydrological resource areas to ensure the resource is not jeopardized or degraded by adjacent offsite development activity;
8. Ensuring a no net loss of value, acreage and function of each different significant hydrological resources is adhered to; and
9. Identifying, establishing and managing perennial streams as mitigation sites for destroyed or degraded hydrological resources.

**b. Applicability**

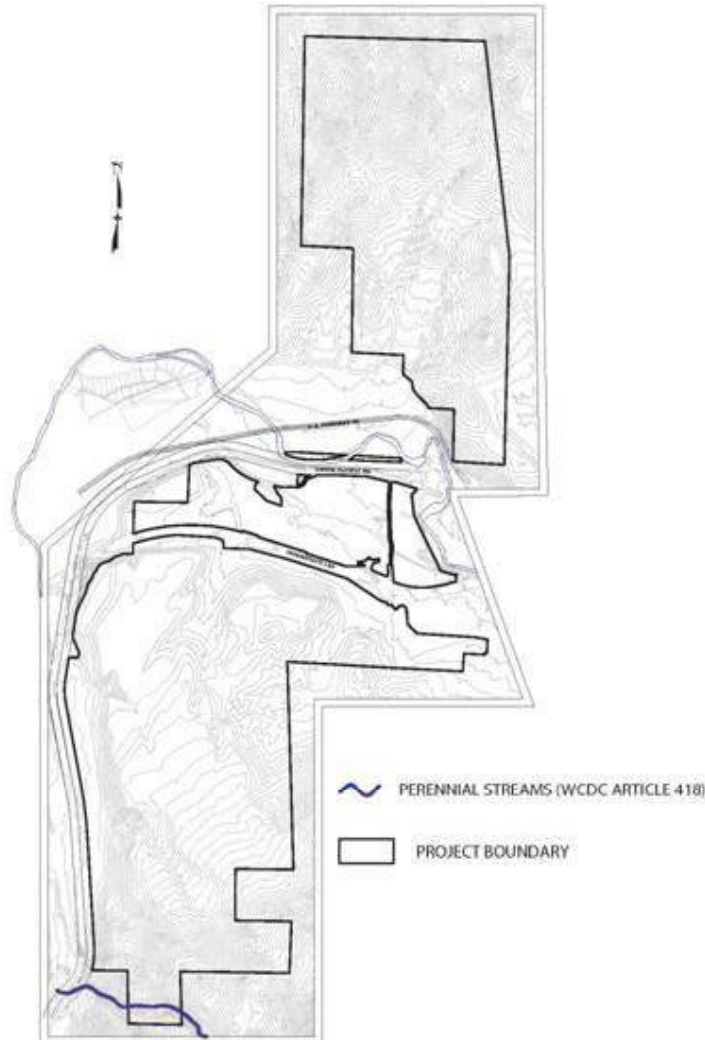
The provisions set forth in this subsection shall apply as follows:

**1. Area of Applicability**

The provisions of this subsection shall apply to the properties identified in Figure 2-8. All new development that requires permitting or review by the city shall be reviewed for compliance with the significant hydrologic resource standards contained herein.



Figure 2-8: MGOD Significant Hydrologic Resources



**2. Relationship to Other Restrictions**

The requirements established in this subsection are not intended to repeal, abrogate, supersede or impair any existing federal, state or local law, easement, covenant or deed restriction. However, if this article imposes greater or more stringent restrictions, the provisions of this article shall prevail. Specifically, if an applicant also acquires authorization under Section 404 of the Clean Water Act from the United States Army Corps of Engineers, the applicant shall meet any greater or more stringent restriction set forth in this article in addition to and independent of the restrictions of such permit.

**3. Application of this Article to the Truckee River**

The provisions of this article do not apply for development along the Truckee River.



#### 4. Impact on Land Use Designations

The provisions of this subsection shall neither be used as justification for changing a land use designation nor be used to reduce the development density or intensity otherwise allowed by the land use designation of the property, subject to the provisions and limitations of the section.

##### c. Perennial Streams Buffer Areas

Perennial stream buffer areas are established to provide adequate setbacks and land use controls to ensure water quality functions of each perennial stream are not jeopardized through development activity. To limit significant impacts adjacent to hydrological resources, two buffer areas are hereby established - the "critical stream zone buffer area" and the "sensitive stream zone buffer area". All proposals to develop uses within the critical stream zone buffer area and/or the sensitive stream zone buffer area shall submit a site plan with precise dimensions depicting the boundary line for the buffer areas.

###### 1. Critical Stream Zone Buffer Area

The critical stream zone buffer area shall be all land and water surface within 30 feet from the centerline of the perennial stream. The centerline of the stream shall be determined by either survey from a licensed surveyor or by determination of the thalweg (i.e., the line connecting points of maximum water depth) from a topographic survey, or appropriate USGS 7.5 minute topographic map covering the site.

###### 2. Sensitive Stream Zone Buffer Area

The sensitive stream zone buffer area shall be all land and water surface between the critical stream zone buffer area boundary of 30 and 150 feet from centerline or thalweg of the perennial stream.

##### d. Critical Stream Zone Buffer Area Development Standards

All development in the critical stream zone buffer area shall be subject to the following standards:

###### 1. Allowed Uses

Uses allowed within the critical stream zone buffer area are limited to those uses necessary for providing community services such as managing and conserving natural resources, and providing recreational and educational opportunities, including:

- [a] Weed control consistent with state and local laws.
- [b] Mosquito abatement consistent with state and local laws.
- [c] Conservation or preservation of soil, water, vegetation, fish, and other wildlife habitats.
- [d] Outdoor recreation activities such as fishing, bird watching, hiking, and swimming.
- [e] Education and scientific research including, but not limited to, water quality monitoring and stream flow gauging.
- [f] Maintenance of an existing public or private road, driveway, structure or facility, including drainage facilities, water conveyance structures, dams, fences, trails, and any public or private utility facility used to provide transportation, electric, gas, water, telephone, telecommunication, or other including individual service connections. Written notice shall be

provided to the Administrator at least 15 days prior to the commencement of work, and all impacts to the critical stream zone buffer area are minimized and disturbed areas are immediately restored to their natural state.

- [g] Landscape improvements and maintenance of native vegetation is allowed within an established critical stream zone buffer area including the pruning of trees and the removal of dead vegetation and debris. Ornamental landscaping that would require fertilizer or pesticide applications for growth and maintenance is not permitted within the critical stream buffer zone area.
- [h] Landscaping area requirements in accordance with Reno Municipal Code may be satisfied by using the natural, undisturbed or restored critical stream zone buffer area to county towards the required area to be landscaped for new residential, civic, commercial, industrial or agricultural use types. Parking and loading areas on the developed portion of the site shall continue to require landscaping.
- [i] Continuation of existing agricultural operations such as the cultivation and harvesting of hay or pasturing of livestock or change of agricultural practices such as the relocation of an existing pasture fence, which has no greater impact on perennial stream water quality.
- [j] Perimeter fencing on a property boundary with a valid building permit pursuant to approval by the Administrator to ensure that obstruction to stream flows has been avoided.

## 2. Permitted Uses Requiring a Conditional Use Permit

Subject to the regulatory zone in effect for the property establishing the uses, the following use types may be permitted in the critical stream zone buffer area pursuant to a conditional use permit being issued by the City of Reno according to the provisions of Section 18.08.605, *Conditional Use Permit*, and this subsection. Any construction in the critical stream buffer zone area will require submission of a grading plan showing compliance with applicable best management practices as defined by the City of Reno to minimize stream bank and stream bed erosion. The grading plan shall also be designed to prevent construction drainage and materials from increasing sedimentation impacts to the stream environment and to minimize impervious surfaces.

- [a] Construction or enlargement of any public or private roads, driveway, structure or facility including drainage facilities, water conveyance structures, dams, trails and any public or private utility facility used to provide transportation, electric, gas, water, telephone, telecommunication or other services.
- [b] Civic Use Types. Civic uses such as a nature center, active recreation, passive recreation and safety services use types may be permitted in the critical stream zone buffer area.

## 3. Prohibited Uses

Due to the incompatible nature of certain uses (i.e., ground disturbance, untreated water discharge, hazardous materials, chemical contamination, scale of use, traffic, etc.) and the potential negative impacts on the perennial stream and adjoining critical stream zone buffer area, all new construction

and development uses not listed in either the allowed or permitted portions of this Subsection shall not be established in the critical stream zone buffer area.

**[a] Residential, civic, commercial, industrial and agricultural use types**

All new residential, civic, commercial, industrial, and agricultural use types not listed as allowed or permitted uses are prohibited in the critical stream zone buffer area. Specifically prohibited industrial uses include:

- i. Aggregate facilities—Permanent.
- ii. Aggregate facilities—Temporary.
- iii. Energy production.
- iv. General industrial—Heavy.
- v. Inoperable vehicle storage.
- vi. Mining operations.
- vii. Salvage yards.
- viii. Wholesaling, storage, and distribution—Heavy.

**[b] Parking and Ornamental Landscaping**

All new parking and ornamental landscaping areas to fulfill the minimum requirements for new residential, civic, commercial, industrial, or agricultural use types shall be prohibited in the critical stream zone buffer area.

**[c] Fences**

To prevent livestock from destroying the stream bank slope, all new perpendicular-oriented fences shall be prohibited in the critical stream zone buffer area. Fencing that is parallel to the stream and is designed to keep livestock from access to the water and stream bank may be permitted after review and approval by the Administrator.

**e. Sensitive Stream Zone Buffer Area Development Standards**

All development in the sensitive stream zone area shall be subject to the following standards:

**1. Allowed Uses**

All allowed uses within the critical stream zone buffer area are also allowed in the sensitive stream zone buffer area. Additional allowed uses in the sensitive stream zone buffer area include:

- [a]** Single-family, detached residential uses with the approval of a tentative map. All related accessory uses associated with the single-family residence requiring a building permit. Attached or detached accessory dwelling may also be erected within the sensitive stream zone buffer area with the approval of a tentative map. New building structures such as storage sheds and gazebos that, due to their minimum floor area, do not require a building permit may also be erected within the sensitive stream buffer area.
- [b]** Landscaping area requirements in accordance with Reno Municipal Code, including ornamental landscape planting, may be satisfied by using the sensitive stream zone buffer area to count towards the required area to be landscaped for new residential, civic, commercial, industrial or

agricultural use types. Parking and loading areas on the developed portion of the site shall continue to require landscaping.

[c] New fencing constructed in accordance with Reno Municipal Code.

## 2. Permitted Uses Requiring a Conditional Use Permit

Subject to the regulatory zone in effect for the property establishing the uses, all new use types may be permitted in the sensitive stream zone buffer area pursuant to a conditional use permit being issued by the City of Reno. The conditional use permit requirement is also applicable to construction or enlargement of any public or private roads, driveway, structure or facility including drainage facilities, water conveyance structures, dams, trails, and any public or private utility facility used to provide transportation, electric, gas, water, telephone, telecommunication or other services. New residential, commercial and industrial subdivisions processed with a tentative subdivision map, shall not require the concurrent processing of a conditional use permit, as long as the "Special Review Considerations" of this subsection (below) are addressed in the tentative subdivision map review. Any construction in the sensitive stream zone buffer area will require submission of a grading plan showing compliance with applicable best management practices as defined by the City of Reno to minimize stream bank and streambed erosion. The grading plan shall also be designed to prevent construction drainage and materials from increasing sedimentation impacts to the stream environment and to minimize impervious surfaces.

## 3. Prohibited Uses

Due to the incompatible nature of certain uses (i.e., ground disturbance, untreated water discharge, hazardous materials, chemical contamination, scale of use, traffic, etc.) and the potential negative impacts on the perennial stream and adjoining sensitive stream zone buffer area, the following uses shall not be established in the sensitive stream zone buffer area;

[a] Aggregate facilities—Permanent.

[b] Aggregate facilities—Temporary.

[c] Energy production.

[d] General industrial—Heavy.

[e] Inoperable vehicle storage.

[f] Mining operations.

[g] Salvage yards.

[h] Wholesaling, storage, and distribution—Heavy.

## f. Special Review Considerations

In addition to the findings required by Section 18.08.605, *Conditional Use Permit*, prior to approving an application for development in the critical stream zone buffer area or the sensitive stream zone buffer area, the record at the Planning Commission shall demonstrate that the following special review considerations are addressed:

1. Conservation of topsoil;
2. Protection of surface water quality;
3. Conservation of natural vegetation, wildlife habitats and fisheries;

4. Control or erosion;
5. Control of drainage and sedimentation;
6. Provision for restoration of the project site to predevelopment conditions;
7. Provision of a bonding program to secure performance of requirements imposed; and
8. Preservation of the hydrologic resources, character of the area and other conditions as necessary;

g. **Modification of Standards**

Modification of standards, including interpretation of the applicability of the standards in this Subsection, shall be set forth as follows:

1. **Appeals for Errors**

The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination. Appeals shall be processed under the provision of Subsection 18.08.307(j), *Appeal*.

2. **Special Exceptions**

The City Council shall hear and decide requests for special exceptions from the requirements of this Subsection. In passing upon such applications, the City Council shall consider all technical evaluations and all relevant requirements, factors and standards specified in the MGOD and shall also consider the following provisions:

- [a] The potential degradation of the stream environment.
- [b] The danger to life and property due to flooding or erosion damage.
- [c] The loss of critical habitat.

3. **Issuance of Special Exception**

Special exceptions shall only be issued when in compliance with the provisions of this Section and the City Council finds:

- [a] A showing of good and sufficient cause such as renovation, rehabilitation or reconstruction of the stream environment; or
- [b] A determination that failure to grant the special exception would result in exceptional hardship to the applicant, such as deprivation of a substantial use of property and that the granting of a special exception will not result in degradation of the stream environment.

4. **Extent of Special Exception**

Special exceptions shall only be issued upon a determination that the special exception is the minimum necessary to afford relief.

5. **Conditions of Special Exceptions**

Upon consideration of the factors set forth in this section and the purpose of this subsection, the City Council may attach such conditions to the granting of special exceptions as it deems necessary to further the purpose of this article.

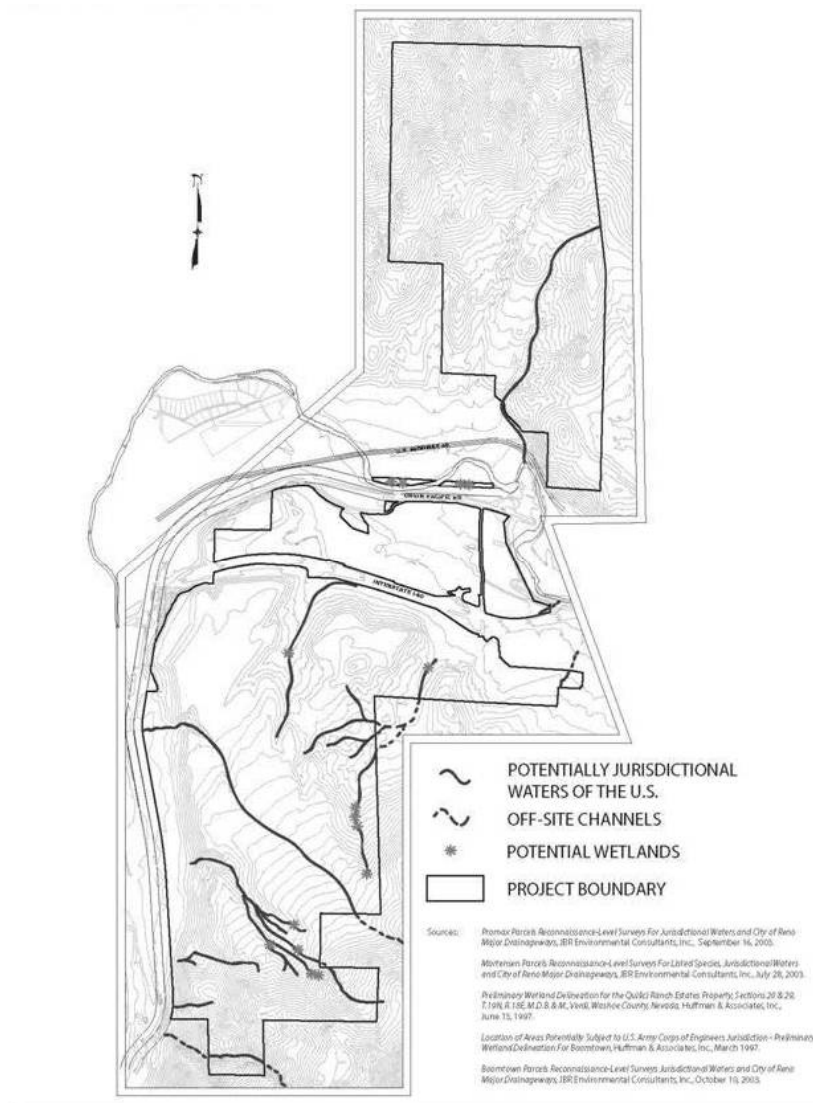
h. **Wetlands**

1. Preliminary wetland delineations for the properties included in the MGOD have been prepared by JBR Environmental Consultants, Inc., and Huffman

and Associates, Inc. These studies have been included in Supporting Studies Book 2, associated with the Mortensen-Garson Development Standards Handbook. Figure 2-9, below, depicts the general location and extent of potential wetlands and potential Waters of the U.S. within the project boundaries.

2. Each tentative map, parcel map and conditional use permit shall show the wetlands and waters of the U.S. Wetlands within the project will be protected and mitigated according to Reno Municipal Code, Wetlands and Stream Environments. Wetlands will be avoided and retained as open space unless the location of the wetland and or the physical characteristics of the site necessitate modification of a wetland. In this instance, the wetland shall be replaced at a minimum 2:1 ratio of as required by the U.S. Army Corps of Engineers, whichever is more restrictive.

Figure 2-9: MGOD Wetlands



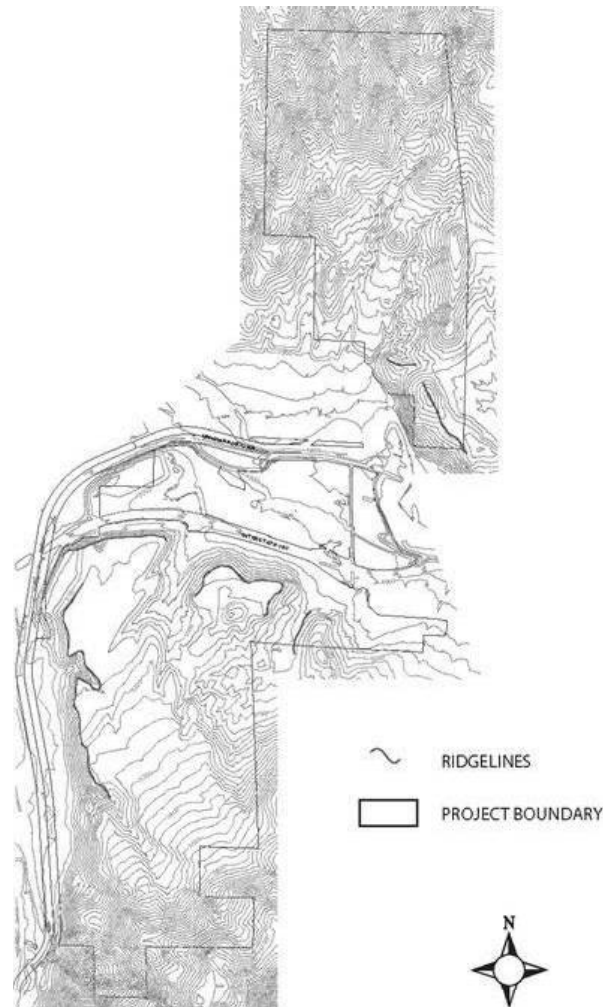
**(8) Ridgelines**

Figure 2-10, below, defines the significant ridgelines that are found within the MGOD. Development immediately adjacent to these ridgelines shall provide the following treatments to minimize visual impact to I-80:

- a. Minimum structure setback of 45 feet from the ridgeline; or
- b. Single story building height limitation and landscape treatments consisting of the use of existing or additional evergreen trees and shrubs for screening of structures. Landscaping shall consist of plant material that is either identical or similar to existing plant material; or
- c. Structures stepped into the hillside and landscape treatments consisting of the use of existing or additional evergreen trees and shrubs for screening of structures. Landscaping shall consist of plant material that is either identical or similar to existing plant material.



Figure 2-10: MGOD Ridgelines



**(9) Edge Matching**

New development adjacent to the existing developments of Blue Heron, Verdi Bluffs and Canyon Ranch Estates subdivisions shall provide an edge density and lot size for edge lots equal to or less dense than the above-referenced subdivisions, or shall provide an open space buffer equal to at least one lot depth of the above-referenced subdivisions. This standard in no event requires an edge lot size of buffer in excess of one acre in size.

**(10) Exterior Lighting**

The purpose of this section is to provide outdoor lighting standards that will improve safety, minimize glare and light trespass, and conserve energy for businesses and the residents of the Verdi area. Lighting will vary from larger scale roadway lighting to more intimate pedestrian scale lighting. Lighting will be used to create mood and reinforce the character of distinct areas within the project. Lighting will also be designed to be minimal, from the perspective of nurturing "dark sky" in most project areas. Lighting will be designed according to City of Reno standards and modified for the nurturing of "dark skies", to the approval of the city.



**a. Light**

All exterior light sources shall be located and installed in such a way as to prevent spillover lighting onto adjoining properties. All light fixtures shall be located, aimed or shielded so as to minimize light trespass across property boundaries. Where applicable, all commercial installations shall utilize house-side shielding to minimize light trespass on residential properties. The following provisions shall apply to all existing and proposed development:

1. Any lighting facilities shall be so installed as to reflect away from adjoining properties. Covers shall be installed on all lighting fixtures and lamps shall not extend below the bottom of the cover.
2. Light standard in or within 100 feet of residential zones shall not exceed 12 feet in height. The Administrator may permit additional height provided such lights are a sharp cutoff lighting system.
3. No permanent rotating searchlights shall be permitted in any regulatory zone, except that an administrative permit may be issued by the Administrator for a period not to exceed three days for a temporary search light. The administrative permit shall be limited to a maximum of three times in any one calendar year.

**b. Shielding**

Full Cutoff lighting is strongly recommended. Where Full Cutoff fixtures are not utilized, acceptable outdoor light fixtures shall include those which:

1. Are provided with internal and/or external glare control louvers and installed so as to minimize uplight and offsite light trespass, and
2. Are installed and maintained with aiming angles that permit no greater than five percent of the light emitted by each fixture to project above the horizontal.

**c. Lighting Design**

The style and intensity of lighting shall consider not only function and appearance, but shall reflect the existing character of surrounding areas and shall replicate natural light as much as possible.

**d. Glare**

Reflected glare on nearby buildings, streets or pedestrian areas shall be avoided by incorporating overhangs and awnings, using non-reflective building materials for exterior walls and roof surfaces, controlling angles or reflection, and placing landscaping and screening in appropriate locations.

**e. Reduced Lighting Levels**

Lighting levels shall be reduced to security levels within 60 minutes after the close of business or the end of the business activity.

**f. General Lighting Standards**

1. Lighting levels should be limited to effect "dark skies";
2. Fixture scale and illumination levels will be consistent with the specific use;
3. Fixtures will employ cutoff features, refractors, or housing shields to eliminate lighting spillover onto adjoining uses where the light would be a nuisance; and

4. Use energy efficient lighting design.

**g. Streetlighting**

1. Locate streetlights to provide safe illumination of roadways and to minimize glare. At a minimum, streetlights will be located at all intersections, pedestrian crossings, bus stops, and traffic circles;
2. The scale and spacing of streetlights will reflect the street hierarchy;
3. Care will be taken to ensure the project's street lighting is unobtrusive and optimized to afford views of the night sky;
4. Streetlights will be submitted for approval and inclusion in the Sierra Pacific Power Company streetlight program prior to approval of the applicable Final Map; and
5. Streetlights will have individual photocontrol units.

**h. Pedestrian Lighting**

Pedestrian lighting will reflect the level of activity intended for the specific area. Higher light levels are appropriate in intensive use areas such as hotel casino, shopping districts or plazas. Low light levels are appropriate in more natural areas. Where little or no light will be provided in adjacent areas, low lighting levels will be used to prevent "blind spots" at the interface between lit and unlit areas.

**i. Residential Lighting Standards**

Exterior fixtures mounted on buildings will be no higher than the line of the first story eave or, where no eave exists, no higher than 12 feet above finished grade and shall be shielded to reduce spillover on adjacent properties.

**j. Commercial Lighting Standards**

1. Commercial area lighting will coordinate with the associated building architecture;
2. Building lighting will clarify pedestrian routes and highlight building entries;
3. At a minimum, commercial areas will provide parking lot lighting and lighting at all pedestrian routes;
4. Building lighting will be integrated with the architectural design of the building with no exposed bulbs;
5. Building illumination and architectural lighting will be indirect in character. Overhead down lighting or interior illumination, which spills outside is encouraged. Architectural lighting will accent and animate the building in addition to providing functional lighting for safety;
6. Service area lighting will be contained within the service area boundaries and enclosure walls;
7. Locate lighting fixtures to reduce shadow or interference from trees and other objects in the landscape;
8. Parking lot lights will clarify vehicular and pedestrian circulation routes; and

9. Parking lot light standards will not exceed 25 feet in height unless the Administrator determines that a higher light standard will result in an overall reduction in lighting impact.

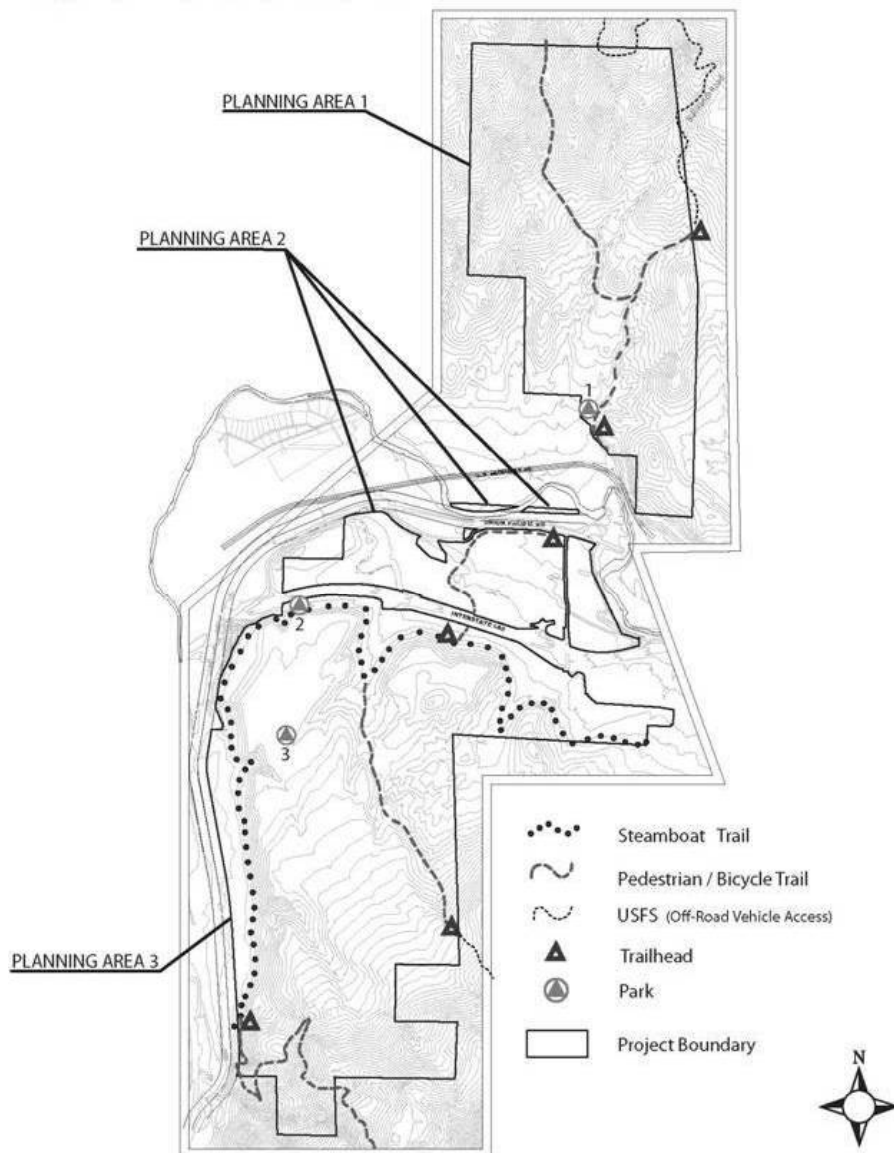
(11) **Parks and Trails**

Figure 2-11, below, depicts the parks and trails plan of the MGOD and shall be implemented with tentative maps and conditional use permits. Trails in addition to those shown in Figure 2-11 may be required with tentative maps. The MGOD shall include:

- a. Public access through the MGOD to connect with U.S. Forest Service lands to the south and north of the Overlay District;
- b. A 30-foot wide trail shall be established along the entirety of the Steamboat Ditch within the MGOD. This trail will be dedicated or easement granted, as determined by the City with the first tentative map in Planning Area 3;
- c. Five Trailheads to be generally located as follows:
  1. At the southern edge of Planning Area 1 to access the trail network through the Planning Area 1 and provide access to the Bull Ranch Road trailhead proposed within the Somerset PUD;
  2. At the north end of Planning Area 2, providing pedestrian access to a trail that currently extends to the Truckee River;
  3. At the northern edge of Planning Area 3 adjacent to Steamboat Ditch;
  4. At the southeast edge of Planning Area 3 adjacent to USFS land; and
  5. At the southwest edge of Planning Area 3 adjacent to Steamboat Ditch and an existing trail.
- d. Trails will be designed to address their physical setting, intensity of use and proposed interconnection to offsite trails.
- e. Minimum of six parking spaces will be provided at each trailhead. Trailhead parking lots shall be designed such that no home will lie within 75 feet of any parking lot.
- f. Pedestrian and bicycle access will be provided within the Business Park (IC) area located along the southwest portion of Planning Area 3.
- g. Three parcels in Planning Area 2 (APN's 038-100-10, 11 & 12) will be dedicated to the City of Reno with the first Final Map associated with Planning Area 1.
- h. Three new parks shall be constructed and shall be open to the public. Parks shown are approximately three to five acres in size, for a minimum total of 15 acres. Exact park details including size, timing, location, and amenities/features to be included in each park will be subject to the approval of the Director of Parks and Recreation and the Administrator. Specific size and location of parks will be shown with individual tentative maps. Smaller pocket parks maintained by a Homeowner's Association may be built to supplement the parks shown in Figure 2-11. Timing of construction and details of park tax crediting may be addressed in parks agreements between the property owner and the city. Unless an alternate timeframe is approved by the Director of Parks and Recreation and the Administrator, park land shall be dedicated as follows:

1. Park 1—With the first final map for residential development in Planning Area 1.
2. Park 2—With the first final map for any development adjacent to the park site.
3. Park 3—With the first final map for any development adjacent to the park site.

Figure 2-11: MGOD Parks and Trails



(12) **Community Design**

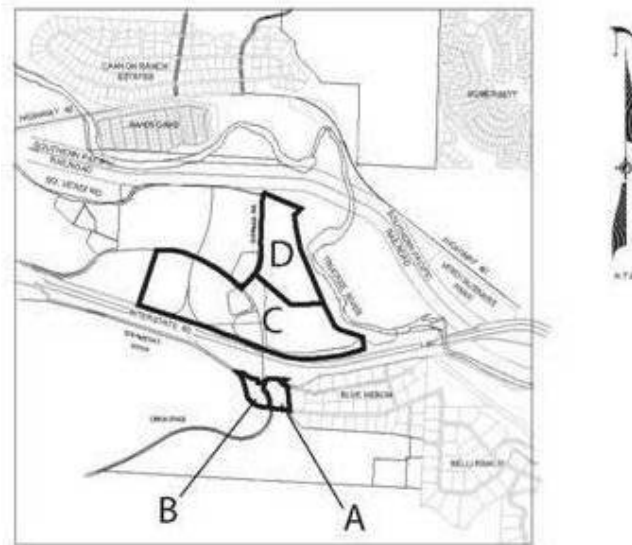
The following community design standards have been established to compliment the character of the Verdi community.

a. **Building Height**

Figure 2-12, below, depicts properties that will have unique height limitations.

1. Parcel A—Two stories.
2. Parcel B—40 feet.
3. Parcel C—110 feet.
4. Parcel D—35 feet.

**Figure 2-12: MGOD Building Height**



**b. Access**

1. Other than gated emergency or utility maintenance access as may be required by the City of Reno, no development adjacent to Blue Heron/Belli Ranch subdivisions or Verdi Bluff may create anew roadway that connects to these existing subdivision.
2. All existing access to USFS lands shall be maintained during construction and upon completion.
3. Motorized access to USFS lands will be provided in the locations generally shown in Figure 2-11.

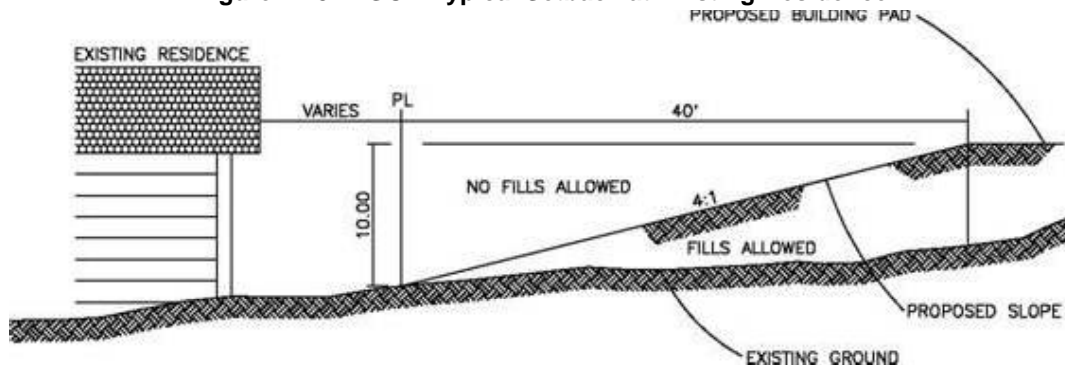
**c. Grading**

1. For residential development abutting Blue Heron/Belli Ranch and Verdi Bluff, the following grading standards shall apply:
  - [a] Grading for subdivision improvements, conditional use permits or other discretionary approvals or building permits shall:
    - i. When grading occurs adjacent to an existing residence, fills shall not be placed within an area that exceeds a projected slope or four to one (4:1) for a distance of 40 feet from the common property line (see Figure 2-13);
    - ii. Be limited on cut slopes to equal to, or steeper than, three to one (3:1) and may include a rockery or manufactured masonry retaining wall with a maximum height of eight feet. If necessary,

one additional retaining wall set back eight feet from the west wall will be allowed; or

- iii. If the applicant proposes cuts, fills or slopes in excess of the standard, the applicant shall address compatibility with adjacent lots and visual impacts to the community and proposed design criteria, landscaping and buffering to mitigate impacts of adjacent property owners and the community's scenic character. The mitigation shall be reviewed by the Administrator prior to any ground-disturbing activities.

**Figure 2-13: MGOD Typical Setback at Existing Residence**



**d. Fencing (see also the Hillside Development portion of MGOD)**

The following shall apply to all residential areas within the MGOD:

1. Each tentative map application shall include a fencing plan detailing the type, materials and location of all fencing proposed within the project; and
2. Fencing adjacent to all open space shall be limited to "open view fencing".
3. Solid fencing shall be minimized while still providing for privacy within individual lots.

**e. Wildlife Corridors**

Wildlife corridors for each planning area will be identified with the first tentative map for each planning area. Wildlife corridors will be developed in consultation with Nevada Division of Wildlife (NDOW) and will include:

1. Creation of as much open space as possible next to culverts;
2. Establishment of continuous corridors;
3. Creation of natural rock check dams to create natural water resources consistent with hydrologic considerations with approval by the City of Reno and NDOW;
4. Landscaping in or near corridors will place a priority on use of native vegetation species. Secondary priority will be given to those non-native species that provide good wildlife habitat and food value;
5. Areas adjacent to or within these corridors that are disturbed during development shall be restored to as natural a condition as possible by utilizing native plant species; and
6. Minimal fencing or fencing that allows wildlife to pass.



f. **Community Character**

The architectural character of the existing Verdi area may best be described as "varied". The following design standards will apply to the MGOD:

1. **Residential Development**

- [a] Varied setbacks;
- [b] Mix of building heights;
- [c] Mix of larger and smaller houses;
- [d] Curvilinear streets and culs-de-sac; and
- [e] Use of natural elevation changes.

2. **Business Park located at the southwest edge of Planning Area 3**

- [a] Architectural Development Standards will be approved by Reno City Council prior to issuance of the first building permit for the Business Park;
- [b] Architectural treatments will include earth tones compatible with the natural setting, use of non-reflective materials, extensive use of native landscape, vehicle parking screened from the west, and freestanding signs limited to monument type signage; and
- [c] Building height will be limited to two stories.

(13) **Schools**

The land use plan within the Mortensen-Garson Development Standards Handbook identifies a ten acre elementary school site located in Planning Area 3 and is reflected in the adopted base zoning as Public Facility zoning. This exact site will be identified with the first final map in Planning Area 3 with the aid of Washoe County School District. This site will be offered for purchase by Washoe County School District at the current acquisition price for a period of five years from the approval of the overlay district. The following standards will apply to schools within the MGOD;

- a. The developer will be responsible for installing safety/school zone signage;
- b. Development of the elementary school site shall assure separate access for buses and parent drop-off areas; and
- c. Washoe County School District reserves the right to require school sites with tentative maps.

(14) **Utilities**

A preliminary water plan was prepared by Capital Engineering for the MGOD. As identified in the preliminary plan, surface water shall provide the primary source of water supply. Groundwater shall supplement the surface water supply in peak times and as approved by the State Water Engineer. The city shall require the water supplier to follow the plan above.

Community water systems will be extended to the property lines in those areas adjacent to the existing subdivisions of Blue Heron and Verdi Bluff.

(15) **Fire Services**

The 2.9-acre public facility site located in Planning Area 3 will be dedicated to the City of Reno with the first final map in Planning Area 3.

(16) **Administration/Amendments**

a. **Amendments**

The base zoning for each parcel in the MGOD will be consistent with the designations and standards of Chapter 18.02 *Zoning Districts*. The maximum density for each property may only exceed or change from those shown in and Table 18.08-47 and 48 and implemented through adopted base zoning, consistent with the following:

1. The total amount of development resulting from any change in density shall not exceed 3,000 dwelling units and 300 commercial acres cumulatively for all the properties in the MGOD.
2. No density increases are permitted along the exterior of the property for the areas immediately adjacent to Verdi Bluff, Blue Heron and the Canyon Ranch Estates unless the zoning/land use designations on these abutting properties are increased.
3. Density increases by a maximum of ten percent may be approved by the Administrator or through the tentative map and/or conditional use permit process.
4. Density increases of up to 25 percent may be allowed subject to a public hearing process with a tentative map or conditional use permit provided the planning process includes a review of any such application by the Verdi Township CAB and Northwest NAB.
5. Density increases beyond 25 percent will require a zoning map amendment application and be processed in the same manner as the original overlay district or development standards handbook (i.e., procedures established in the Settlement Agreement).
6. Properties owned by Boomtown and zoned HC may be converted to AC and still be considered consistent with this overlay provided such rezoning occurs through the City of Reno zoning amendment public hearing process.

b. **Archaeological Studies**

Tentative maps will include archaeological surveys.

c. **Verdi Township Citizens Advisory & Northwest Neighborhood Advisory Board Review**

All tentative maps, conditional use permits, or rezoning applications shall be presented to the Verdi Township Citizen's Advisory Board and the Northwest Neighborhood Advisory Board for comment prior to City of Reno public hearing.

d. **Project Management**

At the City's discretion, the developers of the project will fund a project inspector.

(d) **McQueen Neighborhood Planning Area (MQ) Overlay District**

(1) **Applicability**

This zoning district's standards shall apply to properties in the McQueen Neighborhood Plan.

(2) **Freeway Corridor Development Standards**

The following standard shall apply if any portion of a property is within this 500 feet of the Interstate 80 right-of-way line:



- a. Development shall be clustered away from the freeway. Buildings shall be setback a minimum of 30 feet from the freeway right-of-way line. Landscaped and irrigated buffers with a minimum width of ten feet and one tree every 30 linear feet shall be provided between development and the freeway. Blank wall building façades adjacent to the freeway are prohibited.

(3) **Hillside Development Standard**

Within the McQueen Neighborhood, any development that meets the definition of hillside development as outlined in Chapter 18.04 Article 4, *Hillside Development*, will be required to meet the following:

- a. Open view fencing will be required for yards that face open space areas, and drainageways.

(e) **Plumas Neighborhood Residential Core Planning Area (PL) Overlay District**

(1) **Applicability**

This zoning district's standards shall apply to properties in the Plumas Neighborhood Residential Core Area, as identified by the zoning map.

(2) **Height Limitation**

The maximum height shall be 25 feet, with a maximum of two stories.

(3) **Architectural Treatment**

New primary structures shall have a minimum roof pitch of four-foot rise in 12-foot run.

(4) **Off-street Parking**

No off-street parking spaces shall be permitted between the front façade of any primary building and an adjacent street.

(f) **Southeast Neighborhood Planning Area (SENP) Overlay District**

(1) **Applicability**

This zoning district's standards shall apply to the areas specified in the Southeast Neighborhood Plan.

(2) **District-Specific Standards**

a. **Conformities**

1. Any existing land uses legally established prior to the adoption of the SENP zoning overlay district may continue to operate and expand.
2. Expansion of existing and legally established uses at the time of the adoption of this ordinance, that are not allowed by the SENP zoning overlay district shall require a conditional use permit if the proposed development expands the site, building or business area by more than 100 percent.
3. Any expansion of existing land uses that were nonconforming prior to the plan and are still nonconforming in the SENP zoning overlay district, shall apply for a conditional use permit to expand.
4. Changing land use from one nonconforming land use to another nonconforming land use is not allowed.

b. **Land Uses**

1. The following additional land uses are permitted with the approval of a conditional use permit for areas zoned General Commercial (GC):

- [a] Cluster development;
- [b] Farm;
- [c] Hospital, Acute and Overnight Care;
- [d] Hotel (without Non-restricted Gaming Operation);
- [e] Indoor Manufacturing, Processing, Assembly or Fabrication;
- [f] Maintenance, Repair or Renovation Business;
- [g] Single Family, detached;
- [h] Single Family, Zero Lot-Line;
- [i] Sports Arena, Stadium, or Track
- [j] Warehousing/Distribution Center;
- [k] Welding Repair, as an accessory use;
- [l] Wholesale of Construction Materials; and
- [m] Wholesale of Products Manufactured or Assembled On-Site.

2. The following additional land uses are permitted with the approval of a site plan review for areas zoned General Commercial (GC):

- [a] School, Primary (Public or Private)

**c. Setbacks**

- 1. For parcels zoned SF8 the rear yard setback is 15 feet; and
- 2. For parcels zoned SF8 the minimum lot size is 5,000 square feet.

**(g) Wells Avenue Neighborhood Planning Area (WANP) Overlay District**

**(1) Purpose<sup>137</sup>**

The WANP Overlay District provides the development standards that specifically apply to the WANP in addition to those set forth in the underlying zoning districts adopted for the designated location. These standards provide a detailed description of the elements and design criteria that create the desired development character.

**(2) General Applicability**

These standards shall apply to all development within the WANP boundaries. The overlay contains two layers of applicability, as described below. Regulations applicable to parcels with the Urban Residential/Commercial or Public Facility land use designation shall be limited to those contained in the underlying zoning regulations.

**(3) General Standards**

The following standards shall apply to all parcels located within the boundaries of the WANP, except those designated as Urban Residential/Commercial or Public Facility.

**a. Parking Requirements**

Off-street parking shall be provided as follows:

<sup>137</sup> Current 18.01101.K.(6)a.

**Table 2-41 Nonresidential and Mixed-Use Parking Requirements in WAMP Overlay District**

Type of Use	Parking Requirement
Wells Avenue-Mixed-Use (WA-MU) restaurant, bar and retail uses:	These uses shall demonstrate compliance with Table 4-7 Off-Street Parking Requirements. Provided parking shall not exceed the minimum required in Table 4-7 Off-Street Parking Requirements.
Wells Avenue-Mixed-Use (WA-MU) nonresidential uses excluding restaurant, bar and retail uses:	Building permits for the establishment of these uses shall demonstrate compliance with Table 4-7 Off-Street Parking Requirements. A 50% reduction may be granted by the Administrator. Provided parking shall not exceed the minimum required in Table 4-7 Off-Street Parking Requirements.
All uses	Parking for existing structures issued a building permit before April 1, 2017 shall be determined by the property owner.

**Table 2-42 Residential Parking Requirements in WAMP Overlay District**

Residential Uses	Minimum # of On-Site Parking Spaces Required
1 bedroom or studio unit	1 space/residential unit
2 bedroom unit	1.25 spaces/residential unit
3 or more bedroom unit	1.75 spaces/residential unit
Senior citizen housing	0.5 per bedroom plus 1 per employee for the largest shift
Guest parking	1 space per 9 dwelling units

**b. On-Street Parking**

Up to 50 percent of the required off-street parking, may be substituted with on-street parking, subject to Section 18.04.706, *Parking Alternatives, Credits, and Adjustments*.

**c. Building Orientation**

Primary buildings shall be oriented towards and accessed from the front yard and street with the main entrance located on the front façade of the building.

**d. Prohibited Materials**

The following building materials shall be prohibited as primary building materials when used in their traditional form (e.g., a commercial or industrial "warehouse" context); however, the creative incorporation of these or similar materials in a non-traditional form is permitted.

1. Sheet metal siding;
2. Tilt-up concrete panels; and
3. Smooth-faced gray concrete block.

**(4) General Residential Standards****a. Applicability**

The following standards shall apply to all parcels located within the boundaries of the following land use designations, as defined on the Land Use Framework Map contained in the Wells Avenue Neighborhood Plan.

1. Mixed-Residential 14 (MR-14);
2. Mixed-Residential 30 (MR-30); and
3. Mixed-Use Residential (MUR).

**b. Architectural Character**

Due to the wide range of architectural styles found in the neighborhood's residential areas (see Figure 2-14), the use of one or more specific architectural styles is not mandated. However, infill development and major renovations to existing structures shall be designed to complement the established framework of the neighborhood in terms of its streetscape quality, block pattern, and overall urban neighborhood character (see Figure 2-15). These general residential standards are not intended to promote the replication of historic styles found in the neighborhood, but rather to encourage a range of architectural styles that reflect the diversity of the neighborhood.

**Figure 2-14: WANP General Residential Architectural Character**



**Figure 2-15: WANP Infill Development Architectural Character**



**c. Building Massing and Form**

Multi-family buildings shall incorporate one of the following techniques:

1. Façades of multi-family buildings developed on combined lots on the interior of the block (not on a corner) shall be articulated so that they appear from the street to be separate homes. This shall be accomplished by "stepping back" the front façade a minimum of ten feet at the traditional



side yard setback to provide a visual transition along the street frontage (see Figure 2-16).

2. Multi-family buildings of four units or less shall be designed so that the massing and use of exterior materials gives each building the appearance of a large single-family home. This includes duplexes (see Figure 2-16), but is not intended to apply to townhomes in which the unique individualism of each unit is expressed.



**Figure 2-16: WANP Multi-Family Residential Architectural Character**

**d. Relationship to Surrounding Development**

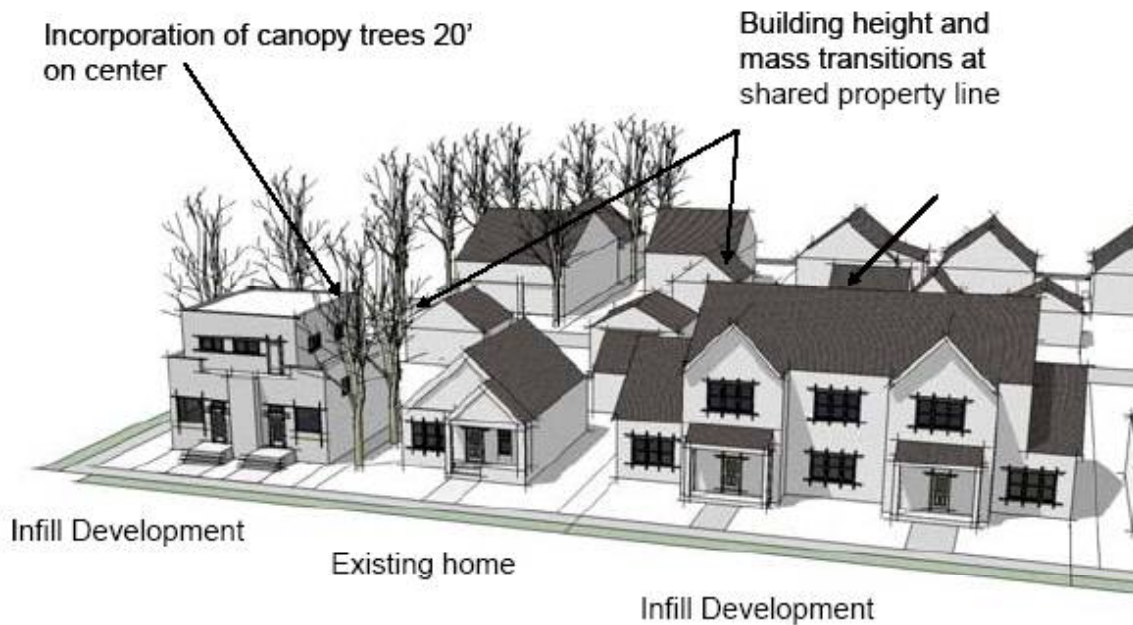
1. Blocky, multi-story building forms devoid of articulation or architectural features shall be prohibited. Infill homes (single-family or multi-family) that exceed the height of adjacent existing homes by one or more stories in height and/or are significantly larger in terms of their overall mass shall provide a transition using at least two of the following techniques (see Figure 2-17 and):
  - [a] Graduating building height and mass in the form of building step-backs a minimum of ten feet in depth, or other techniques, so that new structures have a comparable scale with existing structures;
  - [b] Orienting windows, porches, balconies, and other outdoor living spaces away from the shared property line to protect the privacy of adjacent residents where applicable;
  - [c] Installing canopy trees 20 feet on center within the side yard to help break up the appearance of the taller structure. Trees shall be installed to the satisfaction of the city's landscape architect;
  - [d] Utilizing a roof pitch and overhang like that of the adjacent structures; or
  - [e] Utilizing dormers and sloping roofs to accommodate upper stories for major renovations and new construction.

Figure 2-17: WANP Relationship to Surrounding Development



2. To satisfy the above standard, one of the following techniques for alley homes shall be provided:
  - [a] A graduated building height and mass in the form of building step-backs a minimum of ten feet in depth, or;
  - [b] Similar techniques, so that the new structure has a comparable scale with the existing home located along the primary street frontage.

Figure 2-18: WANP Relationship to Surrounding Development for Alley Homes



e. **Maximum Building Length**

The maximum allowable building length of a multi-family building shall be 80 feet (see Figure 2-19).

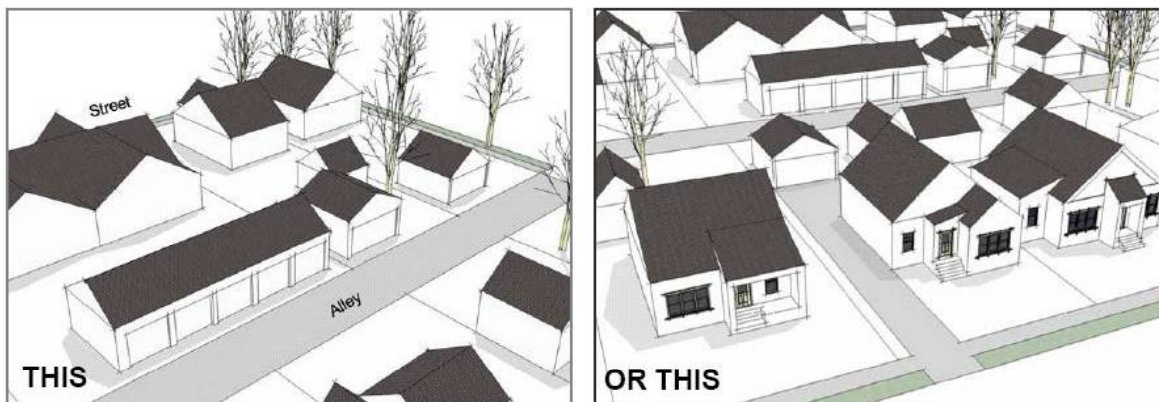
Figure 2-19: Maximum Allowable Length of Multi-Family Residential Structure



f. **Garage and Parking Location and Design**

1. Aside from driveways, off-street parking is prohibited within the front yard setback.
2. Required parking shall be provided behind the primary structure and/or on-street.
3. Garages shall be oriented towards and accessed from the alley or detached from the primary structure and located in the rear yard, as traditionally found in this area of the neighborhood (Figure 2-20).
4. Surface parking lots shall be internalized in building groupings and located away from street frontages.
5. When access to a rear garage or surface parking is provided from a street frontage, the maximum driveway width within the front and side yard setback is 12 feet.

Figure 2-20: WANP Residential Garage Design



g. **Building Variety**

1. For new construction, no one housing type shall occupy more than 40 percent of the total length of a block face (Figure 2-21).
2. Development parcels encompassing more than two and one-half acres, shall incorporate a minimum of two housing types. Development parcels larger than five acres shall incorporate a minimum of three housing types.



3. The following housing types may be used to satisfy the above building variety standards:
  - [a] Duplexes;
  - [b] Townhomes;
  - [c] Apartments;
  - [d] Condominiums; or
  - [e] Single-family homes.

**Figure 2-21: WANP Building Variety**



**h. Architectural Character - Renovation Guidelines**

The renovation of homes within the Wells Avenue Neighborhood constructed prior to 1950 should be conducted in accordance with the following guidelines.

**1. Windows**

- [a] The character, proportion, size, and general appearance of original windows should be preserved during renovation.
- [b] Original window openings should not be enclosed, enlarged, or otherwise modified.
- [c] Replacement windows should have a similar appearance as the original window's design in terms of their materials, dimension, profile, and finish; however, improving energy efficiency should also be considered.

**2. Materials**

- [a] Original building materials should be repaired rather than replaced to the maximum extent feasible.
- [b] To the maximum extent feasible, original masonry building materials should not be altered or otherwise covered with new building materials, such as stucco or vinyl siding, or painted.



### 3. Architectural Detailing

- [a] Character-defining features that are original to the home, such as stone retaining walls, steps, and foundations should be preserved to the maximum extent feasible.
- [b] Enclosure of or other significant alterations to decks or balconies that were not originally enclosed should be prohibited.

## (5) Single-Family (SF) Designation

### a. Applicability

The following standards shall only apply to parcels designated as SF on the Land Use Framework map contained within the Wells Avenue Neighborhood Plan. Design Standards for the SF designation are intended to preserve the predominantly detached, single-family character of the area.

### b. Prohibited Uses

The following lists of prohibited uses modify Table 3-1, *Table of Allowed Uses* and shall apply to all parcels located within the SF area of the Wells Avenue Neighborhood Plan:

1. Multi-family;
2. Single-family attached/condominium townhouse;
3. Single-family zero lot-line;
4. Mobile home subdivisions;
5. Mini-warehouses.
6. Convenience store.

### c. Maximum Building Height

Maximum building height shall be two stories or 30 feet.

### d. Maximum Driveway Width

Maximum driveway width within the front and side yard setback is 20 feet.

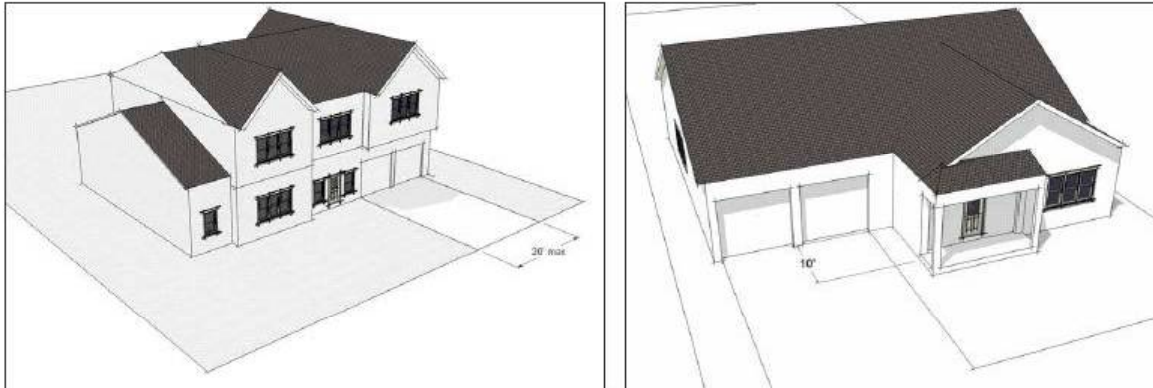
### e. Maximum Building Coverage

Maximum allowable building coverage for areas designated SF by the Wells Avenue Neighborhood Plan shall not exceed 20 percent above that of the existing lot or 30 percent, whichever is less.

### f. Garage Design

1. Garages that protrude towards the street in front of the primary façade of the primary structure shall not be permitted. Garage doors on all front loading (street oriented) garages shall be either (Figure 2-22):
  - [a] Recessed a minimum of ten feet behind the front façade of the dwelling portion of the structure (including side-loading garages) or a front porch that is a minimum of five feet wide by eight feet long, or
  - [b] Recessed a minimum of two feet beneath a second floor bay.

Figure 2-22: WANP Garage Design



**2. Length**

Front-loading (street oriented) garage doors shall not comprise more than 40 percent of the total length of the front façade (Figure 2-23).

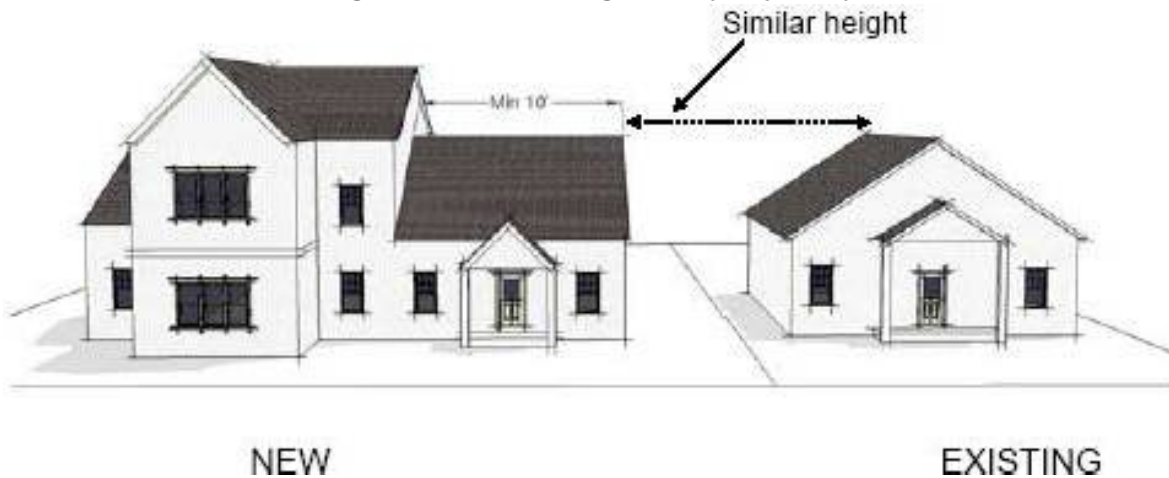
Figure 2-23: WANP Garage Length



**g. Transitions**

1. New, multi-story homes and major renovations to existing homes shall incorporate a transition in height and scale (Figure 2-24) through two or more of the following techniques:
  - [a] "Stepping-down" to meet the approximate height of the adjacent structure. Step-downs shall be a minimum of ten feet in depth.
  - [b] Utilizing dormers and sloping roofs to accommodate upper stories for major renovations and new construction.
  - [c] Utilizing a roof pitch and overhang like that of the adjacent structures.
  - [d] Installing canopy trees 20 feet on center within the side yard to help break up the appearance of the taller structure. Trees shall be installed to the satisfaction of the city's landscape architect.

Figure 2-24: WANP Single-Family Adjacency



**(6) Multi-Family Residential (MF-14) Designation**

**a. Applicability**

The following standards shall only apply to parcels designated as MF-14 on the Land Use Framework map contained within the Wells Avenue Neighborhood Plan, with the exception of those designated as Public Facility. Design Standards for the MF-14 area are intended to allow for the accommodation of a range of residential housing types through infill and redevelopment while protecting the traditional, single-family character of the area.

**b. Prohibited Uses**

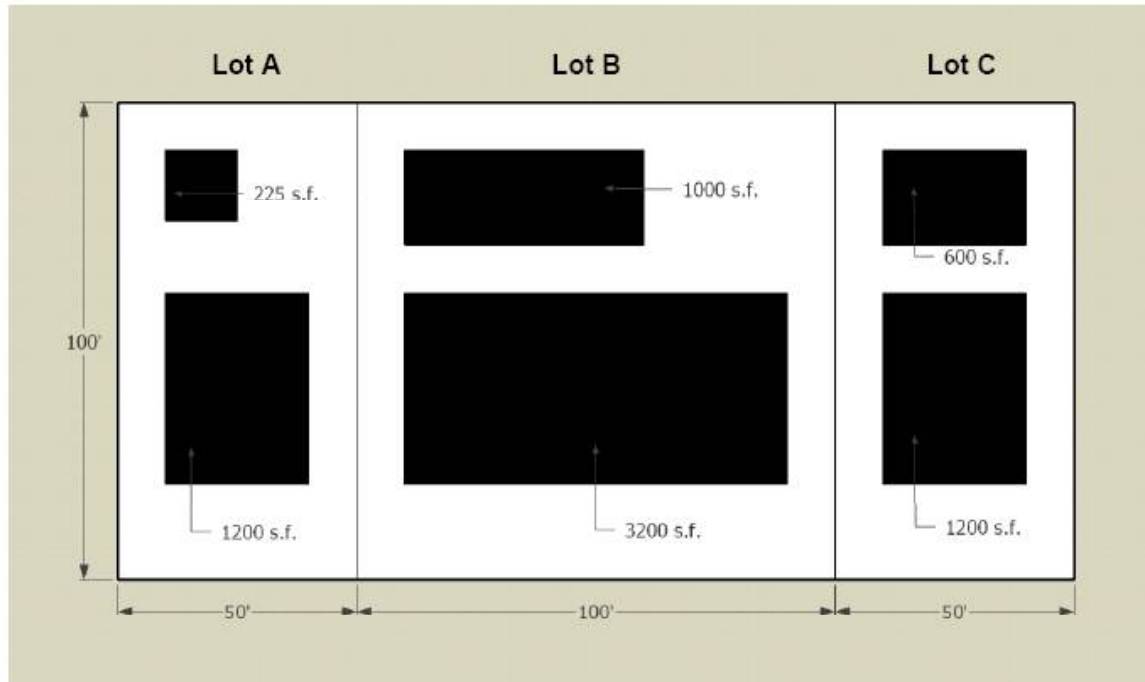
The following list of prohibited uses modify Table 3-1, *Table of Allowed Uses*, and shall apply to all parcels located within the MF-14 area of the Wells Avenue Neighborhood Plan:

1. Mobile home parks and subdivisions
2. Mini-warehouses
3. Convenience store

**c. Maximum Building Coverage**

1. Maximum allowable building coverage shall be 45 percent (Figure 2-25).
2. Maximum allowable building coverage may be increased to 65 percent if height is limited to one and one-half stories or 30 feet.

Figure 2-25: WANP Maximum Building Coverage (45 Percent)



d. **Maximum Building Height**

Maximum building height shall be two stories or 35 feet.

(7) **Multi-Family Residential (MF-30) Designation**

a. **Applicability**

The following standards shall apply to all parcels designated as MF-30 on the Land Use Framework map contained within the Wells Avenue Neighborhood Plan. Design Standards for the MF-30 area are intended to allow for the accommodation of a range of residential housing types through infill and redevelopment while protecting the traditional neighborhood character of the area.

b. **Prohibited Uses**

The following list of prohibited uses modify Table 3-1, *Table of Allowed Uses*, and shall apply to all parcels located within the MF-30 area of the Wells Avenue Neighborhood Plan:

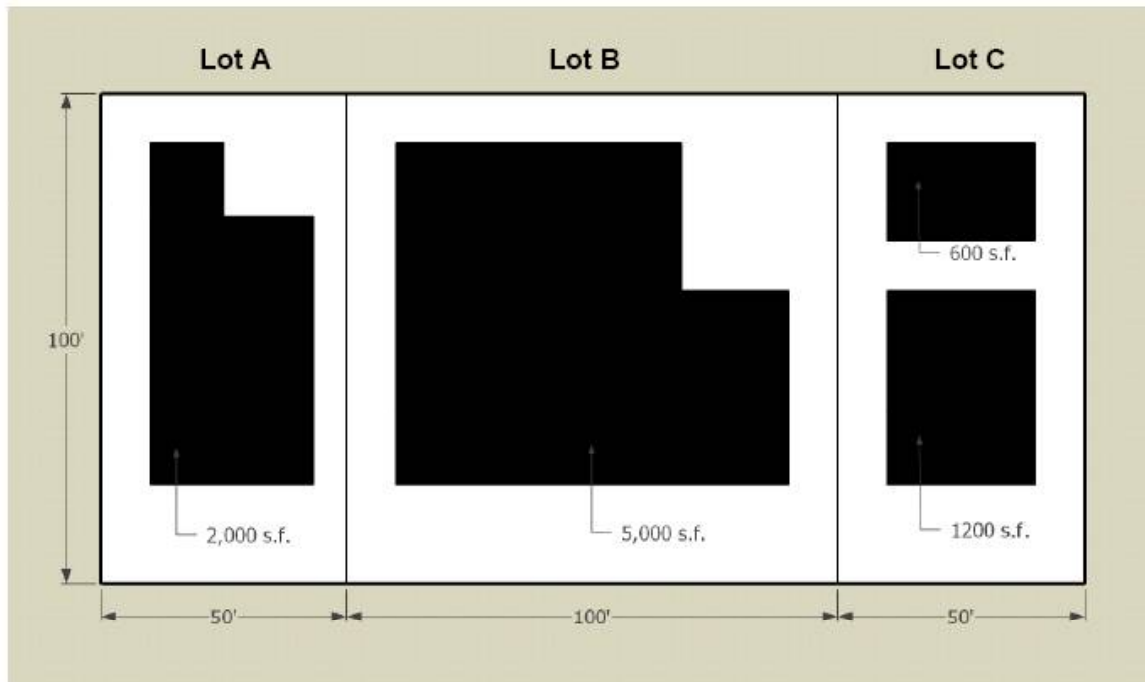
1. Mobile home parks.
2. Mini-warehouses.
3. Copy center.
4. Financial institution.
5. General personal services.
6. General retail store or commercial use.
7. Laundry. Drop off/pickup.

8. Convenience store.

**c. Maximum Building Coverage**

1. Maximum allowable building coverage shall be 50 percent (Figure 2-26).
2. Maximum allowable building coverage may be increased to 70 percent if height is limited to 35 feet and the required minimum side yard setback is increased from ten feet to 12 feet.

**Figure 2-26: WANP Maximum Building Coverage (50 Percent)**



**d. Maximum Building Height**

Maximum building height shall be three stories or 45 feet.

**(8) Wells Avenue Mixed-Use (WA-MU) Designation**

**a. Applicability**

The following standards shall apply to all parcels designated as WA-MU on the Land Use Framework map contained within the Wells Avenue Neighborhood Plan, except those designated as Public Facility. Design Standards for the WA-MU area are intended to reinforce its distinction as a pedestrian-oriented "main street" that serves the neighborhood and the surrounding community.

**1. Permitted/Prohibited Uses**

The following modifications to Table 3-1, *Table of Allowed Uses*, shall apply to all parcels located within the WA-MU area of the Wells Avenue Neighborhood Plan:

The following uses shall be prohibited:

- [a] Auto repair garage and paint and body shop;
- [b] Automobile and truck sales and mobile home, RV, boat and trailer sales or rental;

- [c] Building landscape material/lumber yard;
- [d] Laboratory;
- [e] Indoor gun range;
- [f] Commercial stables or riding academy;
- [g] Motels;
- [h] Food processing/wholesale;
- [i] Mini-warehouse; and
- [j] Truck rentals.

The following principal uses shall be permitted by right:

- [k] Restaurant with Alcohol Service.
- [l] Restaurant without Alcohol Service.

The following principal uses shall be permitted with a conditional use permit:

- [m] Drive-through facility.
- [n] Convenience store.

b. **Maximum Building Height**

Maximum building height shall be three stories or 45 feet.

c. **Maximum Building Footprint**

The maximum footprint for a single-use commercial building shall be 30,000 square feet.

d. **Building Placement**

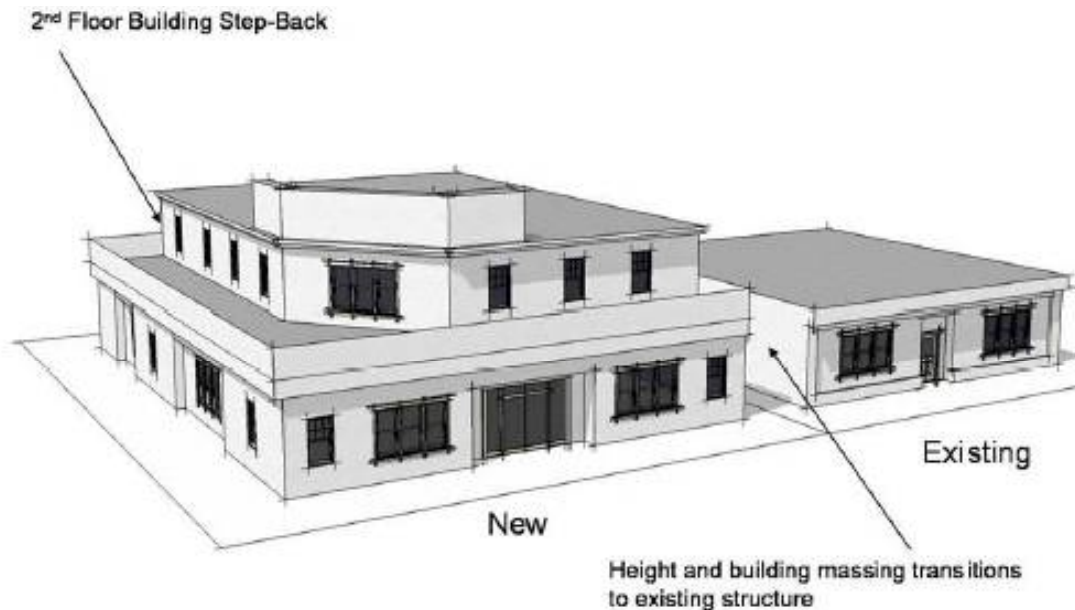
Buildings shall be "built to" the back of the sidewalk or the supplemental zone (if one is approved) as described in subsection j. "Supplemental Zone."

e. **Building Massing and Form**

New developments that are significantly larger than adjacent existing development in terms of their height and/or mass, as determined by the administrator, shall provide a development transition using an appropriate combination of the following techniques:

1. Wrapping the ground floor with a building element or integrated architectural feature (e.g., pedestrian arcade) that is the same height as the adjacent structure; or
2. Graduating building height and mass in the form of building step-backs or other techniques so that new structures have a comparable scale with existing lots (Figure 2-27); and
3. Orienting porches, balconies, and other outdoor gathering areas away from the shared property line to protect the privacy of adjacent residents where applicable.

Figure 2-27: WANP Building Step Back



f. **Building Transparency**

General: A minimum percentage of the total area of each ground floor building façade which faces a street, plaza, park, or other public space, shall be comprised of transparent window openings to allow views of interior spaces and merchandise, to enhance the safety of public spaces by providing direct visibility to the street, and to create a more inviting environment for pedestrians. Minimum percentages vary according to use as follows:

1. **Wells Avenue**

- [a] Nonresidential and Mixed-Uses: Forty percent minimum
- [b] Residential Uses: Twenty-five percent minimum.

2. **Non-Wells Avenue**

- [a] Nonresidential Uses: Thirty-five percent minimum.
- [b] Residential Uses: Twenty percent minimum.

3. **Measuring Transparency**

For the purposes of the above standard, all percentages shall be measured using elevation views of the building plan and "ground floor" shall be measured from floor plate to floor plate (Ground floor heights are assumed to be a minimum of ten feet).

4. **Ground-Floor Windows**

The following standards shall apply to all ground floor windows:

- [a] Nonresidential uses: Glazing on all ground floor windows shall be transparent.
- [b] Residential uses: Glazing on ground floor windows shall be transparent to allow views into common hallways, foyers, or entryways, but may be translucent or opaque when necessary to protect the privacy of ground-floor spaces used for dwelling purposes.

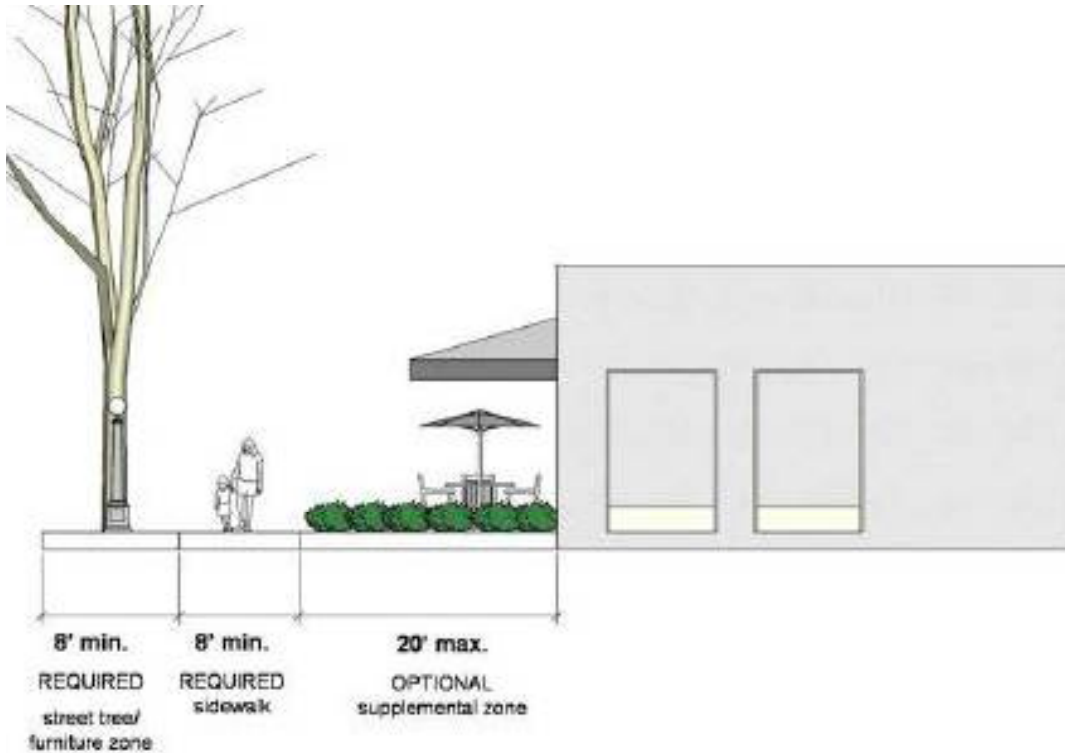


[c] Black or mirrored glass is prohibited.

**g. Street Tree/Furniture Zone**

A continuous street tree/furniture zone a minimum of eight feet in width shall be provided adjacent to the curb (Figure 2-28). Street trees shall be provided in accordance with Section 18.04.804(f), *Street Tree Requirements*. In addition, the zone is intended for the placement of street furniture, street lights, waste receptacles, fire hydrants, traffic signs, newspaper vending boxes, bus shelters, bicycle racks, public utility equipment, and similar site elements.

**Figure 2-28: WANP Street Trees, Furniture, and Sidewalks**



**h. Sidewalks**

A continuous sidewalk shall be provided adjacent to the Street Tree/Furniture Zone that is a minimum of eight feet in width. The sidewalk shall remain unobstructed by any permanent or nonpermanent element for a minimum width and height of eight feet.

**i. Supplemental Zone (optional)**

A supplemental zone may be provided at the option of the applicant between the street-facing façade line and the required clear zone. Supplemental zones shall be a maximum of 20 feet in width. The following elements may be located within a supplemental zone:

1. Accessory outdoor dining, provided that the dining area is separated from the sidewalk by planters, shrubs, or ornamental metal fencing with a maximum height of 42 inches;
2. Landscaping;

3. Plazas, urban parks, or other outdoor gathering spaces;
4. Incidental display and sales; and
5. Terraces provided they have a maximum finished floor height of 24 inches above the sidewalk grade and shall be surrounded by a guardrail that meets city specifications.

**j. Spillover Lighting**

**1. Lighting Standard**

Lighting from a nonresidential or mixed-use property shall not create greater than 0.50 foot candle of spillover light at an adjacent residentially zoned property line.

**2. Redirecting/screening of Light Sources**

All sources of light, including security lighting, illuminated signs, vehicular headlights and other sources shall be directed away from adjacent residentially-zoned properties or screened so that the light level stated in standard 1., above, is not exceeded.

**3. Height of Light Sources**

Light fixtures and standards shall not exceed 20 feet in height.

**k. Pedestrian Amenities**

**1. Pedestrian Amenities Required**

A minimum of 25 percent of the required landscaped area of the site shall be devoted to pedestrian amenities that are visible and accessible from Wells Avenue.

**2. Approved Pedestrian Amenities**

Pedestrian amenities used to satisfy the above standards shall include three or more of the following:

- [a] Benches or seating areas;
- [b] Raised landscape planters;
- [c] Decorative trash receptacles;
- [d] Historic markers as provided in accordance with a property's acceptance on a local, State, or National historic register;
- [e] Outdoor dining area;
- [f] Shade structures;
- [g] Public art (e.g., sculptures, murals, water elements, carvings, frescos, mosaics, and mobiles);
- [h] Decorative transit shelters as approved by RTC and the city; or
- [i] Similar features to the satisfaction of the Administrator.

**3. Location of Pedestrian Amenities**

Pedestrian amenities shall be located in the supplemental zone (if one is provided) or within the Street Tree/Furniture Zone, as appropriate.

**l. Signage**

**1. Materials**

Signs shall be constructed of durable materials that are compatible with the building that they serve. The use of cardboard, fabric, scrap wood, and other non-durable materials is prohibited.

**2. Prohibited Signs**

The following signs shall be prohibited:

- [a] Temporary hand-painted or hand-written signs; and
- [b] Reader board, electronic reader board and video display signs.

**3. Preferred Signage Types**

- [a] All sign design shall be complimentary to the style of the building on which it is placed and be an integral part of the building façade and shall be oriented to pedestrians with legible and easy to read messages.
- [b] The creative use of symbols or other images indicative of the use contained within the building in the design of signs is strongly encouraged.
- [c] The use of permanent window signs or hanging signs is encouraged to reinforce the pedestrian-oriented scale of the Wells Avenue Corridor. Window signs shall not exceed ten percent of the window area. Hanging signs shall not exceed 24 inches in height and three feet in length. All signs projecting from the building shall not exceed six square feet and shall be located between eight and 12 feet in height.

**Figure 2-29: WANP Preferred Signage Types**



**4. Number of Signage Types**

No more than two distinct signage types (e.g., window sign and a hanging sign) shall be permitted per single tenant building.

**m. Parking**

- 1. Shared parking is recommended for commercial, residential and mixed-use development to maximize available parking. Shared parking may be considered and granted by the administrator based on submittal of a parking study justifying alternative parking rates.
- 2. A convenient and safe pedestrian access shall be provided from parking/transit areas to the building entrances.

3. All bicycle parking spaces, as required by this Title, shall be located adjacent to the building or inside the building.

**(9) Mixed-Residential (MUR) Designation**

**a. Applicability**

The following standards shall only apply to parcels designated as MUR on the Land Use Framework map contained within the Wells Avenue Neighborhood Plan, with the exception of those designated as Public Facility. The character of the MUR is currently defined by a mix of retail shops, offices, and single-family homes. Single-family homes have been converted to nonresidential uses over time, contributing to the quaint, residential character of this area. Design standards are intended to reinforce the distinction between the MUR area and the more commercial character of the WA-MU area.

**b. Prohibited Uses**

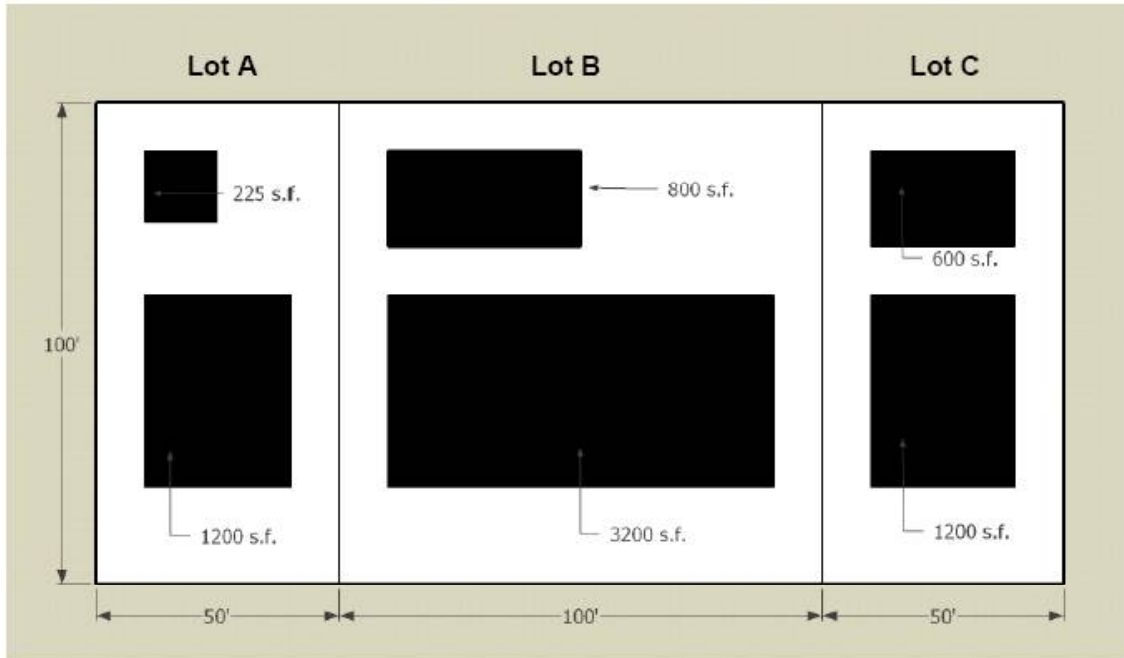
The following uses are prohibited within the MUR area:

1. Auto repair garage/paint and body shop;
2. Automobile, truck, mobile home, RV, boat, and trailer sales and/or rental;
3. Building landscape material/lumber yard;
4. Laboratory;
5. Drive-through facility;
6. Indoor gun range;
7. Commercial stables or riding academy;
8. Tennis courts;
9. Motels;
10. Food processing/wholesale; and
11. Mini-warehouse.

**c. Maximum Building Coverage**

1. Maximum allowable building coverage shall be 40 percent (Figure 2-30).
2. Maximum building coverage may be increased to 60 percent if height is limited to 35 feet.

Figure 2-30: WANP Maximum Building Coverage (40 Percent)



d. **Building Height**

Maximum building height shall be three stories or 45 feet.

e. **Signs**

1. **General**

[a] Signs shall be designed to reflect the residential scale and appearance of the Mixed-Use Residential area (Figure 2-31).

[b] The creative use of symbols or other images indicative of the use contained within the building in the design of signs is strongly encouraged.

Figure 2-31: WANP Preferred Signage Types Along Vasar Street



2. **Materials**

Signs shall be constructed of durable materials that are compatible with the building that they serve. The use of cardboard, fabric, scrap wood, and other non-durable materials is prohibited.

**3. Prohibited Signs**

The following signs shall be prohibited:

- [a] Temporary hand-painted or hand-written signs;
- [b] Reader board, electronic reader board and video display signs; and
- [c] Internally lit cabinet signs (individual letters and symbols on a sign may be internally lit.)

**4. Maximum Height**

The maximum freestanding sign height shall be six feet.

**(h) West University Neighborhood Planning Area (WUNP) Overlay District****(1) Applicability**

- a. Except where noted, these standards apply to development on all parcels within the West University Neighborhood Plan which have the Master Plan designations of (1) University Regional Center and Transit Corridor, excluding those parcels included in the University of Nevada Regional Center Plan, and (2) Traditional Neighborhood, as set forth in the West University Neighborhood Plan, an element of the City of Reno Master Plan.
- b. Development on lands within the West Seventh Street Business Corridor shall comply only with the district-specific use standards stated in subsection (2), below.
- c. These standards shall not apply to work on the site which involves parking lots, fences, landscape walls, interior renovations, uncovered or covered patios, or any other improvements that do not expand the building footprint or change the roof pitch.
- d. These standards shall not apply to properties owned by the University of Nevada, Reno.

**(2) District-Specific Use Standards**

The following modifications to Table 3-1, *Table of Allowed Uses*, apply within the following applicable districts of the West University Neighborhood Plan:

**a. Supplemental Use Standards for the Traditional Neighborhood Plan District**

- 1. Animal clinics, shelters, hospitals and boarding kennel are prohibited in the NC Zoning District;
- 2. Art galleries are allowed in conjunction with a residential use, subject to approval of a conditional use permit, in the SF8, MF14, MF21 and MF30 Zoning Districts;
- 3. Car wash facilities are prohibited in the NC Zoning District;
- 4. Cluster developments are prohibited in the SF8 Zoning District;
- 5. Commercial childcare facilities are prohibited in the SF8, MF14, MF21, and MF30 Zoning District;
- 6. Convents and monasteries are allowed, subject to approval of a conditional use permit, in the SF8, MF14, MF21, and MF30 Zoning Districts;
- 7. Fitness centers are prohibited in the MF21 and MF30 Zoning Districts;



8. Fraternity and sorority houses are prohibited in the MF21 Zoning District;
  9. In-home childcare (7—12 children) facilities are prohibited on lots less than 10,000 square feet in the SF8 and MF14 Zoning Districts;
  10. Libraries are allowed, subject to approval of a conditional use permit, in the SF8, MF14, MF21, and MF30 Zoning Districts;
  11. Mini-warehouses are prohibited in the SF8 and MF14 Zoning Districts;
  12. Multi-family developments are prohibited in the SF8 Zoning District;
  13. Museums are allowed, subject to approval of a conditional use permit, in the SF8, MF14, MF21, and MF30 Zoning Districts;
  14. Night clubs are prohibited in the NC Zoning District;
  15. Private dorms are prohibited in the MF21 and MF30 Zoning Districts;
  16. Gas stations are prohibited in the NC Zoning District;
  17. Showrooms are prohibited in the NC Zoning District;
  18. Single-family, condominium, townhouse and multi-family developments are allowed in the NC Zoning District and are not required to be located on above-ground floors or be accessory to a nonresidential use;
  19. Video arcades are prohibited in the NC Zoning District.
- b. **Supplemental use standards for the University Regional Center and Transit Corridor Plan District:**
1. Automobile and truck sale and mobile home, RV, boat and trailer sale or rental facilities are prohibited in the GC Zoning District;
  2. Automobile rental facilities are prohibited in the GC Zoning District;
  3. Drive-through facilities are prohibited in the GC Zoning District;
  4. Multi-family developments are prohibited in the GC and NC Zoning Districts unless the multi-family use is confined to above ground floor levels of multi-story buildings and nonresidential uses are located on the ground floor;
  5. Multi-family developments in excess of 30 units per acre are allowed in the MF30 Zoning District;
  6. Rental stores with outdoor storage and truck rental facilities are prohibited in the GC Zoning District;
  7. Single-family, attached/condominium/townhouse developments are prohibited in the GC and NC Zoning Districts unless the residential use is confined to above ground floor levels of multi-story buildings and nonresidential uses are located on the ground floor;
  8. Restaurants with alcohol service are allowed in the MF30 Zoning District on properties fronting on Virginia Street, Center Street, Sierra Street, Ninth Street and Eighth Street;
  9. Restaurants without alcohol service are allowed in the MF30 Zoning District;



10. Single room occupancy facilities are allowed in the GC Zoning District;

c. **Supplemental use standards for the West Seventh Street Business Corridor:**

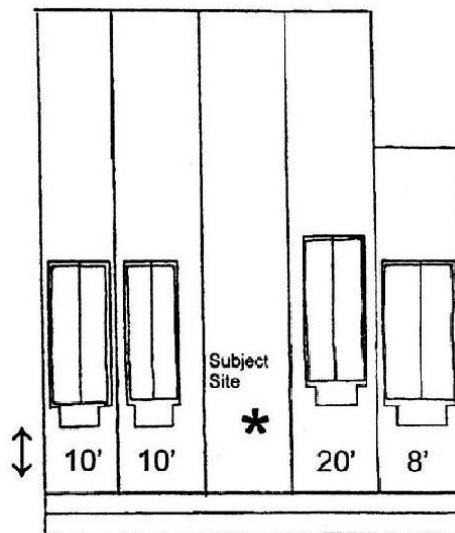
1. Drive-though facilities are allowed in the NC Zoning District on properties fronting on Keystone Avenue and within the block bounded by I-80, Keystone Avenue, West Seventh Street and Alvaro Street.

(3) **District-Specific Standards for Development of Single-Family or Two-Family Residences**

a. **Front Setbacks**

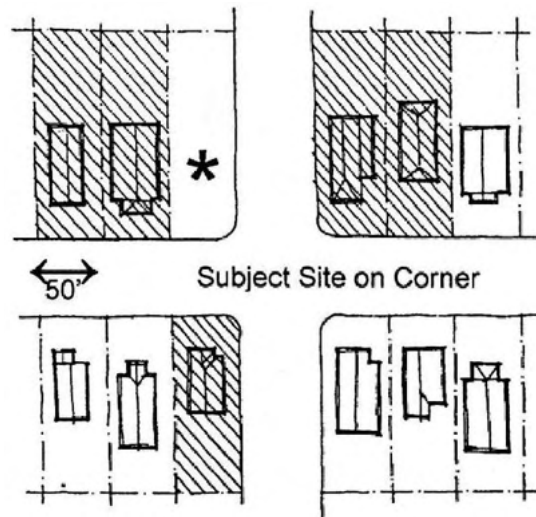
1. Structures shall be constructed so that the front setback is within the range of the front setbacks for the two nearest structures on either side of the new structure on the same side of the street (see Figure 2-32);

**Figure 2-32: WUNP Interior Lot Front Setbacks**



2. In the case of new construction on a corner lot, the front setback may not be outside of the range of the front setbacks of the nearest single or two-family structures located within 100 feet of the new structure as on the same side of the street (see Figure 2-33).

Figure 2-33: WUNP Corner Lot Front Setback



3. If the allowable front setback range is less than five feet, development with front setbacks up to five feet outside of the allowable range shall be allowed if the administrator finds that significant site features, such as trees, will be preserved or existing development on the site prevents placement of the proposed structural expansion within the allowable front setback range.

**b. Permitted Setback Encroachments for Expansions**

Expansion of the footprint or exterior modifications to structures more than 50 years old shall be allowed to encroach on required rear setback(s) or a front setback for lots with two front yards, if the administrator finds the expansion or modifications comply with, as applicable, concerning historic preservation and the building code in effect in the city, and as may be amended, concerning fire protection.

**c. Maximum Building Coverage on Parcel**

A building or combination of buildings, including any covered rear or side porch or stairs, but excluding any balcony, driveway, walkway, uncovered deck, or covered front porch shall not cover more than 40 percent of the lot area; however, development of structures listed in the city's Register of Historic Places, may cover 50 percent of the lot area.

**d. Roofs**

A minimum of 80 percent of the building footprint shall be covered by a roof with a minimum pitch of 4:12. Flat roofs are not allowed on any building section. Roof pitch will be evaluated from a plan view perspective.

**e. Front Door Orientation**

The front door of the dwelling closest to the street shall face a street.

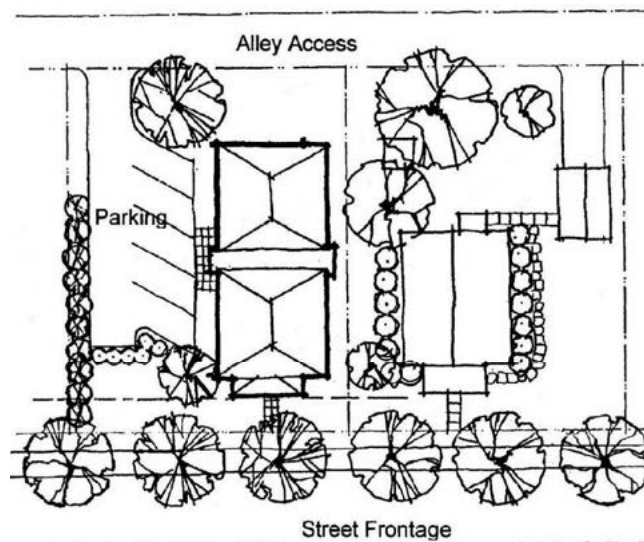
**f. Vehicle Access**

1. If the site is served by an alley, access for motor vehicles shall be from the alley, not from a street frontage (see Figure 2-34). Access from a street frontage shall be allowed to continue upon approval of a structural addition

if the structural addition is less than 500 square feet and access was previously achieved from a street frontage.

2. When access is from a street frontage, the maximum driveway width in front of a building is 12 feet for properties with garages or carport openings less than 12 feet and 20 feet for properties with garages and/or carport openings equal to or greater than 12 feet.
3. Excluding driveways, parking is not allowed in front setback areas and in areas between a front property line and a building.
4. When parking is provided in a garage or carport and the garage door(s) or carport opening faces a street, garage and carport opening areas shall not be more than 30 percent of the length of the building elevation that faces the street except when detached garages are located on or within five feet of a rear yard setback line.

Figure 2-34: WUNP Vehicle Access



**g. Buildings**

1. Modifications to any structure on a parcel which increases the building footprint or construction of new structures shall include two of the following:
  - [a] The exterior finish is constructed with materials compatible with the existing main structure building materials. The new materials shall be either identical or similar to the original building materials. For example, details of synthetic siding should match that of traditional wood siding.
  - [b] Contemporary interpretations of architectural features such as trim, fenestration, window frames, dormers, columns, gables, decorative wood, or metal work found on the existing main structure are used.
  - [c] The roof pitch is the same or within the range of the roof pitches on the existing main structure.
2. If the height of a proposed structure would exceed the height of an existing building that faces the street on the same lot, the rear and side-yard

setbacks shall be increased by five feet for every eight feet that the new structure exceeds the height of the existing building.

(4) **District-Specific Standards for Development of Multi-Family Residential Containing Three or More Dwelling Units**

a. **Setbacks**

Multi-family development on half-blocks that contain parcels zoned either single-family residential or multi-family residential of 14 units or less is subject to the following setback standards.

1. Structures shall be constructed so that the front setback is within the range of the front setbacks for the two nearest structures on either side of the new structure on the same side of the street (see Figure 2-32).
2. In the case of new construction on a corner lot, the front setback may not be outside of the range of the front setbacks of the nearest single or two-family structures located on the same side of the street (see Figure 2-33).
3. If the allowable front setback range is less than five feet, development with front setbacks up to five feet outside of the allowable range shall be allowed if the administrator finds that significant sites features, such as trees, will be preserved or existing development on the site prevents placement of the proposed structural expansion within the allowable front setback range.

b. **Roofs**

A minimum of 80 percent of the building footprint shall be covered by a roof with a minimum pitch of 4:12. Flat roofs are not allowed on any building section. Roof pitch will be evaluated from a plan view perspective.

c. **Motor Vehicle Access**

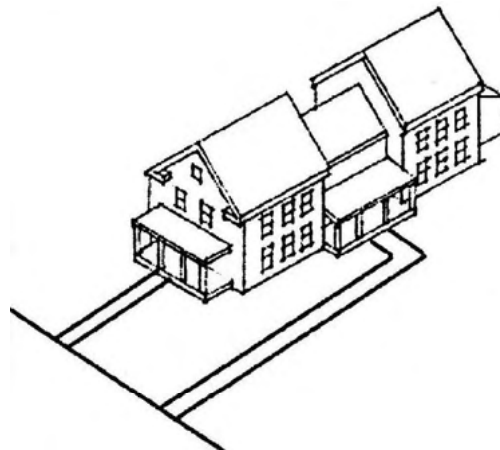
1. If the site is served by an alley, access for motor vehicles shall be from the alley, not a street frontage (see Figure 2-34). Access from a street frontage shall be allowed to continue upon approval of a structural addition if the structural addition is less than 500 square feet and access was previously achieved from a street frontage.
2. When access is from a street frontage, the maximum driveway width is 12 feet for properties with garages or carport openings less than 12 feet and 20 feet for properties with garages and/or carport opening equal to or greater than 12 feet.
3. Excluding driveways, parking is not allowed in front setback areas and in areas between a front property line and a building.

d. **Buildings**

1. Modifications to any existing structure on a parcel which increases a building footprint or construction of new structure shall include two of the following:
  - [a] The exterior finish is constructed with materials compatible with the existing main structure building materials. The new materials shall be either identical or similar to the original building materials. For example, details of synthetic siding should match that of traditional wood siding.

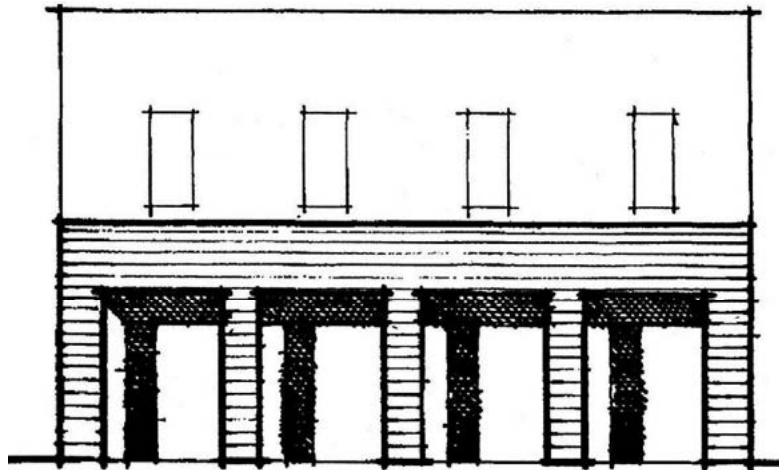
- [b] Contemporary interpretations of architectural features such as trim, fenestration, window frames, dormers, columns, gables, decorative wood, or metal work found on the existing main structure may be used.
  - [c] The roof pitch on an addition or new structure shall be the same or within the range of the roof pitches on the existing main structure.
2. For every 35 feet of building length facing a street, each story shall have an individual dwelling entrance, private balcony, or patio. Each required balcony or patio shall be at least six feet wide and four deep, accessible from an interior room, and unenclosed except ground level patios may be enclosed by a six-foot fence.
  3. Dwelling and main entrances shall be delineated by the use features such as recesses, additional detailing, overhangs, columns, and change in volume and form (see Figure 2-35).

**Figure 2-35: WUNP Street-Facing Dwelling Entrance Design**



4. If entrances to all units do not face a street, a main entrance shall be provided which includes either a covered front porch at least nine feet wide and six feet deep or an arcade which has the following characteristics (see Figure 2-36):
  - [a] Is between six feet and ten deep;
  - [b] Extends the length of the building to which it is attached;
  - [c] Intersects with an on-site pedestrian path and individual unit entrances or stairwells;
  - [d] Is at least 14 feet in height;
  - [e] Contains openings of not less than six feet in width;
  - [f] Is at least 25 percent solid but no more than 50 percent solid;
  - [g] Is open to the air on three sides; and
  - [h] Has no blocked street facings or end openings, in part or in full, with walls, glass, lattice, glass block or any other material.

Figure 2-36: WUNP Non-Street-Facing Entrance Design



e. **On-Site Pedestrian Path**

A hard-surface path of not less than four feet in width shall be provided to a building entrance from each street frontage or from a street corner.

f. **Gathering Space**

If a project has six or more units, there shall be a gathering space which:

1. Has at least 100 square feet provided for each street the project faces;
2. Is visible from the street(s) for which it was provided;
3. Corresponds to at least 50 percent of the required usable open space for the project; and
4. Contains one of the following amenities for each 100 square feet:
  - [a] Bench or other seating;
  - [b] Tree which is not included in the minimum landscape requirements;
  - [c] Kiosk;
  - [d] Water feature such as a pond or a fountain;
  - [e] Landscape planter or planting bed of at least 20 square feet; or
  - [f] Fixed recreational apparatus.

(5) **Residential Buffers**

- a. The building height for a 15-foot portion of a lot abutting a parcel zoned single-family is limited to the maximum building height allowed by the single-family residential zoning district (see Figure 2-37).
- b. The building height for a 15-foot portion of a lot abutting a parcel zoned multi-family residential, 14 units or less is limited to the maximum building height allowed by the multi-family residential, 14 units or less zoning district.
- c. A five-foot landscape area shall be installed along any lot line that abuts a parcel zoned single-family or multi-family residential, 14 units or less.



Figure 2-37: WUNP Height Limit Adjacency



(6) **District-Specific Standards for Development of Nonresidential Uses and Residential Units with Nonresidential Use on the Ground-Floor**

a. **Front zero lot-line setbacks are required when:**

1. A structure on one of the abutting parcels on the same side of the street is built to the zero-lot line; or
2. In the case of new construction on a corner lot, the nearest existing commercial structure located within 100 feet of the new structure on the same side of the street is built to zero-lot line.

b. **Roofs**

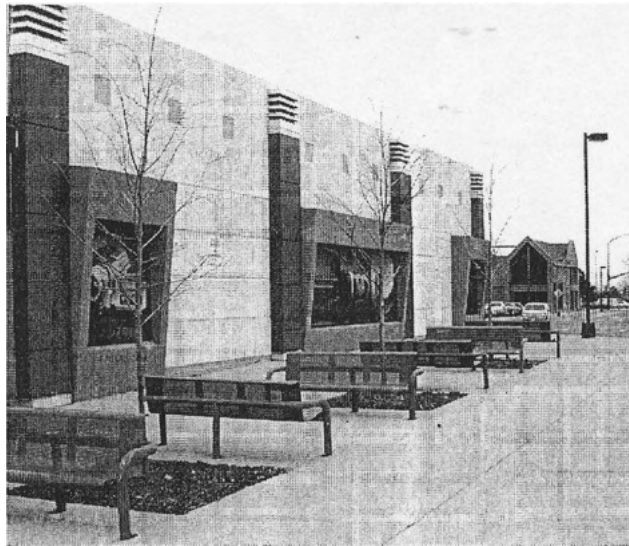
1. A minimum of 80 percent of the building footprint shall be covered by a roof with a minimum pitch of 4:12; or
2. Be flat with either a decorative parapet that surrounds the building and is at least 18 inches in height or have three distinct roof planes with a minimum 18-inch overhang over the two other planes.

c. **Ground-Floor Windows**

Windows shall be at least 50 percent of the length and 25 percent of the area of all exterior ground level building walls within 20 feet of a street lot line, sidewalk, plaza, or other public open space (see Figure 2-38). Ground floor walls are equal to all exterior wall area up to nine feet above the finished grade. This requirement does not apply to the walls of parking garages and residential units. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances or display windows set into the wall. Display cases attached to the outside of the wall do not qualify. The bottom of the windows shall be no more than four feet above the adjacent exterior grade.



Figure 2-38: WUNP Ground Level Transparency



d. **Ground Floors**

Ground floor shall be visually distinct from upper levels by:

1. A cornice above the ground level;
2. An arcade;
3. Changes in material or texture; or
4. A row of clerestory windows on a building's street facing elevation.

e. **Corner Reinforcement**

The structure with the greatest ground level square foot area shall be within ten feet of both street lot lines on at least one corner on corner lots where two sidewalks or public pedestrian ways meet.

f. **Parking**

Parking is not permitted between a building and a street unless a property is bound by two or more roadways, has parking between the building and street on no more than one street frontage, and contains a ten-foot landscaped area between the street and the parking area which is in addition to the minimum landscape area requirements.

g. **Residential Buffers**

1. The building height for a 15-foot portion of a lot abutting a parcel zoned single-family is limited to the maximum building height allowed by the single-family residential zoning district (see Figure 2-37).
2. The building height for a 15-foot portion of a lot abutting a parcel zoned multi-family residential, 14 units or less is limited to the maximum building height allowed by the multi-family residential, 14 units or less zoning district.
3. A ten-foot wide landscaped area shall be installed along any lot area which abuts residentially zoned parcels.

**h. On-Site Pedestrian Path System**

The development shall include on-site pedestrian path systems that:

1. Provide direct pedestrian paths from all adjacent streets or street corners to main entrances, ground level stairwells, and elevator landings;
2. Connect all buildings, bicycle and parking areas, recreational areas, and gathering spaces;
3. Are hard-surfaced;
4. Are at least four feet wide;
5. Are clearly identifiable, through the use of elevation changes, speed bumps, different paving material, or by other similar methods, but not striping, where the pedestrian path crosses driveways, parking areas, and loading areas;
6. Are raised or separated from automobile travel lanes by raised curbs with curb ramps, bollards, landscaping or other physical barrier when parallel and adjacent to an automobile travel lane.
7. On-premises advertising display. On-premises advertising display shall not be internally illuminated when visible from residentially zoned properties within 600 feet of the display.

**18.02.604 Conservation and Historic Overlay Districts<sup>138</sup>**

- (a) **Newlands Heights Conservation Overlay District**  
[reserved for future development following code adoption]
- (b) **Powning Conservation Overlay District**  
[reserved for future development following code adoption]
- (c) **Wells Avenue Conservation Overlay District**  
[reserved for future development following code adoption]

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<sup>138</sup> New conservation districts are identified in the Master Plan and proposed for future development following code adoption.

## Chapter 18.03 Use Regulations

### Commentary

This Chapter contains the standards related to land uses in Reno and is intended to be reviewed with Chapter 18.02: Zoning Districts and with the use definitions in Chapter 18.08: Definitions of Use Categories and Use Types. This Chapter includes a table of allowed uses as recommended in the Code Targeted Assessment Report and Annotated Outline. Further discussion precedes that table.

Following the table of allowed uses are several use-specific standards applicable to specific land uses. Some of those standards were carried forward from the current Code and other standards are new to address issues raised during the code update process. The standards follow the same organization as the table of allowed uses (beginning with residential and ending with industrial uses).

The final sections of this Chapter address accessory and temporary uses and structures. Commentary is provided in each of those sections later in this document.

Procedural requirements are updated in the draft code, with land use approvals differentiated from site plan approvals. The highest (public hearing) level of land use approval - "Special Use Permits" - are renamed "Conditional Use Permits" and applied to land use approvals only. "Minor Conditional Use Permits" involve an enhanced administrative approval process – similar to current "Site Plan Review" procedures - for less significant land use approvals. Both procedures include mailed notices to nearby properties and appeal provisions. Site plan approvals include similar procedures for "Major Site Plan Reviews" (public hearing) and "Site Plan Reviews (enhanced administrative)". Processes are further described in Chapter 18.08 *Administration and Procedures*.

### Article 1 Purpose and Organization of this Chapter<sup>139</sup>

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#### 18.03.101 Purpose

This chapter identifies the land uses allowed in Reno's zoning districts and establishes standards that apply to certain uses with unique characteristics or impacts.

#### 18.03.102 Organization

- (a) Article 2, *Table of Allowed Uses*, lists uses allowed by district and provides cross-references to applicable use-specific standards.
- (b) Article 3, *Use-Specific Standards*, establishes use-specific standards applicable to specific land uses.
- (c) Article 4, *Accessory Uses and Structures*, establishes standards applicable to accessory uses and structures.
- (d) Article 5, *Temporary Uses and Structures*, establishes standards applicable to temporary uses and structures.

### Article 2 Table of Allowed Uses<sup>140</sup>

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Table 3-1, *Table of Allowed Uses*, lists the uses allowed within each base zoning district. Each listed use is defined in Chapter 18.09 Article 3, *Definitions of Use Categories and Use Types*.

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<sup>139</sup> New content.

<sup>140</sup> New content.

### 18.03.201 Explanation of Table Abbreviations

(a) **Permitted Uses by Right**

A “P” designation in a cell within Table 3-1, *Table of Allowed Uses*, indicates that the use is allowed by right in the respective zoning district. Permitted uses are subject to all other applicable standards in this Title.

(b) **Permitted with Minor Conditional Use Permit**

A “M” designation in a cell within Table 3-1, *Table of Allowed Uses*, indicates that the use is allowed in the respective zoning district only with approval of a minor conditional use permit pursuant to Section 18.08.604, *Minor Conditional Use Permit*. The use shall comply with all applicable use-specific standards referenced in the summary use table. Uses requiring minor conditional use permits are also subject to all other applicable standards in this Title. The “M” designation does not constitute authorization or ensure that a minor conditional use permit will be approved for that use. Each minor conditional use permit application shall be evaluated on its own merit based on the findings in Section 18.08.604(e). An applicant may elect to process a minor conditional use permit application in accordance with procedures for a conditional use permit.

(c) **Conditional Use Permit Required**

A “C” designation in a cell within Table 3-1, *Table of Allowed Uses*, indicates that the use is allowed in the respective zoning district only with approval of a conditional use permit pursuant to Section 18.08.605, *Conditional Use Permit*. The use shall comply with all applicable use-specific standards referenced in the summary use table. Uses requiring conditional use permits are also subject to all other applicable standards in this Title. The “C” designation does not constitute authorization or ensure that a conditional use permit will be approved for that use. Each conditional use permit application shall be evaluated on its own merit based on the findings in Section 18.08.605(e).

(d) **Alternative Permission Types<sup>141</sup>**

(1) A “P1” designation in a cell within Table 3-1, *Table of Allowed Uses*, indicates that the use is allowed by right in the respective zoning district except when the use-specific standards require an enhanced administrative approval, including a minor conditional use permit or a site plan review.

(2) A “P2” designation in a cell within Table 3-1, *Table of Allowed Uses* indicates that the use is allowed by right in the respective zoning district except when the use-specific standards require a public hearing, including a conditional use permit or a major site plan review.

(3) A “P3” designation in a cell within Table 3-1, *Table of Allowed Uses* indicates that the use is allowed by right in the respective zoning district except when the use-specific standards require an enhanced administrative or public hearing approval.

(e) **Permitted Accessory Uses by Right**

An “A” designation in a cell within Table 3-1, *Table of Allowed Uses* indicates that the use is allowed by right as an accessory use in the respective zoning district. Permitted accessory uses are subject to all other applicable standards in this Title. An “A1,” “A2,” or “A3” designation in a cell follows the alternative permission types outlined for primary uses in Section 18.03.201(d), above.

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<sup>141</sup> This is a proposed new simplification of the many different table abbreviations in the current code (e.g., P/SUP, P/SPR, and P/SUP/SPR). Doing this type of simpler abbreviation will allow us to keep the entire table with all districts on one page.

- (f) **Prohibited Uses**  
A blank cell in Table 3-1, *Table of Allowed Uses* indicates that the use is prohibited in the respective zoning district.
- (g) **Use-Specific Standards**  
Regardless of whether a use is allowed by right or with any additional, additional standards may be applicable to that use. Such use-specific standards are identified and cross-referenced in the last column of Table 3-1, *Table of Allowed Uses*.

#### 18.03.202 Table Organization

In Table 3-1, *Table of Allowed Uses*, land uses and activities are classified into general use categories and specific use types based on common functional, product, or physical characteristics such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. This classification provides a systematic basis for assigning present and future land uses into appropriate zoning districts. This classification does not list every use or activity that may appropriately exist within each category. Certain uses may be listed in one category when they may reasonably have been listed in one or more other categories. The use categories are intended as an indexing tool and are not regulatory.

#### 18.03.203 Multiple Uses

- (a) A lot or parcel may include one principal use, but may also include any Accessory or Temporary uses as shown in Table 1.38, provided that all use-specific standards applicable to each use are met.
- (b) A lot or parcel may include multiple principal uses, including a combination of residential and nonresidential uses, provided that each use is permitted by right, or permitted with site plan approval, major site plan approval, minor conditional use permit, or conditional use permit as shown in Table 3-1, *Table of Allowed Uses*, and that all use-specific standards applicable to each use are met.

#### 18.03.204 Use for Other Purposes Prohibited

Approval of a use listed in Table 3-1, *Table of Allowed Uses*, and compliance with the applicable use-specific standards for that use, authorizes that use only. Buildings and structures shall not be erected, altered, or enlarged except for the uses listed in Table 3-1, *Table of Allowed Uses*. All other uses not specifically listed are prohibited and shall be unlawful unless the Administrator has determined an appropriate use category and use type for the unlisted use pursuant to the procedure in Section 18.03.205, below.

#### 18.03.205 Classification of New and Unlisted Uses

The following procedure shall apply if an application is submitted for a use category or use type that is not specifically listed in Table 3-1, *Table of Allowed Uses*. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

- (a) **Administrator Determination of Appropriate Use Category and Use Type**  
The Administrator shall determine the appropriate use category and use type for the proposed use. In making such determination, the Administrator shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage; and typical operations, employment

characteristics, nuisances, requirements for public utilities, and transportation requirements.

(b) **Establish Use-Specific Standards if Necessary**

When establishing a use category and specific use type, the Administrator shall also determine whether additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community.

(c) **Uses Requiring a Code Text Amendment<sup>142</sup>**

In deciding on a new or unlisted use, the Administrator may determine that such new or unlisted use requires a text amendment of this Title. A text amendment to this Title shall follow the procedures in Section 18.08.501, *Code Text Amendment*.

(d) **Appeal of Administrator's Determination**

An appeal of the Administrator's determination may be made pursuant to the procedures in Subsection 18.08.307(j), *Appeal*.

### 18.03.206 Table of Allowed Uses

#### Commentary

The current Reno ordinance lists permitted and special review uses in multiple tables for each zoning district and use category, making it difficult to compare appropriate land uses across zoning districts or within each use. This new consolidated use table will allow for side-by-side comparisons by district. The proposed table is based on the current Reno Code with targeted updates.

This table reflects the new proposed lineup of districts. Also, several use types are consolidated for simplicity, as identified in footnotes. We also developed use categories to help organize specific use types in a logical way, making future land use determinations more streamlined. Each use category and use type has a definition in Chapter 18.09 Article 3, *Definitions of Use Categories and Use Types*. The table should be reviewed simultaneously with the definitions.

In addition to use types being combined, some zone districts were consolidated or reconfigured as described by the Code Targeted Assessment Report and the Zoning Code Update Issue Sheets. When such consolidation resulted in conflicting use permissions, we typically included the more flexible use permission (e.g., "P" instead of "C," "M," or blank). However, when a larger number of zone districts are consolidated or combined, special attention is paid to use permission trends within the districts to determine the proposed use permission. For this draft, changes made to the level of permission in a zoning district or use type are indicated by the shading of a cell, described below:

1) A cell shaded **green** means the level of permission has changed to be more permissive (e.g., C to P).

2) A cell shaded **red** means the level of permission has changed to be more restrictive (e.g., P to C).

3) A cell shaded **yellow** means that the consolidation of uses and/or districts resulted in conflicting permissions. The use permission shown reflects the most compatible permission, as determined by City staff and the consultant team, which often reflects the most common permission in the consolidated uses or districts. When the level of permission changes, the current symbol is ~~stricken~~ to indicate how the level of permission has changed (e.g., C). If the current use is prohibited (blank), the new level of permission includes the new indicator only (e.g., P). If multiple uses with different permission levels are proposed for consolidation, we have not shown all the various abbreviations as stricken, just to keep the table easier to read.

4) A cell shaded **orange** means a new use is proposed. The use permissions for a new use are established based on Master Plan policy direction, staff input, and best practices for the use type and the character of each zone district.

Districts and uses that feature significant yellow shading are the result of consolidating numerous similar zone districts (e.g., the new MU District merges the former CRC/GMU, CRC/TC, CRC/TMU, E4TC, MRC, MSTC, MSTC/RLM, SVTC, SVTC/PLC, and W4TC Districts), duplicative use types (e.g., Truck Stop or Travel Plaza; and Truck Stop), or similar use types that are consolidated under one overarching use type (e.g., the Amusement or Recreation, Indoor use type merges the former Fitness Center, Pool or Billiard Parlor, Theater (No Drive-In), and

<sup>142</sup> New provision to accommodate uses that may rise to a code amendment (with approval by Council).

Video Arcade use types). MD-UD and MD-PD are entirely new districts, the ME District consolidates employment districts with diverse use standards, and all are treated as new districts.

The existing Table of Allowed Uses often indicates that numerous permissions are possible for a specific use in certain zoning districts, depending on the details of the proposed development (i.e., P/SPR, P/SUP, or P/SPR/SUP). For the updated Table of Allowed Uses, these have been replaced by a simplified symbol (P1, P2, and P3, respectively), which denotes the potential for additional reviews and procedures and allows for a more concise and user-friendly table.

The last column indicates whether additional standards apply to that use. They include cross-references to additional standards in Article 3 Use-Specific Standards.









**Table 3-1 Table of Allowed Uses**

P = permitted by right M = minor conditional use permit C = conditional use permit required A = accessory use permitted by right Blank = use prohibited  
 [P/A]1 = permitted by right except when the use-specific standards require enhanced administrative review  
 [P/A]2 = permitted by right except when the use-specific standards require public hearing  
 [P/A]3 = permitted by right except when the use-specific standards require enhanced administrative review or public hearing  
 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards			
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40	
Private Club, Lodge, or Fraternal Organization								C	C		P	P	P	P	P	P	P	P	P	P	C					P	P							
Public Meal or Homeless Services												C				C	4							C										18.03.303(a)(2)
Public Park or Recreation Area <sup>152</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.303(a)(3)
Religious Assembly <sup>153</sup>		C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	P	P	P	P	C	C	C	P	P	P	P	P	P	P	P	18.03.303(a)(4)

**Educational Facilities**

Adult Education (NEW)	M	M	M	M	M	M	M	M	M	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Childcare Center <sup>154</sup>	C	C	C					P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.303(b)(2)
College, University, or Seminary											P	P	P	P	P	P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	18.04.107	
School, Primary	M	M	M	M	M	M	M	M	M	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.303(b)(3)	

<sup>152</sup> "Active Recreation," "Passive Recreation," and "Tennis Courts" uses are combined under this use. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.

<sup>153</sup> "Church/House of Worship" use is combined under this use. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.

<sup>154</sup> "Child Care Center" use was also listed under Commercial. Both are combined here. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.

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 [P/A]2 = permitted by right except when the use-specific standards require public hearing  
 [P/A]3 = permitted by right except when the use-specific standards require enhanced administrative review or public hearing  
 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards						
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40				
School, Secondary <sup>155</sup>	M	M	M	M	M	M	M				P	P	P	P	P	P	P	P	M			P	P				P	P	P	P	P	P	M	M	M	18.03.303(b)(4)	
School, Vocational or Trade <sup>156</sup>											P	P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	M	M	M	18.03.303(b)(5)
<b>Healthcare Facilities</b>																																					
Blood Plasma Donor Center											P	P	P	P	P	P	P	P	P	P							P	P	P							18.04.107	
Hospital, Acute and Overnight Care											P	P	P	P	P	P	P	P	P																	18.03.303(c)(1)	
Medical Facility, Day Use <sup>157</sup>											P	P	P	P	P	P	P	P	P	P																	
<b>COMMERCIAL USES</b>																																					
<b>Agriculture, Animals, and Farming</b>																																					
Animal Clinic, Shelter, Hospital, Boarding Kennel, or Training Facility <sup>158</sup>	C	C	C								P	P	P	P	P	P	P	P	P	P							P	P	P	P	P	P	P	M	M	M	18.03.304(a)(1)

<sup>155</sup> "School, Non-Traditional, Secondary (Public or Private)" use is combined under this use. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.  
<sup>156</sup> "Education" use is combined under "School, Primary;" "School, Secondary;" and "School, Vocational/Trade;" which allows each use with site plan review in the UT5, UT10, and UT40 districts.  
<sup>157</sup> Moved from Commercial.  
<sup>158</sup> "Commercial Kennels" and "Veterinary Services, Agricultural" uses are combined under this use. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.



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 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards		
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5	UT10		UT40	
Restaurant with Alcohol Service									C	C	P	P	P	P	P	P	P	P	M		P		P	P	P	P							18.03.304(b)(2)

**Lodging**

Bed and Breakfast Inn <sup>163</sup>	M	M	M	M	M	M	M	M	P	P	P	P	P	P	P	P	P	P	M	M	P												18.03.304(c)(1)
Hotel-Condominium											P	P	P	P	P	P	P				P	P	P	P	P	P	P	P	P	P	P	18.03.304(c)(2)	
Hotel											P	P	P	P	P	P	P															18.03.304(c)(3)	
Hotel with Nonrestricted Gaming <sup>164</sup>										C			C	C	C	C	C															18.03.304(c)(4)	
Motel															P	P	P															18.03.304(c)(5)	
Motel with Nonrestricted Gaming																	C															18.03.304(c)(6)	

**Office and Professional Services**

Call Center											P	P	P	P	P	P	P	P			P	P	P	P	P	P	P	P	P	P			
Financial Institution									P		P	P	P	P	P	P	P	P	P	M													18.03.304(d)(1)

<sup>163</sup> Use permissions in residential districts are updated following Issue Sheet #1C direction.

<sup>164</sup> Existing location allowances for Hotel with Nonrestricted Gaming are retained in the use standards.



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 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards			
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40	
Laboratory <sup>165</sup>											P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P							18.03.304(d)(2)
Office, General <sup>166</sup>								P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							18.03.304(d)(3)
Recording Studio											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P							

**Personal Services**

Cleaners, Commercial											P	P	P	P	P	P	P	P	P	P															18.04.107
Personal Service, General <sup>167</sup>								P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								18.03.304(e)(1)
Tattoo Parlor, Body Painting, and Similar															P		P	P	P					P	P	P	P								
Wedding Chapel											P	P	P	P	P	P	P	P	P	P															

**Recreation and Entertainment**

<sup>165</sup> Use permissions updated per staff direction.  
<sup>166</sup> Use permissions for the MF21 District have been updated to conform to those recommended in Issue Sheet #1C.  
<sup>167</sup> "Astrologer, Hypnotist, or Psychic Art and Science;" "Barber and Beauty Shop;" "Copy Center;" "Laundry, Drop-off or Pick-up;" and "Laundry, Self Service" uses are combined under this use. Where use permissions conflict, the more flexible permission is typically used except in the PO district where a SUP permission is recommended to bridge the variety of permissions used by the consolidated uses.

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 [P/A]3 = permitted by right except when the use-specific standards require enhanced administrative review or public hearing  
 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential								Mixed-Use											Employ.					Special				Use-Specific Standards						
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS		PF	UT5	UT10	UT40		
Adult Business <sup>168</sup>																								P	P	P								18.03.304(f)(1)	
Amusement or Recreation, Inside <sup>169</sup>									P															P	P	P								18.03.304(f)(2)	
Amusement or Recreation, Outside <sup>170</sup>																	M	M	C					C	C	C							18.04.107		
Casino (see Hotel with Nonrestricted)																																			
Convention Center																																			
Country Club, Private	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P										P	P						18.03.304(f)(3)		
Daytime Entertainment Venue (NEW) <sup>172</sup>											C	C	C	C	C	P	M	M	M	M	M	M											18.03.304(f)(4)		
Escort Service/Outcall																																			
Gun Range, Indoor																								C											

<sup>168</sup> "Cabaret" use is combined under this use.  
<sup>169</sup> "Fitness Center," "Pool or Billiard Parlor," "Theater (No Drive-in)," and "Video Arcades" uses are combined under this use. Where use permissions conflict, the more flexible permission is typically used, except in Residential districts where the vast majority of the combined uses are not permitted.  
<sup>170</sup> "Outdoor Sports and Recreation" and "Outdoor Sports Club" uses are combined under this use. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.  
<sup>171</sup> Moved from Lodging use category. Currently, there are no use permissions and it references another use – seems like a good candidate for consolidation.  
<sup>172</sup> Daytime Entertainment and Live Entertainment are new uses to replace the prior Night Club use and better manage entertainment uses. Live and amplified music standards will be supplemental to standards for other primary uses such as restaurants, bars, or lodging uses. Daytime Entertainment is lower in intensity and more broadly permitted.

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 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards												
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40										
Live Entertainment (NEW) <sup>173</sup>											M	M	M	M	M	M	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18.03.304(f)(5)		
Recreational Vehicle Park															C		C	C	C	C																					18.03.304(f)(6)		
Sports Arena, Stadium, or Track											C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18.04.107			
<b>Retail</b>																																											
Building, Lumber, and Landscape Material Sales															P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.304(g)(1)	
Cannabis Dispensary, Medical											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.304(g)(2)	
Cannabis Retail Store, Adult-use																	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.304(g)(3)	
Convenience Store											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
General Retail, less than 10,000 Square											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.304(g)(4)	
General Retail, 10,000 Square Feet or more <sup>175</sup>											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.304(g)(5)	

<sup>173</sup> Replaces Night Club use to address live music and entertainment.

<sup>174</sup> "Antique or Collectable Store," "Sale of Low Volume Bulky Goods," and "Pet Store" uses are combined under this use. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.

<sup>175</sup> New use with standards for larger operations.



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 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards				
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF		UT5	UT10	UT40	
Car Wash <sup>179</sup>																	C	M	P						P	P	P								
Gas Station <sup>180</sup>												C	C				C	M	P						P	P	C	P						18.03.304(h)(4)	
Parking Lot, Open <sup>181</sup>																																			18.03.304(h)(5)
Public Transit or School Bus Shelter <sup>182</sup>	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
Truck Stop/Travel Plaza																		C							C	C								18.03.304(h)(6)	

**PUBLIC AND QUASI-PUBLIC UTILITIES AND SERVICES USES**

**Communications and Broadcasting**

Communication Facility, Equipment Only	M	M	M	M	M	M	M	M	M	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	M				18.03.305(a)(1)
TV Broadcasting and Other Communication											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			18.03.305(a)(2)	

**Utilities**

<sup>179</sup> Use permissions have been updated to be more consistent with other auto-oriented uses.

<sup>180</sup> "Gasoline Sales and Gas Stations" use is combined under this use. Where use permissions conflict, the more flexible permission is typically used – with consideration to preserving existing use and district character.

<sup>181</sup> Use permissions have been updated to provide shared parking spaces in urban areas with SUP. Updated in combination with updates to Parking Lot, Open (Accessory) use.

<sup>182</sup> Moved from Public & Civic.







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 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards				
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40		
Indoor Manufacturing, Processing, Assembly, or Fabrication <sup>189</sup>												P					P	P				P		P	P	P							C		
Maintenance, Repair, or Renovation Business <sup>190</sup>												P			P		P	P				P		P	P	P									
Outdoor Manufacturing, Processing, Assembly, or Fabrication																																			
Printing and Publishing <sup>192</sup>																																			

<sup>189</sup> "High Technology Industry" use is combined under this use. Where use permissions conflict, the more flexible permission is used – with consideration to preserving existing use and district character.  
<sup>190</sup> "Welding Repair" use is combined under this use. Where use permissions conflict, the more flexible permission is used – with consideration to preserving existing use and district character.  
<sup>192</sup> This use is relocated from Commercial.



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Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards						
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40				
Towing and Impound Yard																								P	P	C	P							18.03.306(b)(4)			
Transfer Station																							C										18.03.306(b)(4)				
Truck Terminal																							C	C	C	C											
Warehouse or Distribution Center										P <sub>1</sub>							C	P					P	P	P	P											
Wholesale <sup>196</sup>																	P	P					P	P	P	P							18.03.306(b)(6)				
Wrecking Yard, Salvage Yard, or Junk Yard																							C														
<b>ACCESSORY USES</b>																																					
Automated Teller Machine, Freestanding																																					
Ball Court	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	18.03.405(a)		
Caretaker Quarters <sup>197</sup>																																			18.03.405(b)		
Childcare, In-Home (1-6 Children)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A												18.03.405(c)		

<sup>196</sup> Moved from Commercial. "Wholesale of construction materials" and "Wholesale of products manufactured or assembled on site" uses are combined under this use. Where use permissions conflict, the more flexible permission is used – with consideration to preserving existing use and district character.

<sup>197</sup> "Accessory Dwelling or Caretakers Quarters/Domestic or Security Unit" use is consolidated here. Where use permissions conflict, the more flexible permission is used – with consideration to preserving existing use and district character.



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 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential								Mixed-Use												Employ.					Special					Use-Specific Standards						
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40				
Retail Sales Associated with a Primary Use <sup>203</sup>											A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A								18.03.405(m)			
Satellite Dish <sup>204</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	18.03.405(n)				
Sidewalk Café											A	A	A	A	A	A	A	A	A	A	A	A											18.03.405(o)				
Stable, Private	A	A	A	A	A																												18.03.405(p)				
Utilities, Alternative Systems <sup>205</sup>	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	18.03.405(q)				
<b>TEMPORARY USES</b>																																					
Asphalt or Concrete Batch Plant <sup>206</sup>	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	18.03.503(a)			
Carnival, Circus, Entertainment Event, Amusement Ride											P	P	P	P	P	P	P	P	P	P	P	P												18.03.503(b)			
Christmas Tree Sales Lot and Similar Uses <sup>207</sup>											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.503(c)				
Construction Field Office	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	18.03.503(d)				

<sup>203</sup> Use permissions updated per staff comment to expand the use into all commercial zones.

<sup>204</sup> Use permissions updated per staff comment to allow in all zone districts.

<sup>205</sup> Use permissions updated per staff comment.

<sup>206</sup> Use permissions updated per staff comment.

<sup>207</sup> Use permissions updated per staff comment.

**Table 3-1 Table of Allowed Uses**

P = permitted by right M = minor conditional use permit C = conditional use permit required A = accessory use permitted by right Blank = use prohibited  
 [P/A]1 = permitted by right except when the use-specific standards require enhanced administrative review  
 [P/A]2 = permitted by right except when the use-specific standards require public hearing  
 [P/A]3 = permitted by right except when the use-specific standards require enhanced administrative review or public hearing  
 [P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

Zone Districts	Residential										Mixed-Use										Employ.					Special					Use-Specific Standards			
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS	PF	UT5		UT10	UT40	
Garage Sale	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P								18.03.503(e)
Parking Lot, Open											P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					18.03.503(f)	
Real Estate Sales Office <sup>208</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					18.03.503(g)	
Stockpiling <sup>209</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					18.03.503(h)	
Urban Farm <sup>210</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					18.03.503(i)	
Vegetation Management (NEW) <sup>211</sup>	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P					18.03.503(j)	

<sup>208</sup> Use permissions updated per staff comment.

<sup>209</sup> Use permissions updated per staff comment.

<sup>210</sup> Use permissions updated per staff comment.

<sup>211</sup> New use added to address temporary use of livestock with overnight caretaker lodging for grazing, vegetation management, creating defensible space, etc.

## Article 3 Use-Specific Standards

### Commentary

This article replaces the current Section 18.08.202, Additional Regulations for Principal Uses, which also provides standards that are applicable to specific land uses (use-specific standards). This section follows the same organization as the Table of Allowed Uses in the previous Article.

Current standards have largely been carried forward – many without change; however, targeted changes have been made based on national planning trends and work with communities around the country then tailored for Reno. New standards are indicated with footnotes.

Any development standards that apply more broadly across uses (e.g., lighting, signs, building design, neighborhood compatibility, etc.) are included in Chapter 18.04, Development Standards.

### 18.03.301 Generally<sup>212</sup>

- (a) **Applicability**  
Use-specific standards shall apply to all zoning districts unless otherwise noted.
- (b) **Cross-References in Table of Allowed Uses**  
All uses with use-specific standards as indicated in the right-hand column of Table 3-1 shall comply with the applicable standards in this section, in addition to the applicable standards in Chapter 18.04 *Development Standards*.
- (c) **Resolution of Conflicting Standards**  
In case of a conflict between these use-specific standards and the standards in Chapter 18.04 *Development Standards*, these use-specific standards shall apply unless otherwise noted.

### 18.03.302 Residential Uses

- (a) **Household Living<sup>213</sup>**
  - (1) **Dwelling, Duplex, Triplex, and Fourplex<sup>214</sup>**
    - a. Each individual dwelling unit shall have separate utility meters.
    - b. Each individual dwelling unit shall have a separate entrance.
  - (2) **Dwelling, Live/Work<sup>215</sup>**
    - a. Residential areas shall be located on upper floors, or in other areas not required for access to nonresidential areas.
    - b. The nonresidential use shall be owned and operated by a resident of the live-work dwelling unit, or an affiliated entity.

<sup>212</sup> New content.

<sup>213</sup> The “Cluster Development” use is being eliminated as a specific use type because it is more of a development type/style than a use.

<sup>214</sup> New standards for a new uses. Standards intended to allow new housing types following Master Plan policy direction while maintaining neighborhood compatibility.

<sup>215</sup> New standards for a new use. This use is not applied to areas where offices and homes aren’t already allowed to ensure neighborhood compatibility.



(3) **Dwelling, Multi-Family**<sup>216</sup>

a. **All Districts**

1. A parcel/subdivision plat is required for condominium conversions.
2. Shall provide two washers and four dryers per 20 dwelling units or hook-ups in each dwelling unit.
3. Shall provide air conditioners when adjacent to major arterials or under the airspace of the Reno-Tahoe or Reno-Stead Airports per Subsections 18.02.602(a) and 18.02.602(b).
4. Facilities with ten or more two-bedroom units shall provide a central playground or alternative resident amenity approved by the Administrator, equivalent to 15 square feet per two-bedroom dwelling unit.
5. Facilities with 20 or more units shall provide an on-site management office or resident manager.
6. Shall provide recycling containers on-site.<sup>217</sup>
7. Facilities with 30 or more units shall provide the following:
  - [a] A lighted building directory in a public area,
  - [b] Lidded dumpsters,
  - [c] Covered mailboxes located in a central area which is lighted and has seating available,
  - [d] Laundry rooms with secured access or laundry facilities in each unit, and
  - [e] Common areas visible from windows.

b. **NC District**

Multi-family residential dwellings are permitted only on properties with primary commercial, sales, or service uses located within ¼ mile.<sup>218</sup>

c. **MF14,<sup>219</sup> MF21, MF30, NC, and GC Districts<sup>220</sup>**

1. A minor conditional use permit is required if more than 20 and less than 100 units are proposed.
2. A conditional use permit is required if 100 or more units are proposed.

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<sup>216</sup> Use standards that were listed in the use table have been moved here and integrated, below.

<sup>217</sup> Per NRS 278.02315 and Reno Sustainability and Climate Action Plan.

<sup>218</sup> Updated standard to not require mixed-use development on each parcel.

<sup>219</sup> The former CRC/RES District is consolidated under the MF14 District. The standards for Multi-family Dwellings are covered here.

<sup>220</sup> Standards consolidated and updated to increase thresholds for discretionary review.

**d. ME District**

1. Multi-family residential dwellings are permitted only on properties located within the area bounded by Sutro Street on the east, Valley Road on the west, Timber Way on the south, and Paintbrush Drive and the Union Pacific Railroad right-of-way on the north.
2. A minor conditional use permit is required if less than 100 units are proposed.
3. A conditional use permit is required if 100 or more units are proposed.
4. Any multi-family project in the ME zoning district shall follow all MF30 standards including:
  - [a] All lot and building standards per 18.02 Article 2;
  - [b] All standards for accessory uses/structures per 18.03 Article 4;
  - [c] Site and building standards for residential districts per 18.04 Article 9; and,
  - [d] All applicable development standards in 18.04.
5. A disclosure shall be provided to each resident with their lease agreement notifying them that they are located within a zoning district that allows industrial uses that may produce noise, offensive odors, truck traffic, bright lighting and/or glare. Said disclosure shall also be recorded such that it appears on the title report for the subject property.
6. Screening shall be required between the residential use and adjacent non-residential use, regardless of the underlying zoning designation per Section 18.04.808.

**(4) Dwelling, Single-Family Attached**

**a. All Districts**

1. Except where noted, a minor conditional use permit is required if the number of units proposed is more than 20 and less than the conditional use permit threshold.
2. A tentative map is required for new construction or conversion of five or more townhouse or condominium units.

**b. PO, PF, and NC Districts**

A conditional use permit is required if 50 or more units are proposed.

**c. SF5, SF8, SF11 , MF14, MF21, and MF30 Districts<sup>221</sup>**

1. A minor conditional use permit is required if more than 20 and less than 100 units are proposed.
2. A conditional use permit is required if 100 or more units are proposed.

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<sup>221</sup> Updated to make consistent with MF thresholds.

**d. ME District**

1. Single-Family Attached residential dwellings are permitted only on properties located within the area bounded by Sutro Street on the east, Valley Road on the west, Timber way on the south, and Paintbrush Drive and the Union Pacific Railroad right-of-way on the north.
2. A minor conditional use permit is required if less than 100 units are proposed.
3. A conditional use permit is required if 100 or more units are proposed.
4. Any multi-family project in the ME zoning district shall follow all MF30 standards including:
  - [a] All lot and building standards per 18.02 Article 2;
  - [b] All standards for accessory uses/structures per 18.03 Article 4;
  - [c] Site and building standards for residential districts per 18.04 Article 9; and,
  - [d] All applicable development standards in 18.04.
5. A disclosure shall be provided to each resident with their lease agreement notifying them that they are located within a zoning district that allows industrial uses that may produce noise, offensive odors, truck traffic, bright lighting and/or glare. Said disclosure shall also be recorded such that it appears on the title report for the subject property.
6. Screening shall be required between the residential use and adjacent non-residential use, regardless of the underlying zoning designation per Section 18.04.808.

**(5) Dwelling, Single-Family Detached**

**a. PGOS District**

The minimum lot size shall be 50 acres or the existing lot size, whichever is less.

**(6) Manufactured Home**

- a. Dwellings shall be permanently affixed to a full perimeter foundation designed to meet local requirements. Anchorage of the structure to the foundation shall provide a mechanism for effectively transferring building loads to the foundation. A Nevada Registered Engineer's design of the foundation and anchorage system may be required at the discretion of the Administrator.
- b. Dwellings shall be converted to real property as defined by the Washoe County Assessor.
- c. Dwellings shall have been manufactured within six years of being affixed to the lot.<sup>222</sup>
- d. Roofing materials and colors shall be different than siding materials and colors to create contrast. Acceptable roofing materials include asphalt shingle, tile, wood shake, colored metal, raw steel, or solar panels. Acceptable siding materials include wood, stucco, masonry, rock, vinyl, colored metal, or raw steel.<sup>223</sup>

<sup>222</sup> Standard updated to maintain compliance with latest NRS statutes.

<sup>223</sup> Updated material standards to address fire safety, contemporary materials, and sustainability policy.

- e. Dwellings shall consist of more than one section with a minimum size of 320 square feet for each section.
- f. Siding shall extend to within 12 inches of grade.

(7) **Manufactured or Mobile Home Park**<sup>224</sup>

a. **Permits Required**

- 1. Mobile home parks proposed to be constructed or expanded shall require the approval of a conditional use permit.
- 2. Construction or alteration of a mobile home park requires a permit from the building department.
- 3. Prior to placement of an individual mobile home in a mobile home park, application for inspection shall be made to the building department.

b. **Applicability to Existing Parks**<sup>225</sup>

The City recognizes that there are many examples of parks that do not conform with these standards but provide important affordable housing options in the community. Modifications to an existing park that does not conform with these standards shall not require that the entire park be brought into conformance, but instead shall include proportional improvements to achieve closer conformance, with a priority on public safety, planting of trees, and pedestrian improvements.

c. **Closure or Conversion of Existing Park**<sup>226</sup>

Closure or conversion of a mobile home park shall comply with the provisions of NRS Section 278.0232 and 118B.184.

d. **Permitted Uses**

- 1. One mobile home per space.
- 2. One carport, garage, or carport/garage combination per mobile home and other accessory buildings in compliance with this chapter and Chapter 18.04 *Development Standards*, except that a prefabricated metal storage shed of 90 square feet or less may be placed in the side setback provided that drainage is not impaired
- 3. Community recreational buildings and facilities, laundry, car wash, screened boat or storage facilities serving the mobile home park only.
- 4. Management office or one single-family dwelling, mobile home, or manufactured home used exclusively for living quarters by the operator or manager of the park.

e. **Area, Lot, and Bulk Development Standards**

The following standards apply instead of the base zoning district standards:

<sup>224</sup> Standards from the Mobile Home Overlay District (MH) have been carried forward as use-specific standards, here.

<sup>225</sup> New language to encourage and prioritize improvements to existing manufactured or mobile home parks.

<sup>226</sup> New. Added to reference existing NRS provisions that are not currently in the Code.

**Table 3-2 Area, Lot, and Bulk Development Standards for Mobile Home Parks**

Standard	Requirement
Overall area (min.)	5 acres
Building height (max.)	Same as the underlying zone
Net space area for a mobile home 14 feet or less in width (min.)	2,880 sq. ft.
Net space area for a mobile home more than 14 feet in width (min.)	4,000 sq. ft.
Net space width (min.)	35 ft.
Setback of any building or mobile home from a bordering public street line (min.)	25 ft.
Front setback from internal street (min.)	10 ft.; except for carport, garage, or carport/garage combination which shall have a minimum setback of
Setback line from the exterior boundary line of the mobile home park (min.)	15 ft.
Side setback line from edge of space (min.)	5 ft.
Separation between mobile homes and between mobile homes and detached accessory buildings (min.)	10 ft.
Separation between other buildings and any mobile home lot line (min.)	No management office, community recreational building or facility, laundry, car wash, or screened boat or storage facility shall be located closer than 30 feet from any mobile home lot line
Inclusions and Exemptions from setbacks:	Expandable sections of a mobile home, carport, awning, covered deck or attached accessory

**f. Street System**

1. All streets shall be constructed in accordance with this Title.
2. Streets shall have a paved section not less than 24 feet in width and a right-of-way of not less than 24 feet.
3. All streets and walkways shall be properly signed and lighted from dusk until dawn. The lights shall be designed and maintained to produce at least 0.1-foot candle of light at street level throughout the system of streets and walkways. Potentially hazardous locations, such as intersections of major streets, steps, or stepped ramps, shall be individually illuminated with at least 0.3-foot candle of light. Such lighting shall be controlled manually by the operator of the mobile home park or be under an automatic system of control.
4. The grade of a street in a mobile home park shall not exceed eight percent, except that for a short distance a street may have a grade of up to 12 percent if traffic safety is not thereby impaired.

**g. Off-Street Automobile Parking Requirements**

1. Off-street parking for each mobile home space shall follow the parking requirements defined in Table 4-7 [in Section 18.04.705](#).
2. Where streets are less than 32 feet in width, provisions shall be made for guest parking at not less than one guest automobile parking space for each six mobile home spaces.
3. Where streets are less than 32 feet in width, no on-street parking shall be allowed.
4. All vehicle parking spaces and driveways shall be paved.

**h. Landscaping**

Except for driveways and parking spaces provided in accordance with this section, the front setback area of each mobile home space shall be landscaped. Except as provided elsewhere in this section, all other ground surfaces within a mobile home park shall be covered with suitable materials or protected with vegetation capable of preventing soil erosion and eliminating dust.

**i. Recreation Area**

Unless each space within a mobile home park is located within a walking distance of one-quarter mile or less of a public park, a mobile home shall must have at least one recreation area or open space conveniently accessible from all spaces; the cumulative size of which recreation area shall not be less than five percent of the gross mobile home park area and shall be landscaped or developed with recreational facilities. Parks catering to family use will be required to provide larger recreation areas and adequate playgrounds.

**j. Pedestrian Ways**

When included, pedestrian ways shall have a minimum width of three feet, be constructed of an all-weather surface, and be lighted in accordance with item e. of this subsection.

**k. Refuse and Garbage**

1. In every mobile home park not having individual garbage and trash collection services for each mobile home space, an adequate number of garbage and trash containers shall be provided, each on a concrete slab, enclosed in accordance with Section 18.04.808(c), *Screening of Outdoor Service Areas, Utilities, and Equipment*. Every mobile home space shall be within 200 feet of such garbage or trash disposal areas.
2. Containers to be used for bulk storage of garbage and rubbish shall be placed on concrete slabs which are constructed to minimize spillage onto adjacent areas and shall be equipped with drains properly connected to the sewer system. In the immediate vicinity of any container for bulk storage there shall be a water faucet for use in cleaning the container or some other means for cleaning it which is approved by the building department. Each such container shall be equipped with a self-closing lid.
3. Every mobile home park not served by either a municipal or private collection service shall provide for refuse to be collected twice weekly.

**i. Fuel Supply and Storage**

Installation of liquefied petroleum gas or fuel oil containers within a mobile home park shall be in conformance to any applicable statutes and ordinances, any regulations of the state or county district health departments, and to the satisfaction of the fire department.

**m. Fire Protection**

In every mobile home park, there shall be installed and maintained fire hydrants, and fire extinguishers of the number and size, and in such locations as may be required by the chief of the fire department.

**n. Screening**

Mobile home parks shall be fenced with a solid view-screening fence six feet in height around the entire boundary of the park. Where such a fence adjoins a public right-of-way a landscaped area no less than five feet in width shall be provided on the outside of the fence. A landscaped berm of 20 feet in width and three feet in height may be substituted for said fence.

**o. Marking Underground Utility Lines**

1. The underground location of electric cables, gas piping, water piping and sewer lines which are buried along the periphery of a space or within four feet of a mobile home stand shall be indicated by underground markers in the form of tapes, electrically connected wires or other means for locating the underground lines. Signs may be erected aboveground to assist in locating the lines, but such signs shall not be used in lieu of the required system of underground markers.
2. The holder of the permit shall accurately plot the location of all underground utility lines when they are installed. The holder shall keep a copy of this plot for reference at the mobile home park and upon request, make it available to the city or public utilities.

**p. Management**

The holder of a valid City business license for the operation of a mobile home park shall be responsible for compliance with this Title and any other applicable ordinance or statute. The holder shall always maintain the mobile home park in a neat, orderly, and sanitary condition. Landscaping shall be maintained, or the business license may be revoked.

**q. Identification of Spaces**

1. Each mobile home space shall be numbered or designated by a street or space number or by another method that adequately identifies the space. The designation shall be displayed on:
  - [a] A location facing the roadway, or
  - [b] The front of the mobile home.
2. Corner markers or other adequate means shall define the boundaries of each space. The inside surface of any fence or windbreak erected parallel to and delineating those boundaries or any perimeter wall or other enclosure of the park erected inside the property line shall be deemed to be the boundary of the space.



r. **Register**

The license holder shall be responsible for maintaining a register of the occupants of the park.

s. **Plan**

A copy of the final approved plan for the mobile home park shall be conspicuously posted on the site and the license holder shall be responsible for maintenance of the park as per the final approved plan. The holder of the license shall designate all mobile home spaces in accordance with the final approved plan for the mobile home park and shall maintain same to be readily ascertainable by representatives of the City.

t. **Location and Use Outside Parks**

1. Parking any mobile home or vehicle outside a mobile home park or a mobile home subdivision, when such mobile home or vehicle is used for dwelling or sleeping purposes, is unlawful.
2. Storage of mobile homes shall be permitted only in Nonresidential Districts.

u. **Violations**

Any person violating any of the provisions of this Section:

1. Upon conviction, shall be guilty of a misdemeanor and punished as provided in Section 1.04.010, *General Penalty; Continuing Violations*; or
2. Shall be subject to provisions of Chapter 1.05, *Code Enforcement*.

(8) **Mobile Home Subdivision**<sup>227</sup>

a. **Applicability**

This Subsection shall apply to mobile home subdivisions constructed, expanded, or remodeled after the effective date of this ordinance. The Subsection does not apply to existing parks or resales of existing subdivisions, except for any portion of the subdivision being remodeled.

b. **Permitted Uses**

1. One mobile home per lot.
2. Community recreation buildings and facilities.
3. Accessory buildings and structures, subject to Chapter 18.03 Article 4, *Accessory Uses and Structures*.

c. **Development Requirements**

1. Maximum density: Same as the underlying zone.
2. Maximum building height: Same as the underlying zone.
3. Minimum lot area per mobile home: Same as the underlying zone.
4. Minimum lot width: Same as underlying zone.
5. Yards: Same as the underlying zone.

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<sup>227</sup> Standards from the Mobile Home Overlay District (MH) have been carried forward as use-specific standards, here.

**d. Mobile Home Subdivisions Utilizing Small Lots and Homeowners' Associations**

**1. Conditional Use Permit Required**

All mobile home subdivisions with reduced lot dimensions and homeowners' associations shall be subject to the approval of a conditional use permit.

**2. Applicability to Existing Mobile Home Subdivisions**

Those mobile home subdivisions using small lots with valid approvals from prior to the effective date of this subsection shall not be subject to any increased standard established by this subsection, but shall be governed by the initial approval. Any extension request shall make the project subject to all provisions of this subsection.

**3. Permitted Uses**

- [a] One mobile home per lot.
- [b] Community recreation buildings and facilities.
- [c] Screened boat or RV storage facilities serving the mobile home subdivision only.
- [d] Accessory buildings and structures, subject to Chapter 18.03 Article 4, *Accessory Uses and Structures*.

**4. Prohibited Uses**

All uses prohibited in the underlying zone.

**5. Area, Lot, and Bulk Development Standards**

The following standards apply instead of the base zoning district standards:

**Table 3-3 Area, Lot, and Bulk Development Standards for Mobile Home Subdivisions Utilizing Small Lots and HOAs**

Standard	Requirement
Overall area (min.)	5 acres
Building height (max.)	Same as the underlying zone
Net lot area for a mobile home 14 feet or less in width (min.)	2,880 sq. ft.
Net lot area for a mobile home more than 14 feet in width (min.)	4,000 sq. ft.
Net lot width (min.)	35 ft.
Setback from bordering public street line (min.)	25 ft.
Front setback from internal street (min.)	10 feet; except for a carport, garage, or carport/garage combination which shall have a minimum setback of 5 feet
Setback line from the exterior boundary line of the mobile home subdivision (min.)	15 ft.
Side setback line from edge of space (min.)	5 ft.

**Table 3-3 Area, Lot, and Bulk Development Standards for Mobile Home Subdivisions Utilizing Small Lots and HOAs**

Standard	Requirement
Separation between mobile homes and between mobile homes and detached accessory buildings (min.)	10 ft.
Separation between other buildings and any mobile home lot line (min.)	No management office, community recreational building or facility, laundry, car wash, or screened boat or storage facility shall be located closer than 30 feet from any mobile home lot line.
Inclusions and Exemptions from setbacks:	Expandable sections of a mobile home, carport, awning, covered deck or attached accessory building shall be

**6. Street System**

- [a] All streets shall be constructed in accordance with this Title.
- [b] Streets shall have a paved section not less than 24 feet in width and a right-of-way of not less than 24 feet.
- [c] All streets and walkways shall be properly signed and lighted from dusk until dawn. The lights must be designed and maintained to produce at least 0.1-foot candle of light at street level throughout the system of streets and walkways. Potentially hazardous locations, such as intersections of major streets, steps, or stepped ramps, must be individually illuminated with at least 0.3-foot candle of light. Such lighting must be under an automatic system of control.
- [d] The grade of a street must not exceed eight percent, except that for a short distance a street may have a grade of up to 12 percent if traffic safety is not thereby impaired.

**7. Off-Street Automobile Parking Requirements**

- [a] Off-street parking for each mobile home lot shall follow the parking requirements defined in Table 4-7 in Section 18.04.705.
- [b] Where streets are less than 32 feet in width, provisions shall be made for guest parking at not less than one guest automobile parking space for each six mobile home spaces.
- [c] Where streets are less than 32 feet in width, no on-street parking shall be allowed.
- [d] All vehicle parking spaces and driveways shall be paved.

**8. Landscaping**

Except for driveways and parking spaces provided in accordance with this Section, the front setback area of each mobile home lot shall be landscaped. Except as provided elsewhere in this Subsection, all other ground surfaces must be covered with suitable materials or protected with vegetation capable of preventing soil erosion and eliminating dust.

**9. Recreation Area**

Unless each lot is located within a walking distance of one-quarter mile or less of a public park, a mobile home subdivision using small lots and a homeowner's association must have at least one recreation area

conveniently accessible from all lots, the cumulative size of which recreation area shall not be less than five percent of the gross mobile home subdivision area and shall be landscaped or developed with recreational facilities. Subdivisions catering to family use will be required to provide larger recreation areas and adequate playgrounds.

**10. Pedestrian Ways**

When included, pedestrian ways shall have a minimum width of three feet, be constructed of an all-weather surface, and be lighted in accordance with Paragraph 6., above.

**11. Fuel Supply and Storage**

Installation of liquefied petroleum gas or fuel oil containers shall be in conformance to any applicable statutes and ordinances, any regulations of the state or county district health departments, and to the satisfaction of the fire department.

**12. Fire Protection**

In every mobile home subdivision using small lots there shall be installed and maintained fire hydrants, and fire extinguishers of the number and size, and in such locations as may be required by the chief of the fire department.

**13. Screening**

Mobile home subdivisions using small lots shall be fenced with a solid view-screening fence six feet in height around the entire boundary. Where such a fence adjoins a public right-of-way, a landscaped area no less than five feet in width must be provided on the outside of the fence. A landscaped berm of 20 feet in width and three feet in height may be substituted for said fence.

**14. Marking Underground Utility Lines**

The underground location of electric cables, gas piping, water piping and sewer lines which are buried along the periphery of a space or within four feet of a mobile home stand must be indicated by underground markers in the form of tapes, electrically connected wires or other means for locating the underground lines. Signs may be erected above ground to assist in locating the lines, but such signs must not be used in lieu of the required system of underground markers.

**15. Identification of Lots**

- [a] Each mobile home lot must be numbered or designated by a street or lot number or by another method that adequately identifies the lot. The designation must be displayed on:
  - [b] A location facing the roadway; or
  - [c] The front of the mobile home.
- [d] Corner markers or other adequate means shall define the boundaries of each lot. The inside surface of any fence or windbreak erected parallel to and delineating those boundaries or any perimeter wall or other enclosure erected inside the property line shall be deemed to be the boundary of the space.

**e. Location and Use Outside Parks**

1. Parking any mobile home or vehicle outside a mobile home park or a mobile home subdivision, when such mobile home or vehicle is used for dwelling or sleeping purposes, is unlawful.
2. Storage of mobile homes shall be permitted only in Nonresidential Districts.

**f. Violations**

Any person violating any of the provisions of this Section:

1. Upon conviction, shall be guilty of a misdemeanor and punished as provided in Section 1.04.010, *General Penalty; Continuing Violations*; or
2. Shall be subject to provisions of Chapter 1.05, *Code Enforcement*.

**(b) Group Living**

**(1) Assisted Living Facility**

**a. All Districts**

1. Units serving people with disabilities shall be a minimum of 220 square feet.
2. Facilities shall have a maximum occupancy of two people per unit.
3. Facilities shall be located within 1,000 feet from a public transportation route.
4. Facilities with 20 or more units shall have an activity room.
5. Washers and dryers shall be provided at a rate of two washers and two dryers per 20 dwelling units or hookups shall be provided in each unit, or laundry service shall be provided.
6. For facilities with 20 or more units, on site management shall be required.
7. Facilities with more than 20 units dedicated to older adults or people with disabilities shall provide paratransit facilities, including a sheltered waiting area with a view of the paratransit loading area.
8. Dormitory style facilities shall meet the requirements of subsections 3., 4., 5., and 6., above, based proportional to their number of beds being equivalent to one unit.
9. Resident parking spaces for an Assisted Living Facility shall be at least ten feet wide

**b. MF14, MF21, and MF30 Districts**

A conditional use permit is required if 50 or more units or 100 or more beds in a dormitory-style project are proposed.

**c. NC and GC Districts**

A conditional use permit is required if 100 or more units or 200 or more beds in a dormitory-style project are proposed.

(2) **Boarding or Rooming House**

a. **SF3, SF5, SF8, MF14, and MF21 Districts**

1. Shall be located within ½ mile of the portion of North Virginia Street or Evans Avenue rights-of-way, located south of North McCarran and north of Interstate 80.
2. No parking reductions shall be allowed.
3. Required parking spaces shall be provided on-site. Parking spaces located on street, in front of and adjacent to the parcel which houses the boarding/rooming house may be counted toward required parking, subject to residential parking permit regulations.
4. Tandem parking in excess of two spaces shall be allowed toward on-site required parking.

(3) **Convent or Monastery**

a. **SF3 District**

When more than five members reside permanently on-site, the residential adjacency standards in Article 14, *Residential Adjacency* shall be met.

(4) **Group Home**

- a. Shall have a maximum of six clients plus two staff residing in a house.
- b. When serving persons with disabilities may have a maximum of ten clients with house parents or guardians and shall be licensed by the state.

(5) **Private Dorm**

See Section 18.03.302(b)(6), *Single-Room-Occupancy*. Except that Sections 18.03.302(b)(6)a.3, 6, and 8 may be modified with the provision of shared dining and recreation facilities.

(6) **Single-Room-Occupancy**

a. **All Districts**

1. **Facilities shall have a secured common entrance lobby and corridor access to all units.**
2. Facilities with 12 or more rooms shall have a resident on-site manager. An office for the manager shall be provided and shall be located near the entry.
3. Facilities shall have a maximum occupancy of two people per unit or two persons plus one child.
4. Facilities shall be located no more than one-quarter mile from a public transportation route.
5. Facilities with 50 or more rooms shall have a common, centrally located recreation space.
6. Units shall be a minimum of 220 square feet for two people and, 320 square feet for two people and one child, exclusive of bathroom facilities.
7. Units shall include a sink, toilet, and shower.

8. All the units shall include a kitchen, consisting of a refrigerator, microwave oven, two burner stove (minimum), sink, food preparation center, and food storage area.
9. Personal storage space shall be provided within each unit.
10. Facilities shall provide adequate storage space for bicycles and motor scooters.
11. Facilities shall provide access to police with proper identification.

**b. MF21, MF30, and PF Districts**

1. A minor conditional use permit is required if more than four and less than 50 units are proposed.
2. A conditional use permit is required if 50 or more units are proposed.

**(7) Transitional Living Facility**

All transitional living facility uses shall comply with the following standards:

- a. Shall not be located within 600 feet of another transitional living facility.
- b. Shall not be located within 1,000 feet of a school.
- c. Twenty-four-hour management and supervision shall be required.
- d. A management plan that includes life-skills training shall be submitted to the Administrator with an application for certificate of occupancy and approved by the Administrator prior to issuance of the certificate of occupancy.

**18.03.303 Public, Institutional, and Civic Uses**

**(a) Community and Cultural Facilities**

**(1) Cemetery or Mausoleum**

Shall only be allowed on parcels abutting and having access to a collector or arterial street.

**(2) Public Meal or Homeless Service Provider<sup>228</sup>**

- a. Any public meals facility shall include an internal dining room and a lobby or waiting area designed to prevent the formation of a queue outside of the building. Such lobby shall open at least 30 minutes before the dining room opens so that patrons may wait inside.
- b. In public meals facilities, interior restrooms shall be available to patrons at least 30 minutes before meals are served, while meals are being served, and at least 30 minutes after meals have been served.
- c. Homeless services may be operated without public meal facilities, as determined through an approved conditional use permit.
- d. Design and operation standards for new or expanded facilities shall be determined through an approved conditional use permit consistent with the provisions of (a) through (k) of this Section. New or expanded facilities are exempt from the design standards of specific zoning districts.
- e. Queuing of patrons on private property or sidewalk in public view is prohibited.

<sup>228</sup> Updated to reflect the changes adopted by Ordinance #6500.



- f. Use shall not be located closer than 600 feet from residentially zoned property or K-12 school licensed by the State of Nevada.
- g. Use shall not be located within the Redevelopment District #1 (RDA 1).
- h. Any public meal provider and all homeless service providers shall obtain a business license regardless of federal tax status.
- i. Only one public meal provider may be licensed and operate within city limits.
- j. Only one of each of the following homeless service providers may be licensed and operate within city limits: men; women and families; and the mentally ill (for a total of three).
- k. Any public meal provider must be associated with an on-site homeless shelter or transitional living facility.
- l. Within the MU (Mixed-Use Urban) district, the use is only allowed in the area bounded by Wells Avenue on the west, I-80 on the north, the Truckee River on the south, and Galetti Way on the east.

**(3) Public Park or Recreation Area<sup>229</sup>**

In all districts except the PGOS District, ball courts, ballfields, and parking areas shall comply with the following standards:

- a. Lights shall be shielded from adjacent residences.
- b. Courts and parking areas shall be screened from adjacent residential zoned property.
- c. All court and parking area lighting, greater than three feet in height, shall be subject to site plan review.
- d. Court and ballfield fences shall meet side and rear yard setbacks for accessory structures.
- e. Courts and ballfields shall be closed between the hours of 10 p.m. and 7 a.m.

**(4) Religious Assembly**

- a. Driveways shall be placed to reduce traffic impacts on adjacent residential uses.
- b. Primary access to the facility shall be by means of a collector or arterial street.

**(b) Educational Facilities**

**(1) Adult Education<sup>230</sup>**

**1. MA District**

Enrollment is limited to a maximum of 200 students per school.

**(2) Childcare Center<sup>231</sup>**

All childcare centers and facilities, including accessory in-home childcare uses, shall comply with the following standards, as applicable:

<sup>229</sup> Existing standards for Tennis Courts are expanded here to apply to all athletic areas and parking – standards expanded to address potential issues with noise and lighting with ball courts.

<sup>230</sup> New. Added for a new use. Same standards as vocational school are proposed.

<sup>231</sup> Minor modifications to standards proposed to remove barriers to this type of use.

**a. All Districts**

1. The site shall be designed so that all discharging or loading of passengers from a vehicle is accomplished on the site. The Administrator shall approve layout of driveways, circulation patterns, and parking s prior to the issuance of any building permits.
2. Where structures or play areas are adjacent to residentially zoned property:
  - [a] A six-foot high block wall shall be installed along the common property line, with an additional buffer of plant materials along the play area.
  - [b] The building entrance and access shall be oriented away from residential uses on local streets.
  - [c] Outdoor play shall be limited to daylight hours.
  - [d] Outdoor lighting shall be designed to not shine directly onto any abutting residential property.

**(3) School, Primary**

- a. Pick-up and drop-off areas for vehicles shall be provided on site.
- b. Building heights are non-restricted.
- c. In all yards located adjacent to residentially zoned property, buildings shall be setback one foot for every foot in building height.
- d. Up to 20 percent of the site shall be landscaped, as determined by the Administrator, based on community character and site specifics such as slope and soil quality.
- e. Up to three mobile classroom units shall be allowed without the requirement of a site plan review for proximity to residentially zoned property provided that the following conditions are met:
  1. Architectural elements of the mobile classroom, including color, shall complement the existing school building(s).
  2. Paved access shall be provided to each mobile classroom unit.
  3. Existing landscaping shall not be removed or otherwise displaced by any mobile classroom unit.
  4. If a site plan review would have otherwise been required, the mobile classroom(s) shall be removed within five years. Alternatively, the installation of the mobile classrooms can be reviewed through the site plan review process.

**(4) School, Secondary**

**a. Generally**

1. Building heights are not restricted.
2. In all yards located adjacent to residentially zoned property, buildings shall be setback one foot for every foot in building height.

3. Up to 20 percent of the site shall be landscaped as determined by the Administrator, based on community character and site specifics such as slope and soil quality.
4. Shall be located on a collector street or greater.

**b. MA District**

1. Enrollment is limited to a maximum of 200 students per school.

**(5) School, Vocational or Trade**

**1. MA District**

Enrollment is limited to a maximum of 200 students per school.

**(c) Healthcare Facilities**

**(1) Blood Plasma Donor Center**

An enclosed waiting room that is screened from the street shall be provided. May be indoor or obscured in an outdoor courtyard.

**18.03.304 Commercial Uses**

**(a) Agriculture, Animals, and Farming**

**(1) Animal Clinic, Shelter, Hospital, Boarding Kennel, or Training Facility**

**a. LLR2.5, LLR1, LLR.5, UT5, UT10, and UT40 Districts**

1. Shall have a minimum lot size of two and one-half acres.
2. Outside pens may not be closer than 150 feet to residentially zoned property.
3. A four-foot tall, 25-foot wide landscaped berm shall be provided on any property line in common with a residentially zoned property.

**b. ME and Mixed-Use Districts**

1. All animal pens and boarding shall be inside.
2. Outdoor facilities and activities, including outdoor runs, shall not be located within 150 feet of any adjacent property.

**(2) Farm**

**a. All Districts**

1. Buildings for the sale and display of products grown and raised on the premises shall not be situated closer than 50 feet to any residentially zoned property with an allowed density of greater than one dwelling unit per acre, or closer than 30 feet to any public street.
2. Buildings, corrals, coops, pens, or structures used in conjunction with commercial farming or ranching shall not be located closer than 100 feet to any public street or to any public park or school, or to any property residentially zoned with an allowed density of greater than one dwelling unit per acre.
3. Accessory slaughtering and processing of animals raised on-site is permitted.

b. **LLR2.5 and LLR1 Districts**

Poultry or hog farms shall be permitted as a home occupation, subject to the standards in Subsection 18.03.405(k), *Home Occupation*.

(3) **Stable, Commercial**

a. **Mixed-Use Districts**

Commercial stable uses shall be indoor only.

(4) **Urban Farm**<sup>232</sup>

A site plan review shall be approved for any urban farming operation intended to be established beyond three years (otherwise temporary use standards shall apply). The application shall outline the proposed layout, site access/circulation, and any structures, and demonstrate compliance with the following standards:

- a. No vehicular access to the site may occur unless the Administrator determines that ingress and egress to the property is sufficient for automotive and pedestrian safety and convenience, traffic flow and control, emergency access; and that parking is sufficient to accommodate the use through an approved site plan.
- b. All structures allowed under this land use shall be considered accessory to the urban farm. The Administrator shall confirm that all accessory structures adhere to minimum five-foot side and rear setbacks and that the front setbacks required in the underlying zoning designation are maintained through issuance of one accessory structure permit applicable to all onsite structures. These standards shall supersede the accessory structure standards specified in Section 18.03.405 with no limit on the quantity or restrictions on aesthetic design of accessory structures.
- c. No accessory structure shall exceed 12 feet in height or 120 square feet without a building permit. No accessory structure shall be occupied by the general public unless a valid building permit is issued.
- d. Dead plant material shall be removed promptly or screened from view of adjacent property and streets by a solid permitted fence. All farm equipment shall be adequately screened or stored in an enclosed structure.
- e. On-premises signs are subject to the standards of Chapter 18.05 *Signs*, as amended.
- f. No more than 12 fowl and no hooved animals or livestock shall be allowed on site.
- g. Only the sales of products grown on site shall be allowed. Operations on the site, including sales of farm products, shall be restricted to 6:00 a.m. to sunset.

(b) **Food and Beverage**

(1) **Microbrewery, Distillery, or Winery**<sup>233</sup>

a. **ME District and Mixed-Use Districts**

Shall be limited to no more than 50,000 square feet in floor area.

<sup>232</sup> Standards for "Urban Farm" (Temporary) are adapted here. Changes allow urban farms as a principal use.

<sup>233</sup> New standards for new use.

(2) **Restaurant with Alcohol Service**

a. **GC, I, IC, and ME Districts**

1. **Lounge areas shall occupy no more than 30 percent of the total floor area.**
2. Shall include a full commercial kitchen.
3. Food shall be served all hours that the business is open.

(c) **Lodging**

(1) **Bed and Breakfast Inn**

a. **SF5, SF8, MF14, MF 21, MF30, PO, and NC Districts**

1. The establishment shall be in an existing residential structure containing not more than six guest rooms.
2. Cooking facilities in guest rooms are not permitted.
3. Individual guest occupancy is limited to no more than one month in any three-month period.
4. The required off-street parking for guests shall be screened by a six-foot fence or by dense landscaping.
5. The operator of the establishment shall reside on-site.
6. Twenty percent of the site shall be landscaped.

b. **SF5, SF8, MF14, PO, and NC Districts**

Shall only be permitted in structures on the City Register of Historic Places or within a local historic district.

(2) **Hotel-Condominium**

a. **All Districts**

Shall provide recycling containers on-site.<sup>234</sup>

b. **MA District**

Shall be located within ½ mile of the airport terminal, except prohibited in the Airport Critical Area.

(3) **Hotel**

a. **All Districts**

A hotel use, where permitted, may be combined with such ancillary business uses as are customarily conducted in conjunction with hotel uses; including retail, restaurants, fitness, personal services, car rental, recreation, and special events. For purposes of interpreting and administering this Chapter, such ancillary business uses may be considered principal uses to allow different ownership and operation from the principal hotel use, but in all other respects shall be treated as accessory uses according to Chapter 18.03 Article 4.

b. **MU District**

Hotels without non-restricted gaming operations and more than 60 units require the approval of a conditional use permit.

<sup>234</sup> Per NRS 278.02315 and Reno Sustainability and Climate Action Plan.

c. **MA District**

Shall be located within ½ mile of the airport terminal, except prohibited in the Airport Critical Area.

(4) **Hotel, with Nonrestricted Gaming**<sup>235</sup>

a. **Mixed-Use Districts**

1. **Design and Layout**

- [a] Shall have a minimum lot size of one acre.
- [b] Shall maintain a minimum ratio of one square foot of public space to one square foot of gaming space.
- [c] Gaming space may not exceed public space until a maximum of 37,500 square feet of public space is reached.
- [d] Shall be a minimum of 301 rooms.
- [e] A maximum of 37,500 square feet of gaming space will be allowed without requiring an increase in the minimum number of rooms.
- [f] Expansion of the gaming area beyond the 37,500 square feet will require the construction of additional rooms over 301 by the proportionate ratio of 125 square feet of gaming space to each room up to a maximum of 500 rooms at which point no additional rooms will be required.

2. **Landscaping**

All interior parking lot landscaping requirements (islands) may be satisfied by relocation of the total amount required by Subsection 18.04.804(e) to the perimeter of the parking lot. This amount shall be added to whatever would have been required on the perimeter of the lot.

3. **Convention Space**

- [a] If the site is located within ¼ mile (measured from property line to property line) of the Reno-Sparks Convention Center, the applicant must provide the following prior to any certificate of occupancy for any new development:
  - i. A minimum of 20,000 square feet of convention space shall be provided on site.
  - ii. A minimum of 35,000 square feet of gaming area consisting of both slot machines and live games.
  - iii. Three restaurants shall be provided, one of which must be open for service to the public 24 hours per day, seven days a week and which has a minimum seating capacity of 60 patrons at one time.
  - iv. Safe connections and amenities supporting the convention center.

b. **MA District**

Shall be located within ½ mile of the airport terminal, except prohibited in the Airport Critical Area.<sup>236</sup>

<sup>235</sup> Gaming standards are being carried forward and are unchanged from the current code.

<sup>236</sup> Use-specific standards for RTIARC and RSARC are slightly different, but consolidated here. Same for other Lodging uses.

- (5) **Motel**
  - a. **MA District**

Shall be located with ½ mile of the airport terminal, except prohibited in the Airport Critical Area.
  - (6) **Motel, with Nonrestricted Gaming**

Shall comply with the standards for Hotel, with Nonrestricted Gaming. See Section 18.03.304(c)(4)a, above.
- (d) **Office and Professional Services**
  - (1) **Financial Institution**
    - a. **MF30 District**
      1. Shall only be permitted on the first floor.
      2. Access shall be from a collector or larger street.
    - (2) **Laboratory**

Testing on animals shall be clearly noted on applicable permits and business license; requires approval by Washoe County District Health Department.
    - (3) **Office, General**
      - a. **All Districts**

For conversions from existing single-family residential use, backing out into the right-of-way and tandem parking spaces are allowed for a maximum of two parking spaces on streets smaller than a collector and if a minimum of 50 feet from the driveway to the curb return of any intersection is provided.<sup>237</sup>
      - b. **MF30 District**
        1. Shall only be permitted on the first floor.
        2. Access shall be from a collector or larger street.
      - c. **I District**

Medical offices are prohibited.
  - (e) **Personal Services**
    - (1) **Personal Service, General**
      - a. **All Districts**

Commercial cleaning shall be drop-off only with cleaning performed off-site.<sup>238</sup>
      - b. **MF 30 District**
        1. Shall only be permitted on the first floor.
        2. Access shall be from a collector or larger street.
      - c. **MF30, ME, and NC Districts**

Drop-off/pickup laundry uses shall not exceed 2,000 square feet in area.

<sup>237</sup> This standard previously applied to the SVTC District, and is now applied more broadly.

<sup>238</sup> Relocated here from the "Commercial Cleaners" section.



(f) **Recreation and Entertainment**

(1) **Adult Business**<sup>239</sup>

a. **Purpose; Findings and Rationale**

1. The purpose of these adult business regulations is to prevent crime, protect the city tourist and retail trade, maintain property values, and preserve the quality of the city's neighborhoods, commercial districts, and urban life, and permit reasonable alternative avenues of communication to prevent the proliferation of illegal sex related businesses. Similarly, it is neither the intent nor effect of this Title to restrict or deny access by adults to adult businesses protected by the First Amendment; nor is it to suppress any speech activities protected by the First Amendment. Instead, the intent is to enact a content-neutral ordinance which addresses the adverse secondary effects of adult businesses.
2. The predominant concern of these regulations is the limitation and prevention of the adverse secondary effects of the operation of adult businesses which manifest through exposure of minors to adult business activities and materials (including in the form of exterior signage), distraction to motorists, harm to neighboring properties, businesses and tourism, spread of disease, commission of crime and exacerbation of these effects by the clustering of adult businesses and allowance and use of alcohol on the premises of adult businesses.
3. The provisions of these regulations have neither the purpose nor effect of imposing a limitation or restriction on the content of any communication, including adult business-related materials or performances. Similarly, it is neither the intent nor effect of these regulations to restrict or deny access by adults to adult business-related communication protected by the First Amendment, or to deny access by the distributors, exhibitors, and performers of adult business-related communication to their intended market. Likewise, the City seeks to assure adequate locations within the City of Reno for the conduct of adult businesses, and that regulations governing adult businesses are content neutral reasonable time, place and manner regulations furthering the purpose of these regulations.
4. Based on evidence of the adverse secondary effects of the operation of adult businesses presented in hearings and in reports made available to the City Council, including findings and interpretations incorporated in multiple court cases, and including multiple studies and reports concerning secondary effects occurring in and around adult businesses<sup>1</sup>, the City Council finds:
  - [a] Adult businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, exposure of minors to adult business activities and materials (including in the form of exterior signage), exposure of minors to alcohol and adverse secondary effects associated with adult businesses, decrease in nearby property

<sup>239</sup> Standards updated to latest ordinances (No. 6516 and No. 6517).

value in both commercial and residential areas, economic vitality of nearby businesses, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of and exacerbating adverse secondary effects.

- [b] Adult businesses should be separated by suitable zoning location and reasonably spaced from sensitive land uses to minimize the impact of their secondary effects upon such uses.
  - [c] Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this Section of code, exists independent of any comparative analysis between adult businesses and non-adult businesses. In addition, the City's interest in regulating adult businesses extends to preventing future secondary effects of either current or future adult businesses that may locate in the city. The City finds that the cases and documentation relied on in this Section of code are reasonably believed to be relevant to said secondary effects.
5. The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of adult businesses, including the judicial opinions, expert testimony, scholarly literature, and reports related to such secondary effects.

**b. Exception**

A business licensed under Title 4, *Business License Code*, which only has a segment or section devoted to the sale, lease, or display of material referred to in the definition of "adult bookstore" in 18.09.303 of this Title is not subject to regulation under this Subsection if all of the following criteria are met:

1. The total square footage of the area devoted to said material does not exceed seven percent of display or retail floor space of the business or 200 square feet of display area or retail floor space in the business, whichever is less;
2. The material is available only for sale or lease for private use by the purchaser or lessee outside and off the premises of the business;
3. The area devoted to said material is segregated by partition, separate internal entrance, or otherwise obscured from casual observance by minors;
4. The area devoted to said material is clearly signed to prohibit access by minors;
5. The area devoted to said material is adequately staffed or within view of staff or otherwise controlled to assure monitoring of minors who may seek access to said area;
6. The business in which such an area is located may not advertise itself or hold itself out to the public in any way as being an adult bookstore, whether by store window displays, signs, or other means;
7. No product, picture, photograph, graphic, or other representation identifying products, entertainment, or entertainers depicting merchandise or pictures of the products or entertainment on the premises that falls

within the materials as described under the definition of "adult bookstore" in Section 18.24.203 shall be displayed in window areas or any area where it may be viewed from the exterior of the building;

8. The business in which the area devoted to said material is located is not licensed pursuant to Chapter 5.11, *Gaming*, or any other numbered section to which these activities may be assigned; and
9. A business wherein an exception as defined by the above criteria is established cannot be combined with any other area or business to result in an increase in the floor area devoted to this activity beyond the maximum specified in Subsection 18.03.304(f)(1)b.1., above.

**c. Locational Criteria**

Adult businesses, as defined in 18.09.303, may be located in the I and IC Districts provided they comply with all of the following:

1. No adult business may be located within Redevelopment Areas 1 and/or 2 (RDA 1 and/or RDA 2) as measured from the building footprint of the adult business to the property line of the nearest parcel within the prohibited area.
2. No adult business may be located on a parcel which abuts a freeway, expressway, or major or minor arterial roadway.
3. No adult business may be located within 750 feet of any:
  - [a] Residentially zoned district;
  - [b] Public or private university, college, or school;
  - [c] Preschool or childcare facility licensed by the Washoe County Social Services Department; or
  - [d] Park or playground as measured from the building footprint of the adult business to the property line of the park or playground.
4. No adult business may be located within 500 feet of any other adult business.

**d. Operational Requirements**

1. No adult business shall operate or remain open for more than 17 hours within a single 24-hour period, unless a conditional use permit for extended hours of operation is approved pursuant to Section 18.08.605.
2. For adult motion picture arcades, individual enclosures shall comply with Figure 3-1, below. Side and rear walls may extend from floor to ceiling. The entrance to the enclosure shall maintain a minimum clearance of 18 inches from the top and bottom of the door frame. Door frames shall not exceed seven feet in height. The opening may not be blocked at any time by a door, wall, curtain, or other partition. A ventilation device or hole in a booth must be covered by a permanently affixed ventilation cover. A ventilation hole may be located only within one-foot from the top of or one-foot from the bottom of the booth walls, or both. Enclosures shall be configured in such a manner that there is an unobstructed view from a manager's station to the interior of the enclosure or a video surveillance system installed to monitor customer activity. Locks or barriers to entry shall not be installed on the doors which would restrict access by

management or emergency service personnel. Enclosures shall comply with ADA requirements.

3. The public area including video sale or rental or the viewing area of an adult bookstore must have lighting which is a minimum of 30-foot candle power when measured at a point of 60 inches from the floor.
4. All exterior walls shall provide minimum exterior lighting of the building of no less than three-foot candles measured from the ground level immediately adjacent to the exterior wall.
5. Electronic video shall be used to monitor all exterior portions of the business. Monitoring shall be recorded, and the video recording shall be maintained for at least five days from the date and time of recording.

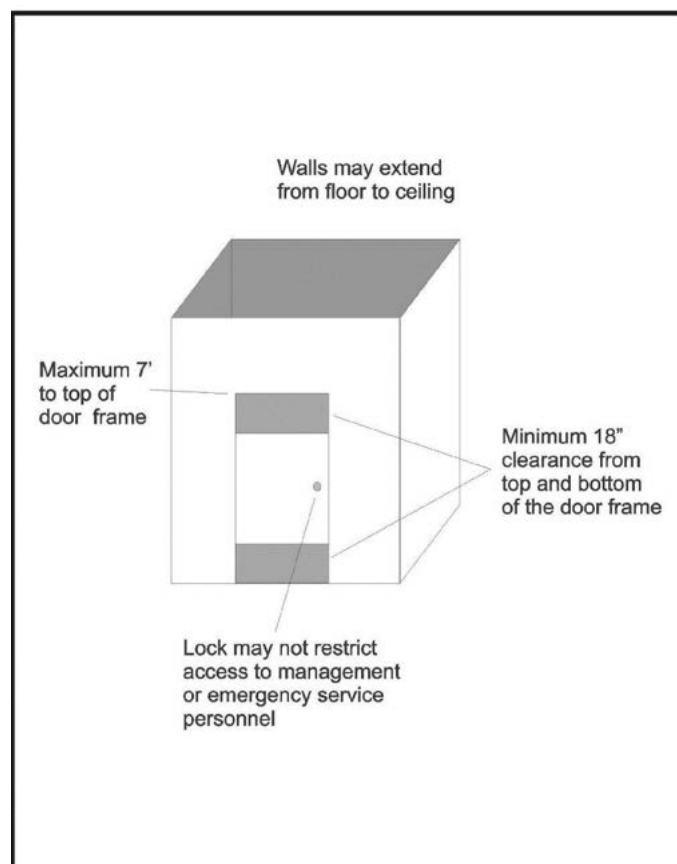


Figure 3-1: Adult Motion Picture Arcade individual Enclosure

e. **Scope of Establishing a Business**

Establishment of an adult business, as used in this section, shall include the opening of such business as a new business, the relocation of such business, the enlargement of such business in either scope or area, or the conversion of an existing business location to any of the uses described in this section.

**f. Written Decision Required**

1. Decisions shall be in writing.
2. Decisions shall include an explanation setting forth the reasons for the decisions.

**g. Appeal Process**

The written decision of the Administrator, or other designated official representative of the City may be appealed in accordance with the appeal procedures provided under Section 18.06.208, as applicable.

**h. Judicial Review – Writ of Mandamus**

Judicial review may be sought in accordance with NRS Section 34.185 by the applicant if there is an allegation of an unconstitutional prior restraint of the applicant's rights under the First Amendment of the U.S. Constitution or Section 9 of Article 1 of the Nevada Constitution.

**(2) Amusement or Recreation, Inside**

**a. MF30**

When located within the MF30 zone, an Amusement or Recreation, Inside use shall be limited to 10,000 square feet of gross floor area.

**(3) Country Club, Private**

Except in the Mixed-Use Districts, private country club uses shall have a minimum lot area of two acres.

**(4) Daytime Entertainment Venue<sup>240</sup>**

- a. All events shall be limited to the hours of 7:00 a.m. to 10:00 pm, outside of which food and alcohol service is not permitted and patrons should be cleared of the establishment.
- b. Amplified and live music shall be limited to the hours of 9:00 a.m. to 9:00 pm.
- c. Outdoor food service or amplified and live music shall require a minor conditional use permit if 600 feet or less from residential zoned property.
- d. Any operations beyond the thresholds described in this subsection shall be classified as a Live Entertainment use.

**(5) Live Entertainment<sup>241</sup>**

**a. All Districts**

Any establishment offering scheduled live entertainment more than three times per calendar year and exceeds the operating limitations for the Daytime Entertainment Venue use shall meet the following standards:

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<sup>240</sup> New standards for new use, which is intended to allow for special events without being as permissive as the Live Entertainment use.

<sup>241</sup> New standards for Live Entertainment.

1. A conditional use permit or minor conditional use permit for live entertainment shall apply only to the type of entertainment approved, and a different type of entertainment shall require approval of a new or amended conditional use permit.
2. Exits and entrances to the establishment shall be oriented away from residentially zoned property immediately adjoining the site, except for emergency entrances and exits.
3. Limited hours of operation and additional operating restrictions may be added through the conditional use permit or minor conditional use permit process to ensure compatibility with surrounding uses and zone districts.

**(6) Recreational Vehicle Park**

All recreational vehicle park uses, shall comply with the following standards:

- a. Vehicle may not stay longer than 90 days pursuant to NRS.

**1. Uses Permitted**

- [a] Recreational vehicles.
- [b] Cabana, ramada, or patio, and one detached storage room per recreational vehicle space.
- [c] Community recreation buildings and facilities, laundry, car and trailer wash, battery charging station, water fill-up, boat or storage facilities serving the recreational vehicle park only.
- [d] Management offices or one single-family dwelling, or mobile home, used exclusively for living quarters by the operator or manager of the park.

**2. Area, Space, and Bulk Development Standards**

The following standards apply instead of the base zoning district standards:

Table 3-4 Area, Space, and Bulk Development Standards for Recreational Vehicle (RV) Parks	
Standard	Dimension
Minimum overall area:	2 acres
Maximum building height:	Same as the underlying zone
Minimum net space area per RV:	690 sq. ft.
Minimum net RV space width:	23 ft.
Minimum setback of any building or RV from a bordering public street line:	15 ft.
Minimum front setback from internal street:	5 ft.
Minimum setback line from the exterior boundary line of the RV park:	5 ft.
Minimum distance between RV sides or side and end:	15 ft.; between ends: 10 ft.

**3. Street System**

- [a] All recreational vehicle spaces shall be provided with safe and convenient vehicular access from public or private streets. Alignment and gradient of streets shall be properly adapted to topography.
- [b] All streets shall be paved and drained with a minimum two inches asphalt; four inches base.

- [c] Access to recreational vehicle parks shall be designed to minimize congestion and traffic hazards and provide for safe movement of traffic at the entrance or exits to adjoining streets.
- [d] Streets provided for two-way traffic shall have a paved section not less than 24 feet in width and a right-of-way of not less than 24 feet. Streets provided for one-way traffic shall have a paved section of not less than 12 feet in width and a right-of-way of not less than 12 feet.
- [e] All streets shall be properly signed and lighted at night with at least the equivalent of a 50-watt lamp for each 100 lineal feet of street, or guard light each 300 feet.
- [f] When appropriate, adequate provisions for snow removal and snow storage areas shall be provided.

#### 4. **Vehicle Parking Spaces and Driveways**

All vehicle parking spaces and driveways shall be paved.

#### 5. **Exposed Ground Surfaces**

Exposed ground surfaces in all other parts of a recreational vehicle park shall be paved or covered with stone screening or other material or protected with a vegetative growth, any of which can prevent soil erosion and eliminating objectionable dust.

#### 6. **Recreation Area**

All recreational vehicle parks shall have at least one recreation area or open space accessible from all spaces; the cumulative size of which recreation area shall be not less than two and one-half percent of the gross recreational vehicle park area. It shall be landscaped as per plans approved as part of conditional use permit.

#### 7. **Pedestrian Ways**

When included, pedestrian ways shall have a minimum width of three feet and shall be appropriately surfaced.

#### 8. **Service Facilities**

All recreational vehicle parks shall provide restroom and bath facilities in conformance to regulations of the state and county district health departments. Additionally, all recreational vehicle parks shall provide sanitary stations for the discharge of vehicle retention tanks, such stations to be in conformance with any applicable statutes and ordinances and any regulations of the state and county district health departments.

#### 9. **Water Supply**

An accessible, adequate, safe, and potable supply of water for domestic purposes shall be provided within 100 feet of each recreational vehicle space. Such supply of water shall be in conformance to any applicable statutes and ordinances and any regulations of the state and county district health departments.

#### 10. **Sewage Facilities**

An adequate and safe sewer system shall be provided in each recreational vehicle park. Such sewer system shall be in conformance to any applicable statutes and ordinances and any regulations of the state and county district health departments.



**11. Refuse and Garbage**

Storage, collection and disposal of garbage and refuse shall be in conformance to any applicable statutes and ordinances and any regulations of the state and county district health departments.

**12. Fuel Supply and Storage**

Installation of liquefied petroleum gas or fuel oil containers within a recreational vehicle park shall be in conformance to any applicable statutes and ordinances, any regulations of the state or county district health departments, and to the satisfaction of the chief of fire department.

**13. Fire Protection**

In every recreational vehicle park, there shall be installed and maintained fire hydrants, and fire extinguishers of the number and size, and in such locations as may be required by the chief of fire department.

**14. Fences**

A recreational vehicle park shall be fenced with a solid view-screening fence not more than six feet nor less than four feet in height around the entire boundary of the park.

**15. Management**

The holder of a valid city business license for operation of a recreational park shall be responsible for compliance with this chapter and any other applicable ordinances or statutes. The holder shall always maintain the recreational vehicle park in a neat, orderly, and sanitary condition.

**16. Register**

The license holder shall be responsible for maintaining a register of the occupants of the park, such register to indicate the following:

- [a] The name and occupation of each occupant;
- [b] The make, model and year of all motor vehicles and trailer coaches;
- [c] The license number and year of license and owner of each trailer coach and motor vehicle parked or stored in the trailer coach park;
- [d] The dates issuing such license; and
- [e] The dates of arrival and departure of each trailer coach.

**17. Plan**

A copy of the final approved plan for the recreational vehicle park shall be conspicuously posted on the site and the license holder shall be responsible for maintenance of the park as per the final approved plan.

**b. Location Outside Parks**

1. Parking any recreational vehicle outside a recreational vehicle park, when such recreational vehicle is used for dwelling or sleeping purposes, is unlawful, except if such use of self-contained recreational vehicles is permitted by the Administrator on the premises of a public use event in a residential zone or on the premises of a public use event in a commercial zone. The Administrator may grant such permission only after determining that at least one of the criteria stated in Resolution No. 3831, or its successor, is met. The Administrator, in granting such permission, may impose conditions to protect the public health, safety and welfare. Upon granting such permission, the Administrator shall immediately notify the police department.
2. Storage of a recreational vehicle is permitted on the premises of its owner when not used for dwelling or sleeping purposes if in compliance with this Title.

**(g) Retail****(1) Building, Lumber, and Landscape Material Sales****a. Mixed-Use, IC, and I Districts<sup>242</sup>**

All parking and outdoor storage areas shall be paved, or an all-weather surface shall be provided.

**b. I District**

Shall be primarily wholesale of merchandise.

**c. MU, MS and ME Districts**

This use shall be allowed by-right within the MU, MS and ME Districts in the area bounded by Wells Avenue on the west, I-80 on the north, the Truckee River on the south, and Galetti Way on the east.

**(2) Cannabis Dispensary, Medical<sup>243</sup>****a. Shall not be located on a parcel:**

1. Adjacent to residentially zoned property;
2. Owned by the federal government;
3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
4. South of Mount Rose Highway or Geiger Grade (SR341).

**b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.**

<sup>242</sup> Replacing the MU and CC Districts with all "Mixed-Use Districts" means that this standard would now apply to the former HC and AC Districts and the proposed NC District.

<sup>243</sup> Standards updated to match latest City ordinances and NRS statutes.

- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.210 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.
- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.210.
- e. Any medical cannabis dispensary shall be in a separate building from any other medical cannabis establishment. This may include two facilities separated by a fire wall with no shared facilities, other than parking.
- f. Any medical cannabis dispensary shall have a professional, orderly, dignified appearance which is consistent with the traditional style of pharmacies and medical offices.
- g. Any signage associated with a medical cannabis dispensary shall be discreet and professional which is consistent with the traditional style of signage for pharmacies and medical offices.
- h. Any medical cannabis dispensary shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.
- i. Hours of operation shall not exceed 8:00 a.m. to midnight seven days a week.

**(3) Cannabis Retail Store, Adult-use**

- a. Shall not be located on a parcel:
  - 1. Adjacent to residentially zoned property;
  - 2. Owned by the federal government;
  - 3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
  - 4. South of Mount Rose Highway or Geiger Grade (SR341).
- b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.
- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.250 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.

- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.250.
- e. Any adult-use cannabis retail store shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.
- f. Any adult-use cannabis retail store shall have a professional, orderly, dignified appearance which is consistent with the traditional style of pharmacies and medical offices.
- g. Any signage associated with a adult-use cannabis retail store shall be discreet and professional which is consistent with the traditional style of signage for pharmacies and medical offices. Signage shall be restricted to logos approved by the State Department of Taxation. No temporary or window signs shall be allowed. With the exception of the aforementioned provisions, all signage shall be subject to the standards of Chapter 18.05 *Signs*.
- h. Hours of operation shall not exceed 8:00 a.m. to midnight seven days a week beginning September 1, 2018.
- i. A medical cannabis dispensary in continuous operation before April 30, 2018, shall be allowed to continue operations as a adult-use cannabis retail store within their existing location. Any new or relocated establishment shall be required to meet all applicable provisions of this Title with regards to allowable zoning districts and additional use regulations. A adult-use cannabis retail store established using this provision, but not allowed in the underlying zone, shall be considered legal nonconforming and subject to all provisions in Section 18.01.403, *Nonconforming Uses*.
- j. All parking, landscaping, and signs shall be brought into conformance with current code standards unless determined physically impossible by the Administrator.

**(4) General Retail, less than 10,000 Square Feet**

**a. MF30 District**

- 1. Access shall be from a collector or larger street.
- 2. General retail uses shall only be permitted on the first floor for buildings up to three stories and shall only be permitted on the first and second floors for buildings over three stories.

**(5) General Retail, 10,000 Square Feet or More**

In addition to the standards required for *General Retail, less than 10,000 Square Feet*, the following standards shall apply:

**a. NC District**

General retail uses shall not exceed 80,000 square feet in any single building.

In all zoning districts, all pawnshop uses shall meet the following standards:

- a. A 1,000-foot separation measured property line to property line from all primary- or secondary-schools licensed by the State of Nevada and University of Nevada – Reno (UNR).

- b. Pawnshops are specifically prohibited from parcels contiguous to the following streets:
  - 1. Virginia Street south of North McCarran Boulevard,
  - 2. Kietzke Lane from Mill Street to South Virginia Street,
  - 3. Plumb Lane east of South Virginia Street,
  - 4. Moana Lane between South Virginia Street and Kietzke Lane, and
  - 5. McCarran Boulevard.

(h) **Transportation, Vehicles, and Equipment**

(1) **Auto Service and Repair**<sup>246</sup>

a. **Mixed-Use Districts**

- 1. Openings in service bays shall not face public rights-of-way and shall be designed to minimize visual intrusion into adjoining properties.
- 2. All repair work shall be performed within an enclosed building.
- 3. Outdoor storage is not allowed.

b. **MD-ID, MD-NW, and MU Districts**<sup>247</sup>

Shall only be permitted east of I-580 or within ¼ mile of the intersection of a street and a freeway on- or off-ramp.

(2) **Automobile, Truck, Mobile Home, RV, Boat, and Trailer Sales or Rental**

a. **All Districts**<sup>248</sup>

- 1. A minor conditional use permit is required when more than four and less than 12 automobiles, trucks, mobile homes, RVs, boats, or trailers are stored on-site for sale or rental.
- 2. A conditional use permit is required when 12 or more automobiles, trucks, mobile homes, RVs, boats, or trailers are stored on-site for sale or rental.
- 3. Discretionary review is not required for internet-based sales with off-site storage or less than four automobiles, trucks, mobile homes, RVs, boats, or trailers stored on-site.

b. **MD-ID, MD-NW, and MU Districts**<sup>249</sup>

Shall only be permitted east of I-580 or within ¼ mile of the intersection of a street and a freeway on- or off-ramp.

c. **I District**

Automobile, truck, mobile home, RV, boat, and trailer sales shall be wholesale only.<sup>250</sup>

<sup>246</sup> "Service station" use is consolidated under this use.?

<sup>247</sup> New standard for auto-oriented uses in urban districts.

<sup>248</sup> New standards provided to allow flexibility for very small sales/rental uses and to limit to auto-oriented areas. Updated to allow minor CUP for smaller facilities.

<sup>249</sup> New standard for auto-oriented uses in urban districts.

<sup>250</sup> This use specific standard is from district specific standards (§18.08.301(d)).

(3) **Bus or other Transportation Terminal**

a. **Mixed-Use Districts**

1. All storage and repair areas shall be screened from view of the street and adjacent properties.
2. All pre- and post-trip operations shall be performed on-site. Transient discharge, boarding, or queuing shall not be performed on the street or public sidewalk.
3. On-site repairs shall be indoors only.

(4) **Gas Station**

a. **All Districts**

1. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:
  - [a] The dispensing of petroleum products, ice, water, and air from pump islands;
  - [b] The provision of emergency service of a minor nature; and
  - [c] The sale of items via vending machines which shall be located within the main structure.
2. Pump islands shall be located a minimum of 20 feet from a street right-of-way line. A canopy or roof structure over a pump island may be located no closer than ten feet from the street right-of-way line if it matches the architecture and color of the building.
3. No vehicle shall be parked on the premises for the purposes of offering the vehicle for sale.
4. No used or discarded automotive parts or equipment or disabled, junked, or wrecked vehicles shall be in any open area outside the main structure.
5. Noise from bells or loudspeakers shall not be audible beyond the property line at any time.

b. **MD-ID, MD-NW, and MU Districts<sup>251</sup>**

Shall only be permitted east of I-580 or within ¼ mile of the intersection of a street and a freeway on- or off-ramp.

(5) **Parking Lot, Open<sup>252</sup>**

- a. Principal (not temporary) open parking lot uses shall comply with all site improvement requirements under this Title, including lighting, sidewalks, and landscaping.
- b. Open parking lot uses shall comply with off-street parking and loading standards listed in Section 18.04.703, *General Standards*.
- c. Open parking lot uses that are also intended for special events may relocate required parking lot landscaping to the perimeter of the parking lot with approval of a major site plan review and the following supplemental findings:

<sup>251</sup> New standard for auto-oriented uses in urban districts.

<sup>252</sup> Changes to use permissions and standards are intended to provide more shared parking facilities in urban areas.

1. The landscaping, as required, would interfere with planned events; and
2. The relocated landscaping would not create significant impacts for the public or adjacent properties.

**(6) Truck Stop/Travel Plaza**

**a. All Districts**

**1. Design and Layout**

- [a] Minimum parcel size shall be ten acres.
- [b] Maximum number of motel or hotel rooms in conjunction with a truck stop within the I and IC Districts shall be as follows:
  - i. With 100 truck parking spaces or fewer no motel/hotel rooms shall be allowed;
  - ii. Over 100 truck parking spaces but fewer than 200 truck parking spaces, a maximum of 100 motel/hotel rooms shall be allowed; and
  - iii. With 200 or more truck parking spaces, a maximum of 200 motel/hotel rooms shall be allowed.
- [c] Other business activities which are customarily accessory and clearly incidental and subordinate to the truck stop, may include but not be limited to; scales, truck wash, tire repair and sales, barber shop, restaurant with or without alcohol service, shower facility, convenience store, truckers lounge (for services such as television/exercise/internet access, etc.), motel/hotel (see Subsection 18.03.304(h)(6)a.1.[b], above), laundry, chain rental, and gasoline and propane dispensing.
- [d] The applicant shall furnish a traffic impact study and any necessary mitigation measures prepared by a civil engineer registered in the State of Nevada.
- [e] The applicant shall furnish a noise impact study and any necessary mitigation measures prepared by qualified acoustical consultant.
- [f] All commercial vehicle truck traffic accessing the site shall access the site via an arterial roadway.
- [g] In addition to designated commercial truck parking, off-street parking shall be provided at a rate equal to that which is required for each use comprising the truck stop.
- [h] All vehicle service and/or repair activities shall be conducted within a completely enclosed building. Parts, equipment, lubricants, fuels, tires or other materials used or discarded in any service or repair operations must be screened from adjoining roads and properties.
- [i] Outdoor storage shall be prohibited.
- [j] The minimum distance from property zoned Mixed-Use or any residentially zoned property shall be at least one-quarter mile (1,320 feet), measured from property line to property line.
- [k] Compliance with diesel idling regulations adopted by the Washoe County District Board of Health as amended shall be maintained. Adequate signage shall be provided to inform drivers of idling time restrictions. A minimum of 15 percent of truck parking spaces must be equipped with



approved Engine Idle Reduction Technology or similar comprising of "plug-in" locations for trucks with sleepers and/or refrigeration to avoid idling engines.

- [l] The primary parcel of the truck stop shall not be located more than 1,500 feet from the right-of-way limits surrounding an interstate highway interchange, measured from property line to property line.
- [m] No more than one truck stop shall have primary access from any interstate highway interchange.
- [n] The minimum distance between truck stops shall be 7,000 feet, measured from property line to property line.
- [o] The minimum distance from Amusement or Recreation (Outside) use, Public Park or Recreation Area, or a primary or secondary school<sup>253</sup> shall be 750 feet, measured from property line to property line.

## 2. Landscaping

- [a] Parking lot landscaping for areas not designated for circulation or parking of commercial vehicles shall comply with this Title unless otherwise noted in this section.
- [b] Property line or boundaries adjacent to residentially zoned property must provide a six-foot tall solid wall (unless separated by an arterial roadway) and a minimum 20-foot wide landscape buffer interior to the site which includes one ten-foot tall evergreen tree every 20-feet on center in staggered rows. Shrubs shall be provided per code.
- [c] Property line or boundaries adjacent to public streets must provide a two-foot tall berm, wall or hedge and a minimum 20-foot wide landscape buffer which includes a mixture of evergreen and deciduous trees per code, based on one tree for every 20 lineal feet. Shrubs shall be provided per code.
- [d] Property line or boundaries adjacent to nonresidential zoned properties must provide a minimum ten-foot wide landscape buffer interior to the site, which includes one ten-foot tall evergreen tree 20 feet on center. Shrubs shall be provided per code.
- [e] All buildings shall have a minimum five-foot wide perimeter landscape area, excluding areas for pedestrian and vehicular entrances. These landscape areas shall be adjacent to building walls and landscaped with trees and shrubs per code.

## 3. Lighting

- [a] All outdoor lighting shall be fully shielded. Fully shielded requires a lighting fixture to be constructed so that all the light emitted by the fixture is projected below the horizontal plan of the lowest plane of the lowest point of the fixture.
- [b] Lighting fixtures used to illuminate a sign shall be mounted on the top of the sign structure, lighting the sign downward.
- [c] Low-pressure Sodium (LPS) lamps or other dark sky alternative are required throughout the site.

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<sup>253</sup> The type of school was not defined in this use specific standard.

[d] Search lights, laser source lights, or any similar high-intensity light shall not be permitted.

b. **MS District**

Shall only be permitted within ¼ mile of I-80 Exit 2 off-ramp.

**18.03.305 Public and Quasi-public Utilities and Services Uses**

(a) **Communications and Broadcasting**

(1) **Communication Facility, Equipment Only**

a. **All Districts**

1. Communication facilities that are permitted-by-right in the respective zoning district, but do not meet all standards below, shall obtain approval of a site plan review by the Administrator.
2. A primary use on the parcel must be established.
3. The mechanical equipment shall be buried, integrated into a building or structure by virtue of its location inside the building, or as an addition to the structure unless an alternate means such as landscaping, camouflage, or screening is proposed to the satisfaction of the Administrator. Additions shall be architecturally compatible with the building or structure utilizing the same siding (color and materials), roof covering, and roof lines.
4. Antenna(s) shall be installed inside a radome or similar enclosure that conceals all equipment from public view, as applicable. Existing towers in which antenna(s) are not installed inside a radome or similar enclosure, shall enclose any new antenna(s) proposed for collocation using this technology, unless otherwise approved by the Administrator.
5. Antenna(s) shall be attached to a building or located on a monopole or monotower whose support is entirely within the building footprint and installed on the highest point of the roof of the primary structure. When camouflaged, antenna(s) may be located on existing poles used for lighting or power, or on an architecturally compatible replacement pole.
6. All poles shall be designed to be integrated into their surroundings.
7. The pole and antenna shall be setback four feet for every one foot in overall height from residentially zoned property and parks. Alternatively, a pole and antenna may be setback two feet for every one foot of overall height from residentially zoned property and parks if concealed using design solutions complementary to the site which are compatible with their surroundings (i.e., a tree, street lamp, flagpole, architectural tower feature), to the satisfaction of the Administrator. The setback does not apply when the antenna is installed on top of a building or on an existing pole when the proposed antenna is placed lower than the existing antenna.
8. Overall antenna and pole height shall not exceed 55 feet, except that antennas which are attached to a building, existing pole or tower and do not increase building pole or tower height may exceed 55 feet.
9. All antennas and towers shall meet applicable requirements of the Federal Aviation Administration, the Federal Communications Commission, and any other agency of the county, state, or federal government with the

authority to regulate towers and antennas. If such requirements are changed, then the owners of the towers and antennas governed by this ordinance shall bring such towers and antennas into compliance with such revised standards and regulations with the compliance schedule mandated by the controlling agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense. No more than 60 days after the compliance period has elapsed, the owner or operator of the tower or antenna shall send a letter to the Administrator certifying that changes have been made to bring the tower or antenna into compliance.

10. All towers installed at grade shall be non-climbable or fenced for security.
11. All towers constructed under these provisions shall allow collocation with other providers. If collocation at existing and applied for telecommunications facilities sites would result in less visual impact than the visual impact of the proposed facility, applicants shall justify why such collocation is not being proposed.
12. Applicants must identify all available telecommunication facility sites within the proposed coverage area, including applications currently on file with the community development department. If the proposed site is in a residential district and there are alternate sites in commercial and/or industrial districts within the proposed coverage area, applicants shall justify to the satisfaction of the Administrator why those alternate sites have not been proposed.
13. Each commercial telecommunications facility site will be clearly marked with signs which indicate the use of the facility and an emergency contact name(s) and telephone number(s).
14. A telecommunication tower that is not operated for a continuous 12-month period shall be considered abandoned and the owner of such facility shall remove the same, at the expense of the owner, within 60 days of receipt of notice from the City of Reno.
15. In addition to the on-site posting required by a site plan review, applicants requesting location of a commercial telecommunications facility at a primary or secondary school (public or private) must verify that the Washoe County School District (or equivalent) has presented this proposal to locate the telecommunications facility on the school site at a parent teachers association meeting (or equivalent).
16. Applications for all telecommunication facilities outside of the commercial and industrial districts shall be accompanied with sufficient information to justify the need for the facility at the proposed location and height within the next 12-month period. A map shall accompany the application depicting the zoning on parcels within 1,000 feet of the proposed site, and all acceptable nonresidential sites. Evidence shall be provided demonstrating why more acceptable nonresidential properties are not being pursued. "Acceptable sites" are those that meet the provider's technical requirements (location, elevation, clear line of sight).

- 17. The applicant shall submit written documentation demonstrating that the emissions from the proposed project are within the limits set by the FCC.
- 18. Telecommunication facilities shall require a site plan review in all residential districts, on school sites, public parks, and day care centers (12 or more children or adults). Where an existing facility received approval of a conditional use permit or site plan review, additional antenna may be collocated on the pole without compliance with subsection p. above or a site plan review, when installation will not increase pole height.
- 19. See Subsection 18.03.405(n) for district specific standards governing satellite dishes.

**b. I, IC, ME, and Mixed-Use Districts**

Communication facilities are not required to meet paragraphs a.2., a.5., and a.8., above. Communication facilities located on top of a building that is three or more stories are not required to meet paragraphs a.2., a.5., and a.6., above.

**c. MA District**

Communication facilities for the purpose of air traffic control are allowed without conditions, unless in residential interface areas.

**(2) TV Broadcasting and other Communication Service**

**a. PO, ME, PF, and Mixed-Use Districts**

- 1. No freestanding towers shall be permitted.
- 2. Any antennae or dishes shall be incorporated into the architecture of the building.

**b. LLR2.5, LLR1, and LLR.5 Districts**

Towers shall be subject to the standards of Subsection 18.03.305(a)(1), above.

**(b) Utilities**

**(1) Utilities, Major**

**a. Siting**

**1. General**

- [a] Major utilities shall be sited in an existing utility corridor or facility site as adopted in the Truckee Meadows Regional Plan.
- [b] Major utilities shall not be in the Truckee River Corridor, public parks, or Airport Flight Path overlay zones unless it can be demonstrated that there will be no detrimental residual impact.
- [c] Installation of electric overhead utilities shall meet the minimum setbacks as outlined in the Truckee Meadows Regional


[d] Utilities that cannot meet the requirements of subsections 18.03.305(b)(1)a.1.[b]. and 18.03.305(b)(1)a.1.[c]., above, shall be mitigated with underground construction, low EMF designs, low-visibility designs and/or off-site mitigation as described in the Truckee Meadows Regional Plan.

## 2. IC and ME Districts

[a] Site plan review is required when the facility is adjacent to residentially zoned property.<sup>254</sup>

## b. Electric Generating Plants and Electric Utility Substations

### 1. Design and Layout

[a] Facilities shall be screened from view of the street and adjacent properties using any combination of the following:

- i. Landscaping shall consist of a combination of trees and shrubs as described in Subsection 18.04.808(b), except that beneath overhead power lines no trees with an expected height greater than 25 feet at maturity shall be planted. Selection of plant material shall coordinate with the vegetation in the surrounding land uses, or expected land uses (i.e., domestic plants shall be used in areas where surrounding development has used domestic plants. Native vegetation shall be emphasized in rural locations, or where surrounding development has used native plantings);
- ii. All ground within landscaped area shall be covered with ground covering. If rock is used, rock color and size shall be selected to blend in with the surroundings;
- iii. Colored chain link fencing with vinyl slats, eight feet in height, will be allowed in combination with semi-opaque screening as required in Subsection 18.03.305(b)(1)b.1.[a]i., above;
- iv. Other solid screening materials may be substituted at the approval of the Administrator. These screenings may include solid wood or metal fencing, provided it blends with surrounding land uses, solid masonry walls, or precast concrete walls with suitable architectural finish;
- v. Landscape buffers shall be constructed in the front and side setbacks. Dimensions of these setbacks shall be greater than or equal to those defined in the section governing each zone; and
- vi. At the discretion of the Administrator, installation of landscaping and irrigation may be delayed until development is constructed adjacent to the utility facility.

[b] Noise shall comply with Subsection 18.04.1408(a).

[c] Barbed wire may be permitted on facilities with a history of vandalism.

[d] In all Mixed-Use districts, a site plan review is required if adjacent to residentially zoned property.

<sup>254</sup> This use specific standard is from the current use table.

**(2) Utilities, Minor**

In all zoning districts, all utility box/well house, back-up generator, pumping or booster station, or other minor utility installation or service uses shall comply with the following standards:

- a. Facilities shall be screened from view of adjacent properties using any combination of the following:
  1. Yards and setbacks shall be landscaped to blend with the surrounding land uses;
  2. Solid fencing shall be provided when equipment is not fully contained within a building;
  3. Architectural features of buildings shall be designed to blend with surrounding land uses.
  4. All landscaped areas shall have complete ground cover. If rock is used, rock color and size shall be selected to blend with the surroundings; and
  5. At the discretion of the Administrator, installation of landscaping and irrigation may be delayed until development is constructed adjacent to the utility facility.
- b. Noise shall comply with Subsection 18.04.1408(a).
- c. One utility box with no dimension exceeding six feet is exempt from Subsection 18.03.305(b)(2)a., above.

**18.03.306 Industrial Uses****(a) Manufacturing and Processing****(1) Animal and Animal Byproduct Processing**

- a. All activities shall occur indoors.
- b. Site must be adjacent to industrial zoned property on all sides or a major arterial.
- c. Shall not include any processing of materials collected.

**(2) Cannabis Cultivation Facility, Adult-use**

- a. Shall not be located on a parcel:
  1. Adjacent to residentially zoned property;
  2. Owned by the federal government;
  3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
  4. South of Mount Rose Highway or Geiger Grade (SR341).
- b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.

- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.250 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.
- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.250.
- e. Any adult-use cannabis cultivation facility shall have a professional, orderly, dignified appearance.
- f. Only one sign shall be allowed. The sign shall not exceed six square feet and shall be placed on a window or a door for the purposes of identifying the business (e.g., business name, address, hours of operation, etc.)
- g. Any adult-use cannabis cultivation facility shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.
- h. All cultivation shall take place within a building. No outdoor cultivation shall be allowed.
- i. All parking, landscaping, and signs shall be brought into conformance with current code standards unless determined physically impossible by the Administrator.

**(3) Cannabis Cultivation Facility, Medical**

- a. Shall not be located on a parcel:
  - 1. Adjacent to residentially zoned property;
  - 2. Owned by the federal government;
  - 3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
  - 4. South of Mount Rose Highway or Geiger Grade (SR341).
- b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.
- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.210 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.



- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.210.
- e. Any medical cannabis cultivation facility shall be in a separate building from any other cannabis establishment. This may include two facilities separated by a fire wall with no shared facilities, other than parking.
- f. Any medical cannabis cultivation facility shall have a professional, orderly, dignified appearance which is consistent with the traditional style of pharmacies and medical offices.
- g. Any signage associated with a medical cannabis cultivation facility shall be discreet and professional which is consistent with the traditional style of signage for pharmacies and medical offices.
- h. Any medical cannabis cultivation facility shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.

**(4) Cannabis Independent Testing Laboratory, Adult-use**

- a. Shall not be located on a parcel:
  - 1. Adjacent to residentially zoned property;
  - 2. Owned by the federal government;
  - 3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
  - 4. South of Mount Rose Highway or Geiger Grade (SR341).
- b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.
- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.250 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.
- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.250.
- e. Any adult-use cannabis independent testing laboratory shall have a professional, orderly, dignified appearance which is consistent with the traditional style of pharmacies and medical offices.
- f. Only one sign shall be allowed. The sign shall not exceed six square feet and shall be placed on a window or a door for the purposes of identifying the business (e.g., business name, address, hours of operation, etc.)

- g. Any adult-use cannabis independent testing laboratory shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.
- h. All parking, landscaping, and signs shall be brought into conformance with current code standards unless determined physically impossible by the Administrator.

**(5) Cannabis Independent Testing Laboratory, Medical**

- a. Shall not be located on a parcel:
  - 1. Adjacent to residentially zoned property;
  - 2. Owned by the federal government;
  - 3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
  - 4. South of Mount Rose Highway or Geiger Grade (SR341).
- b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.
- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.210 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.
- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.210.
- e. Any medical cannabis independent testing laboratory shall be in a separate building from any other cannabis establishment. This may include two facilities separated by a fire wall with no shared facilities, other than parking.
- f. Any medical cannabis independent testing laboratory shall have a professional, orderly, dignified appearance which is consistent with the traditional style of pharmacies and medical offices.
- g. Any signage associated with a medical cannabis independent testing laboratory shall be discreet and professional which is consistent with the traditional style of signage for pharmacies and medical offices.
- h. Any medical cannabis independent testing laboratory shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.

**(6) Cannabis Production Facility, Adult-use**

- a. Shall not be located on a parcel:

1. Adjacent to residentially zoned property;
  2. Owned by the federal government;
  3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
  4. South of Mount Rose Highway or Geiger Grade (SR341).
- b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.
- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.250 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.
- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.250.
- e. Any adult-use cannabis production facility shall have a professional, orderly, dignified appearance.
- f. Only one sign shall be allowed. The sign shall not exceed six square feet and shall be placed on a window or a door for the purposes of identifying the business (e.g., business name, address, hours of operation, etc.)
- g. Any adult-use cannabis production facility shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.
- h. All parking, landscaping, and signs shall be brought into conformance with current code standards unless determined physically impossible by the Administrator.

**(7) Cannabis Production Facility, Medical**

- a. Shall not be located on a parcel:
1. Adjacent to residentially zoned property;
  2. Owned by the federal government;
  3. In or within 1,500 feet of Gaming Overlays 1, 2, 3, 5; or,
  4. South of Mount Rose Highway or Geiger Grade (SR341).
- b. Shall be exempt from site plan review requirements identified in Section 18.08.602, *Site Plan Review*.

- c. At the time of application for a zoning verification letter with the City, proof of compliance with all location requirements set forth in Reno Municipal Code (see subsection a, above) and distance separation requirements in NRS shall be provided by a State of Nevada licensed surveyor. NRS Section 678B.210 establishes a 1,000-foot separation from a public or private school, preschool through 12th grade, a 300-foot separation from a community facility, and 1,500 feet from a facility with a nonrestricted gaming license as described in NRS 463.0177.
- d. All required spacing criteria shall be measured in a straight line from the front door of the cannabis establishment to the closest parcel line, as shown on the Washoe County Assessor's records, of any school, community facility, or licensed gaming establishment identified in NRS Section 678B.210.
- e. Any medical cannabis production facility shall be in a separate building from any other cannabis establishment. This may include two facilities separated by a fire wall with no shared facilities, other than parking.
- f. Any medical cannabis production facility shall have a professional, orderly, dignified appearance which is consistent with the traditional style of pharmacies and medical offices.
- g. Any signage associated with a medical cannabis production facility shall be discreet and professional which is consistent with the traditional style of signage for pharmacies and medical offices.
- h. Any medical cannabis production facility shall obtain all required approvals from the State of Nevada and the City of Reno to operate such a facility.

#### (8) Crematorium

- a. All equipment shall be located within a completely enclosed building.
- b. There shall be no audible or visible indication of the use from outside of the building.
- c. Shall be at least 1,500 feet from any residential zoned property.<sup>255</sup>

#### (9) Hazardous Waste Facility

Except as required, below, the Administrator may exempt any hazardous waste use from the requirement for a conditional use permit if the impacts are determined to be so minor as to be disregarded based on the findings of this section and Section 18.08.605, *Conditional Use Permit*.

- a. **Conditional Use Permits for Facilities that Manufacture, Process, Transfer, or Store Explosives or Hazardous Substances<sup>256</sup>**

##### 1. Applicability

As required by NRS Section 278.147, a conditional use permit is required for any facility (except in the mining industry) that uses, manufactures, processes, transfers, or stores an explosive (which is subject to regulation as an explosive pursuant to NRS Section 459.3816) or a highly hazardous substance designated pursuant to NRS Section 459.3816 if present in a quantity equal to or greater than the amount designated pursuant to NRS

<sup>255</sup> Updated to align with NRS 451.635.

<sup>256</sup> This subsection has been relocated here from Section 18.08.603, Special Use Permit, and combined with related findings, below.

Section 459.3816, or a hazardous substance listed in the regulations adopted pursuant to NRS Section 459.3833. Applications for such conditional use permits shall be processed in accordance with this subsection.

## 2. Applications and Consideration by Planning Commission

[a] Applications for a conditional use permit under this subsection shall be submitted on forms and with the content determined by the Administrator. When the application is deemed complete, the Administrator shall send a copy to and consult with the following agencies in addition to the normal agency review:

- i. The City of Reno Emergency Management Board;
- ii. The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources;
- iii. The State Fire Marshal;
- iv. The Administrator of the Division of Industrial Relations of the Department of Business and industry;
- v. The commander of any military installation that may be affected by the operation of the facility; and
- vi. The governing body of any other city or county that may be affected by the operation of the facility

[b] The Planning Commission shall hold a public hearing to consider the application within 90 days from the date it is deemed complete by the Administrator. Notice for the public hearing shall be provided as set forth in paragraph 3., below.

[c] Based on consultation with the agencies listed in Subsection 2.[a], above, and information submitted with the staff report and at the hearing, the Planning Commission shall consider and make findings as set forth in Paragraph 5., below.

[d] Within a reasonable time after the public hearing the Planning Commission shall submit its recommendation for any actions to be taken on the application by the City Council. If the Planning Commission recommends that a conditional use permit be granted to the applicant, the Planning Commission shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of (i) the health and safety of the residents of the city, and (ii) the safety and security of any military installation in the city.

## 3. Notices of Hearing

Notice of the public hearings by the Planning Commission and City Council under this subsection shall be prepared, published, and mailed as required by NRS Sections 278.147(2) and (3).

## 4. Action by the City Council

Within 30 days after receiving the recommendations of the Planning Commission, the City Council shall provide notice as specified in paragraph 3., above, and hold a public hearing to consider the application and the findings discussed in paragraph 5., below, and within 30 days from the public hearing, shall grant or deny the conditional use permit.

## 5. Findings

In addition to the general conditional use permit findings in Section 18.08.605, *Conditional Use Permit*, the following findings shall be made prior to granting a conditional use permit:

[a] Planning Commission shall consider and discuss as a part of the record:

- i. The health and safety of the residents of the city, and
- ii. The safety and security of any military installation in the city.

[b] In approving the conditional use permit, the City Council shall affirm the findings and discussions of the Planning Commission.

## (b) Storage, Distribution, and Warehousing

### (1) Heavy Machinery & Equipment, Rental, Sales, and Service

#### a. ME, MS, and GC Districts

Shall only operate between the hours of 6:00 a.m. and 9:00 p.m.

#### b. MU, MS and ME Districts

This use shall be allowed by-right within the MU, MS and ME Districts in the area bounded by Wells Avenue on the west, I-80 on the north, the Truckee River on the south, and Galetti Way on the east.

### (2) Mini-warehouse

#### a. All Districts (Except I and IC Districts)<sup>257</sup>

1. No more than one manager's or security residence shall be permitted.
2. All storage shall be within an enclosed building except for the storage of recreational vehicles, boats, and similar vehicles, which shall only be allowed if operable and completely screened from view from surrounding properties and abutting streets at the first-floor level.
3. No business shall be conducted from or within a mini-storage facility.
4. Retail sale of stored items on the premises is prohibited.
5. Auction sales of stored items on the premises are prohibited.
6. The commercial repair of motor vehicles, boats, trailers, and other like vehicles shall be prohibited.
7. The operation of spray-painting equipment, power tools, welding equipment, or other similar equipment shall be prohibited.
8. The production, fabrication, or assembly of products shall be prohibited.
9. Storage units shall not be used as a musical practice or recording space.

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<sup>257</sup> Standard refined to clarify screening of operable boats, etc.

(3) **Outdoor Storage**<sup>258</sup>

a. **All Districts**

1. Where permitted, storage shall conform with setback requirements for principal buildings.
2. Where permitted, outdoor storage shall be located to the side or rear of the principal building, and shall be screened from adjacent roadways and parks, and from residential zoned property within 750 feet of the use with landscaping and a solid fence no shorter than the allowed storage height. Notwithstanding the above, in nonresidential districts only outdoor storage sites with more than one street frontage may extend storage to within 20 feet of the non-primary street frontage(s) with screening and landscaping.
3. The maximum height for all material storage is ten feet, except the decision-making body may approve the storage of equipment taller than ten feet with additional screening as determined appropriate.
4. Stacked material shall not exceed the height of the wall or fence.
5. Walls or fences that are visible from the street shall be architecturally compatible with the primary building.

b. **Mixed-Use Districts**

No storage taller than 6 feet, except increased storage height may be allowed in side and rear yard areas with a conditional use permit.

c. **MU, MS and ME Districts**

1. This use shall be allowed by-right within the MU, MS and ME Districts in the area bounded by Wells Avenue on the west, I-80 on the north, the Truckee River on the south, and Galetti Way on the east.
2. This use shall be permitted by right when located within the area bounded by Sutro Street on the east, Valley Road on the west, Timber way on the south, and Paintbrush Drive and the Union Pacific Railroad right-of-way on the north.

(4) **Tow Yard**

a. **All Districts**

Tow Yards shall be subject to the outdoor storage additional use standards in 18.03.306(b)(3)(a)(1 through 5) related to screening.

b. **Mixed Employment**

When located within the area bounded by Sutro Street on the east, Valley Road on the west, Timber Way on the South, and Paintbrush Drive and the Union Pacific Railroad right-of-way on the north, this use shall be allowed within a Conditional Use Permit.

(5) **Transfer Station**

Shall be inside a permanent structure.

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<sup>258</sup> This use is listed as a primary and accessory use now to reflect the nature of the use. Standards are updated to avoid duplication within the standards and with other uses.



a. **ME and Mixed-Use Districts**

1. The primary or predominant use shall be wholesale sales of construction related materials, with sales to the general public allowed, via a mix of internal storage, showroom, and offices. All sales and storage must occur within an enclosed structure.
2. At least one square foot of non-storage area per each four square feet of storage, staging, and pick up areas is required. Products stored on site shall be limited to those displayed and sold on the showroom floor.

## Article 4 Accessory Uses and Structures

### Commentary

This section generally carries forward the current Section 18.08.203. It has been reformatted and updated to reflect new district lineup. Most changes in this Section are not substantial (grammar, punctuation, and clarification), but footnotes are provided where substantive changes are proposed.

### 18.03.401 General Provisions

(a) **Accessory Uses Permitted**

Table 3-1, *Table of Allowed Uses*, of this Chapter includes accessory uses and shows in which zoning district a specific accessory use is permitted and the applicability of any additional regulations for such accessory use. If an accessory use is not listed in the Table of Allowed Uses, the Administrator may allow the accessory use if they find that such use satisfies the definition of "accessory use" in Section 18.09.306 and that the unlisted use is customarily incidental to the principal use or structure, and is located on the same lot or tract of land as the principal use or structure. In making such determination, the Administrator shall apply the criteria for unlisted uses stated in Section 18.03.205, *Classification of New and Unlisted Uses*, to the extent applicable.

(b) **Accessory Structures Permitted**

An accessory structure that is customarily incidental to the principal use or structure and is located on the same lot or tract of land as the principal use or structure, shall be permitted, subject to the regulations of this Section. The Administrator shall have the authority to determine whether a proposed accessory structure is "accessory" consistent with this Section, the definition of "accessory structure" in Section 18.09.306, and the purpose and intent of the subject zoning district.

(c) **Applicable Regulations**

All accessory uses, structures, and activities shall be subject to the general, dimensional, operational, and use-specific regulations stated in this Section in addition to the same regulations that apply to the principal use in the subject zoning district. In case of any conflict between the accessory use/structure standards in this Section and any other requirement of this Title, the standards of this Section shall apply.

### 18.03.402 Accessory Buildings and Structures in Residential Zoning Districts<sup>260</sup>

<sup>260</sup> Standards for nonconforming accessory structures have been removed and are replaced by the standards that apply to all nonconforming structures – primary and accessory. This change modifies standards for expansion of nonconforming accessory structures to match current practice for primary buildings.

The standards in this Subsection shall apply to all accessory buildings and structures in the residential zoning districts except caretaker quarters, unless otherwise specifically stated. Caretaker quarters are regulated by the standards in Section 18.03.405.

(a) **Accessory Building Requires Principal Building**

No private garages or other accessory buildings or structures may be constructed or located in any residential zoning district without an approved principal building.

(b) **Accessory Buildings on Lots Larger than the Required Minimum Size**

Accessory building standards for lots larger than the required minimum size may be utilized if the subject lot complies with minimum lot size and dimensions for the larger lot zoning district. For example, the LLR.5 zoning district regulations may be utilized for a SF3 zoned half-acre size parcel.

(c) **Number of Permitted Detached Accessory Structures on a Single Residential Lot**

Limits on the number of detached accessory structures allowed on a single lot in a residential zoning district are shown in Table 3-5, below. These limits shall apply only to detached accessory structures with a gross floor area of 200 square feet or larger. The maximum limits shown here may not be possible to achieve in all circumstances; each case will depend on the applicability of other bulk and dimensional standards (e.g., required setbacks or maximum building coverage) or other site development standards (e.g., hillside protection).

**Table 3-5 Detached Accessory Structures Permitted**

District(s)	Detached Accessory Structures per Residential Lot, Maximum
LLR2.5 / LLR1 / LLR.5 <sup>261</sup>	4 per acre, plus 1 detached guest quarters
SF3	3, plus 1 detached guest quarters
SF 5 / SF8 / SF11 / MF 14	2, plus 1 detached guest quarters
MF21 / MF30	No limit
UT5 / UT10 / UT40	4 per acre, plus 1 detached guest quarters

(d) **Design of Detached Accessory Buildings**

A detached accessory building in a residential zoning district that contains 200 square feet or more of gross floor area shall be architecturally compatible with the existing or proposed principal residential building. Architectural compatibility must be achieved by including two of the following three elements in the accessory building design:

- (1) The exterior finish is constructed with materials compatible with the principal building materials. The new materials shall be either identical or similar to the principal building materials. For example, details of synthetic siding should match that of traditional wood siding.
- (2) Contemporary interpretations of architectural features such as trim, fenestration, window frames, dormers, columns, gables, decorative wood, or metal work found on the existing principal building are used.
- (3) The roof pitch is the same as that of the most predominant roof plane of the principal building.

**18.03.403 Dimensional Standards for Residential Zoning Districts**

<sup>261</sup> Standards for the Greenfield Neighborhood (GF) have been consolidated under the LL Districts. The Master Plan land use map designates this area as "LL."

All accessory structures and buildings in the residential zoning districts shall comply with the lot and building standards in Chapter 18.02 *Zoning Districts*, except when Section 18.03.405 states a more specific bulk or dimensional standard for a specific type of accessory structure. In case of conflict between a standard stated in Chapter 18.02 *Zoning Districts*, and a specific standard stated in Section 18.03.405, the use-specific standard in Section 18.03.405 shall apply.

<b>Table 3-6 Detached Accessory Structure Dimensional Standards</b>			
Standards	LLR Districts	UT5 and UT10	UT40
Separation from structures on the same lot, minimum	3 ft.		
Front Setback Area	Prohibited between front property line and principal structure (except corner and through lots, when the front yard setback functions as a side or rear yard. Shall meet standards of Section 18.04.809, <i>Fences and Walls</i> )		
Area, maximum per structure	1,600 sf or 50% of the principal structure (whichever is less)		--
Area, cumulative maximum	100% of principal dwelling	15,000 sf	--

<b>Table 3-7 Detached Accessory Structure Dimensional Standards</b>							
District	SF3	SF5	SF8	SF11	MF14	MF21	MF30
Separation from structures on the same lot, minimum	3 ft.						
Front Setback Area	Prohibited between front property line and principal structure (except corner and through lots, when the front yard setback functions as a side or rear yard. Shall meet standards of Section 18.04.809, <i>Fences and Walls</i> )						
Area, maximum per structure	1,600 sf or 50% of principal structure (whichever is less)	1,200 sf or 50% of rear yard (whichever is less)			1,200 sf or 50% of rear yard (whichever is less)		2,400 sf
Area, cumulative maximum	60% of principal structure	50% of principal structure			50% of principal structure		50% of principal structure

### 18.03.404 Dimensional Standards: Mixed-Use and Nonresidential Zoning Districts

(a) **Bulk and Dimensional Standards**

Accessory structures and buildings in the mixed-use and nonresidential zoning districts shall comply with the bulk and dimensional standards applicable to the principal structure or building per Chapter 18.04 Article 10, *Site and Building Standards for Mixed-Use Districts*, and Chapter 18.04 Article 11, *Site and Building Standards for Nonresidential Districts*.

### 18.03.405 Standards for Specific Accessory Uses

(a) **Ball Courts**<sup>262</sup>

See subsection 18.08.303(a)(3).

<sup>262</sup> Standards for athletic courts in public parks and recreation areas are applied for consistency.

- (b) **Caretaker Quarters**<sup>263</sup>  
The following specific standards shall apply to both existing and new caretaker quarters units in the City of Reno, except as otherwise expressly stated.
- (1) **Intent - Accessory Dwelling Units**  
Caretaker quarters must be accessory to a primary non-residential or multi-family use and may not be used as accessory dwelling units.
- (2) **Types Allowed**  
Caretaker quarters may be attached to and integrated with a principal structure, or may be located in a detached accessory structure.
- (3) **Number Per Lot**  
No more than one caretaker quarters unit shall be established on the same lot
- (c) **Childcare, In-Home (1-6 Children)**
- (1) All accessory in-home childcare uses shall comply with the applicable use regulations for childcare centers/facilities in Section 18.03.303(a)(2).
- (2) The residence or dwelling unit in which the in-home childcare use is operated shall be the permanent residence of the provider of the in-home childcare service.
- (d) **Childcare, In-Home (7-12 Children)**  
See Section 18.03.405(c), above.
- (e) **Community Center, Private**<sup>264</sup>  
See Section 18.03.303(a)(3).
- (f) **Drive-Through Facility (Food Service)**
- (1) **All Districts**
- a. Drive-through facilities shall always be considered a separate accessory use.
  - b. Drive-through lanes shall not be located within 100 feet of residentially zoned property unless separated by a principal building or a six-foot-tall solid screen fence, wall, or landscaped berm, in addition to at least ten feet of landscaping, or where all owners of residentially zoned property within 100 feet of the drive-through lane provide written consent.
  - c. Shall not have access to local residential streets unless needed for traffic safety.
  - d. Stacking lanes shall be provided according to Article 7, *Off-Street Parking and Loading*, shall be visually screened as required in Section 18.04.804(e), and shall be situated so as to not block any other drive aisle or parking space.
  - e. Outdoor speakers or ordering systems that emit sound shall not be located within 100 linear feet of residentially zoned property unless other designs are infeasible and a building or alternative enhanced buffering is located between the adjacent residential property and the outdoor speakers.<sup>265</sup>
  - f. Drive-up windows shall be designed so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.

<sup>263</sup> Standards have been updated to more clearly differentiate between Caretaker and Guest Quarters, but no substantive changes are being proposed in either set of standards. Some clean-up of language is made to address redundancy with new residential dimensional standards and existing parking standards.

<sup>264</sup> Standards for athletic courts in public parks are recreation areas are applied for consistency.

<sup>265</sup> Additional standards to reduce impact of drive-through businesses on adjacent properties have been provided.

- g. Drive-through facilities shall be screened from adjacent streets with front yard landscaping.
- h. The drive-through portion of the use may be subject to conditions imposed by the Administrator to ensure compatibility with surrounding uses, efficient vehicular travel, and architectural compatibility with the principal structure.

(2) **MD-ID, MD-NW, MU Districts**<sup>266</sup>

Shall only be permitted east of I-580 or within ¼ mile of a freeway off-ramp.

(g) **Drive-Through Facility (Non-Food Service)**

(1) **All Districts**

- a. Drive-through facilities shall always be considered a separate accessory use.
- b. Drive-through lanes shall not be located within 100 feet of residentially zoned property unless separated by a principal building or a six-foot-tall solid screen fence, wall, or landscaped berm, in addition to at least ten feet of landscaping, or where all owners of residentially zoned property within 100 feet of the drive-through lane provide written consent.
- c. Shall not have access to local residential streets unless needed for traffic safety.
- d. Stacking lanes shall be provided according to Article 7, *Off-Street Parking and Loading*, shall be visually screened as required in Section 18.04.804(e), and shall be situated so as to not block any other drive aisle or parking space.
- e. Outdoor speakers or ordering systems that emit sound shall not be located within 100 linear feet of residentially zoned property unless other designs are infeasible and a building or alternative enhanced buffering is located between the adjacent residential property and the outdoor speakers.<sup>267</sup>
- f. Drive-up windows shall be designed so as not to obstruct the movement of pedestrians along sidewalks or through areas intended for public use.
- g. The drive-through portion of the use may be subject to conditions imposed by the Administrator to ensure compatibility with surrounding uses, efficient vehicular travel, and architectural compatibility with the principal structure.

(h) **Gaming Operation, Restricted**

(1) **All Districts**

Restricted gaming operations shall be in the same building as, and operated as incidental to, one of the following principal uses:<sup>268</sup>

- a. Amusement or Recreation;
- b. Bar, Lounge, or Tavern;
- c. Convenience Store;
- d. Hotel;
- e. Motel;

<sup>266</sup> New limitation to these districts. Updated to refine screening standards.

<sup>267</sup> Additional standards to reduce impact of drive-through businesses on adjacent properties have been provided.

<sup>268</sup> List of uses updated to reflect proposed list; maintained General Retail exception to include those uses consolidated (deli, drug store, etc.)

- f. Restaurant with Alcohol Service;
  - g. Restaurant without Alcohol Service; or
  - h. General retail store or commercial use not otherwise listed in this subsection and having greater than 3,000 square feet of retail floor area
- (2) To prohibit restricted gaming operations from creating the perception of a casino or non-restricted gaming establishment, the use shall comply with the following:
- a. Establishments shall be physically separated by solid wall;
  - b. Establishments shall not share common building facilities such as bathroom, kitchens, storage areas or the like;
  - c. Establishment signage shall in no way identify them as a non-restricted gaming establishment or the like; and
  - d. Establishments shall maintain separate entrances and addresses.
- (i) **Guest Quarters<sup>269</sup>**  
The following specific standards shall apply to both existing and new guest quarters units in the City of Reno, except as otherwise expressly stated.
- (1) **Intent - Accessory Dwelling Units**  
Guest quarters must be accessory to a primary single family residential use and may not be used as accessory dwelling units.
- (2) **Types Allowed**  
Guest quarters may be attached to and integrated with the principal structure or may be in a detached accessory structure.
- (3) **Number Per Lot**  
No more than one guest quarter unit shall be established on the same lot per Table 3-5 *Detached Accessory Structures Permitted*.
- (4) **Minimum Lot, Bulk and Dimensional Standards**  
See Table 3-6 and Table 3-7, *Detached Accessory Structure Dimensional Standards*, above, for applicable lot, bulk and dimensional standards in the residential zoning districts.
- (5) **Design of Guest Quarters in Detached Structures**
- a. All detached guest quarters shall maintain a single-family appearance and shall be subordinate to the principal dwelling unit in size, location, and appearance. New detached guest quarters shall be architecturally compatible with the principal residential building. Architectural compatibility shall be achieved by including all of the following elements in the accessory building design:
    - 1. The exterior finish is constructed with materials compatible with the existing principal building materials. The new materials must be either identical or similar to the original building materials. For example, details of synthetic siding should match that of traditional wood siding.

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<sup>269</sup> Standards have been updated to differentiate between Caretaker and Guest Quarters, but no substantive changes are being proposed in either set of standards. Some clean-up of language is made to address redundancy with new residential dimensional standards and existing parking standards.

2. Contemporary interpretations of architectural features such as trim, fenestration, window frames, dormers, columns, gables, decorative wood, or metal work found on the existing principal building are used.
  3. The roof pitch is the same or within the range of the roof pitches on the existing principal building.
- b. The front door of the detached guest quarters shall not be visible from the same street that the front door of the principal structure faces.

(j) **Helipad**

(1) **All Districts**

- a. Shall be no closer than 300 feet from a single-family residential use. If on top of a building, the distance is measured from the corner of the building nearest the residential use.
- b. Flight paths shall be reviewed to eliminate flying over residential uses to the extent possible.

(2) **MU District<sup>270</sup>**

Helipads for patient transport are allowed at permitted hospitals adjacent to single-family residential uses without any discretionary review and are not subject to spacing and flight path limitations.

(k) **Home Occupation**

(1) **Appearance**

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

(2) **Accessory to Principal Dwelling**

The property proposed to support the home occupation shall contain a minimum of one dwelling unit designed and actually used for residential living.

(3) **Employees**

Home occupations may have one employee who does not reside in the home when adequate off-street parking is provided. An exception to this provision is that for home occupations operating in accessory buildings, employees who do not reside on site are not allowed.

(4) **Sale of Merchandise**

There shall be no sale of merchandise which requires customers to go to the property.

(5) **Traffic**

Pedestrian and vehicular traffic shall be limited to that normally associated with residential districts. No more than one client's car may be on site at any one time.

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<sup>270</sup> The MRC District is now consolidated under the MU District, which means that this standard would apply to the eight other districts now included in the MU District.



(6) **Commercial Vehicle**

The home occupation may involve the use of one commercial vehicle, not to exceed 8,000 pounds gross unladen weight, or a single vehicle limousine service.

(7) **Size Limits**

Up to 25 percent of the living space or 500 square feet, whichever is less, of the dwelling may be used for the home occupation and any related storage of materials and supplies.

(8) **Storage**

- a. There shall be no outdoor storage of materials or equipment.
- b. No storage of toxic or hazardous materials, including ammunition and gunpowder, shall be allowed.
- c. Merchandise shall not be visible from outside the dwelling.

(9) **Location**

The home occupation shall be confined within the principal residential dwelling as a clearly secondary use of the dwelling, or may be located within an existing and legally established accessory dwelling unit. When conducted in an attached garage, the home occupation shall not permanently eliminate the use of the garage if required for off-street parking space for a car.

(10) **Use of Facilities and Utilities**

The use of utilities and community facilities shall be limited to that normally associated with the use of the property for residential purposes.

(11) **Advertising**

There shall be no public advertising that includes the dwelling address or calls attention to the fact that the dwelling is being used for business purposes, except when required by Nevada Revised Statutes. The home address may appear on business cards, letterhead, and invoices only when the home address is also the business address.

(12) **Electromagnetic interference**

Electrical or mechanical equipment that creates audible interference in radio receivers or visual or audible interference in televisions receivers, or causes fluctuations in the line voltage outside the dwelling unit, is prohibited.

(13) **Fire safety**

Activities conducted and equipment or material used or stored shall not adversely change the fire safety of the premises.

(14) **Equipment**

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

(15) **Clients**

Businesses that serve young clients (e.g., music or swimming lessons) or other clients that do not drive may have up to six clients on site at any one time. Businesses that serve clients that drive may serve up to two clients on site at any one time as limited by subsection e. above.

**(16) Prohibited Home Occupations**

The following types of businesses are prohibited as home occupations: auto repair, equipment painting, heavy equipment repair, heavy industrial activities, and similar uses. This provision provides an illustrative list only and shall not be interpreted to exclude other businesses or activities from prohibition as a home occupation according to this Section or interpretation by the Administrator.

**(17) Modification with Site Plan Review<sup>271</sup>**

Standards in Subsections 1-16, above, may be modified with site plan review, subject to a finding of compatibility with nearby land uses.

**(I) Outdoor Storage<sup>272</sup>**

**(1) All Districts<sup>273</sup>**

- a. Where permitted, storage shall conform with setback requirements for primary buildings.
- b. Where permitted, outdoor storage shall be located to the side or rear of the primary building, and shall be screened from roadways, parks, and residentially zoned property within 750 feet of the use with a solid fence or combination of fence and vegetation no shorter than the allowed storage height.
- c. The maximum height for all material storage is ten feet, except the decision-making body may approve the storage of equipment taller than ten feet with additional screening as determined appropriate.
- d. Stacked material shall not exceed the height of the wall or fence.
- e. The outdoor storage shall be associated with the primary use of the property.
- f. No outdoor storage shall be permitted between the primary building and an abutting residentially zoned property.
- g. Materials not actively used by the principal business shall not be stored.
- h. The outdoor storage shall not exceed the lesser of 40 percent of the total gross area of the site or the square footage of the main building on the site, except principle businesses selling, renting, repairing, or storing vehicles or equipment may have accessory outdoor storage not exceeding the lesser of 60 percent of the site area or 250 percent the building square footage.
- i. Walls or fences which are visible from the street shall be architecturally compatible with the primary building.

**(2) NC District**

- a. The maximum height for all storage is six feet.
- b. The size of the outdoor storage area must not exceed the greater of 200 square feet or 25 percent of square footage of the main building on the site.

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<sup>271</sup> New standard added to allow modification of standards with site plan review.

<sup>272</sup> Outdoor storage is now listed as a primary and accessory use. Use standards refined.

<sup>273</sup> Paragraphs b. and c. are relocated from Section 18.04.708, Screening, and replace similar standards here. Existing code language requires the more restrictive standards to be used, so the more restrictive standards were carried forward from this consolidation.

- (3) **MU, MS, GC, MU-MC, and MD- Districts**
- a. The maximum height for all storage is six feet, except storage up to ten feet in height may be allowed in side and rear yard areas if fully screened and not adjacent to a residential districts.
  - b. Storage of material taller than ten feet may be allowed with a minor conditional use permit.
  - c. The outdoor storage shall not exceed 20 percent of the total gross area of the site or 50 percent of the square footage of the main building on the site.
- (m) **Retail Sales Associated with a Primary Use**
- (1) Shall be associated with an allowed primary uses.
  - (2) Shall not exceed 20 percent of the gross floor area of the allowed primary use.
  - (3) Parking shall be provided at the rate established for “General Retail, less than 10,000 Square Feet” in Section 18.04.705(a) and is based upon the gross allowed retail sales floor area.
- (n) **Satellite Dish**
- (1) No satellite dish shall be placed in the front of any parcel unless it can be demonstrated that reception is impossible outside the front yard.
  - (2) The diameter of the satellite dish in residential districts shall not exceed 18 inches.
  - (3) No satellite dish that exceeds 18 inches in diameter may be placed on a residential building.
  - (4) Only one satellite dish shall be permitted per parcel in single-family residential districts.
  - (5) The satellite dish shall comply with the setback requirements for accessory buildings.
- (o) **Sidewalk Café**
- (1) **Purpose**  
The purpose of these standards is to allow increased business and pedestrian traffic by providing safe and visually appealing opportunities for outdoor dining.
  - (2) **Outdoor Dining Permit Required**  
Outdoor dining, including sidewalk cafés, is not allowed without authorization of an outdoor dining permit as set forth in Subsection 18.08.606(a).
  - (3) **Outdoor Dining in Public Rights-of-way Permitted**  
Outdoor dining permit within the public right-of-way may be permitted with approval of occupancy and/or encroachment permits from the City Engineer. Outdoor dining is not permitted where the speed, volume or nearness of vehicular traffic is not compatible with sidewalk dining. All outdoor dining area must be adjacent to and incidental to the operation of an indoor restaurant or a building including an indoor restaurant. Use of the sidewalk must be confined to the actual sidewalk and public right-of-way frontage of the indoor restaurant building. Outdoor dining shall not be allowed within ten feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, any doorway posted as an exit, loading zone, mailboxes, or traffic signal stanchions.

**(4) Required Sidewalk Width**

Outdoor dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the proposed activity. The outdoor dining area shall leave not less than six consecutive feet of sidewalk width at every point which is clear and unimpeded for pedestrian traffic.

**(5) Alcoholic Beverage Restrictions**

The service of alcoholic beverages shall be restricted solely to on-premise consumption by customers within the outdoor dining area. Each of the following standards apply to service of alcoholic beverages:

- a. The outdoor dining area shall be immediately adjacent to and abutting the indoor restaurant which provides it with food and beverage service;
- b. The outdoor dining area shall be clearly separated from pedestrian traffic;
- c. The operator shall post a written notice to customers that the drinking or carrying of an open container of alcoholic beverage is prohibited and unlawful outside the outdoor dining area; and
- d. The outdoor dining operation shall maintain a valid alcoholic beverage license.

**(6) Health Standards**

The operator shall not permit the following outside the building: tables preset with utensils, glasses, napkins, condiments, bussing service stations or trash and garbage storage. Outdoor food preparation is not allowed except in compliance with conditions of an outdoor dining permit. All exterior surfaces within the outdoor dining area shall be easily cleanable and shall be kept clean at all times by the permittee. Restrooms sufficient for indoor and outdoor dining shall be provided in the adjoining indoor restaurant. The permittee shall be responsible for maintaining the outdoor dining area, including the sidewalk surface and furniture and adjacent areas in a clean and safe condition.

**(7) Special Closures**

Outdoor dining on public property is a privilege. The City shall have the right and power, acting through the City Manager, or their authorized agent, to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area. To the extent possible, the permittee shall be given prior written notice of any time period during which the operation of the outdoor dining area will be prohibited by the City.

**(p) Stable, Private**

All private stables for more than four horses shall be located on one acre or larger lots.

**(q) Utilities, Alternative System**

In all zoning districts, all alternative utility systems, as defined in Section 18.09.306, shall comply with the following regulations:<sup>274</sup>

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<sup>274</sup> Standards have been updated to be less restrictive and reduce barriers to solar energy systems.

- (1) Except for wind turbines and solar panels, alternative systems shall be screened from view or integrated into the design of the structure in compliance with Subsection 18.04.808(c).
- (2) A system shall comply with applicable fire codes and building codes.
- (3) Before the installation of a system, the applicant must provide satisfactory evidence that the electrical utility provider has been informed of the applicant's intent to install a system. An off-grid system shall be exempt from this requirement if an electrical utility provider does not serve the property.
- (4) Wind turbine alternative utility systems shall adhere to the following:
  - a. Building permit applications must include, at a minimum:
    1. Standard drawings of the wind turbine structure including base, tower, and footings.
    2. An engineering analysis of the tower showing compliance with the International Building Code and certified by a professional engineer licensed in the state of Nevada.
    3. A line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
  - b. Noise:
    1. Except during short-term events such as high windstorms, sound or noise produced by wind turbine systems proposed within zoning districts identified in Section 18.04.1402 shall adhere to the standards identified in Section 18.04.1408.
    2. Except during short-term events such as high windstorms, noise from proposed systems in zones other than those identified above shall not exceed 60 dBA as measured at the property line of the closest neighboring inhabited dwelling.
  - c. Systems shall be painted a non-reflective, non-obtrusive color such as white or sky blue, to generally match their surroundings. The Administrator may allow alternative colors/painted designs when determined to be appropriate for the location (e.g., artist work in an arts district).
  - d. A system shall not be used for displaying any advertising or signage except for the reasonable identification of the manufacturer.
  - e. Combined Uses. A wind turbine may serve a combined use such as with a communication structure or flagpole, subject to the applicable requirements of both uses.
  - f. The following setbacks and the respective height standards for accessory uses specified in this Section **Error! Reference source not found.** shall apply, unless it can be proven to the satisfaction of the Administrator that adherence would significantly decrease the efficiency or performance of the system and that a comparable system at a comparable cost and with comparable efficiency and performance would be infeasible.

1. All components of the system must be set back at least 30 feet from the front property line and at least ten feet from the side and rear property lines.

**g. Removal**

The owner shall remove any wind system and related structures that have been abandoned or discontinued for 12 months or do not meet the noise standards identified above.

## Article 5 Temporary Uses and Structures

### Commentary

Changes in this section are generally not substantial (mostly grammar, punctuation, and clarification).

#### 18.03.501 Permit Required/Applicable Regulations

A temporary use, activity, or structure shall obtain all required permits prior to establishment. Temporary uses and structures specified in this Article shall comply with the specific standards stated therein. In case of any conflict between this section's specific standards and with this Title's general use and development regulations, this section's specific standards shall apply.

#### 18.03.502 Temporary Uses Permitted

The Table of Permitted Uses in Chapter 18.03 Article 2 shows in which zoning district a specific temporary use is permitted and the applicability of any additional regulations for such accessory use. If a temporary use is not listed in the Table of Permitted Uses, the Administrator may allow the temporary use if the Administrator finds that such use is similar in type, scale, duration, and impacts as other temporary uses allowed in the zoning district, taking into consideration the criteria for unlisted uses stated in Section 18.03.205.

#### 18.03.503 Standards for Specific Temporary Uses

(a) **Asphalt or Concrete Batch Plant**

- (1) Shall be located within the boundary of a development under construction, subject to the approval of the Administrator.
- (2) Shall be removed within two years with a bond posted to cover the costs of removal.
- (3) The original authorization for the temporary plant may be extended one time for an additional two-year period upon approval of a conditional use permit.
- (4) Shall be located and designed to minimize and mitigate impacts on occupied homes.

(b) **Carnival, Circus, Entertainment Event, or Amusement Ride**

(1) **PF, GC, and Mixed-Use Districts**

A site plan and operating plan shall be submitted with business license applications demonstrating:

- a. Ingress and egress to the property is sufficient for automotive and pedestrian safety and convenience, traffic flow and control, and emergency access;
- b. Off-street parking is sufficient to accommodate the use in addition to the parking provided for the primary use;
- c. The number of refuse receptacles (dumpsters) is sufficient;
- d. The proposed site of the use is adequate in terms of space and facilities, to include restrooms, for the event;
- e. The use of the property will not be a nuisance as defined in Chapter 8.22, *Nuisances*, or a detriment to the surrounding area;
- f. The use shall close down no later than 11:00 p.m.;
- g. Shall last for four days or less; and



- h. Any other conditions necessary to prevent the event from being detrimental to adjacent properties and to protect the public health, safety and welfare, as determined by the Administrator.

(c) **Christmas Tree Sale Lot and Similar Uses**

(1) **NC, GC, and Mixed-Use Districts**

A site plan and operating plan shall be submitted with business license applications demonstrating:

- a. Ingress and egress to the property is sufficient for automotive and pedestrian safety and convenience, traffic flow and control, and emergency access;
- b. Off-street parking is sufficient to accommodate the use;
- c. The number of refuse receptacles (dumpsters) is sufficient;
- d. The proposed site of the use is adequate in terms of space and facilities, to include restrooms, for the event;
- e. The use of the property will not be a nuisance or a detriment to the surrounding area;
- f. The use shall close down no later than 11:00 p.m.;
- g. Shall last for four weeks or less; and
- h. Any other conditions necessary to prevent the event from being detrimental to adjacent properties and to protect the public health, safety and welfare, as determined by the Administrator.

(d) **Construction Field Office**

(1) **All Districts (Except the PF District)**

- a. Temporary trailers or storage containers must be directly associated with construction activity on-site, or in MD Districts, within 1,000 feet of the construction site.
- b. A building permit must have been issued for the construction activity to which the temporary structures are associated.
- c. A building permit is required for installation or removal of temporary structures connected to utilities.
- d. Temporary construction structures must be removed prior to a certificate of occupancy being issued, or the building permit being finalized.
- e. All temporary construction structures must comply with zoning setbacks and be placed outside of any vision triangle.
- f. One temporary construction structure may be permitted per contractor working on site (e.g., general, electrical, plumbing).
- g. Up to three storage containers may be utilized to house fixtures, materials, or merchandise.
- h. On-job sites exceeding ten acres or 100,000 square feet of building area, the number of temporary construction structures may be increased at the discretion of the Administrator.

- i. Temporary trailers for office or business use are subject to connection to sewer and water and all necessary fees paid. If a sewer connection is impracticable, connection fees paid are to be credited to the final construction. In any such case, the application shall be accompanied by a hold-harmless agreement acceptable to the City Attorney.

(e) **Garage Sale**

- (1) Temporary garage sales may be conducted on premises of a residential property only if a principal dwelling is located on the same premises.
- (2) No more than four garage sales shall be conducted on the same premises within one year.
- (3) Garage sales shall not exceed three days in duration per event.

(f) **Parking, Open Lot<sup>275</sup>**

(1) **All Districts<sup>276</sup>**

Allowed without discretionary review for a period of up to 36 months provided all the general requirements, below, are met:

- a. Open parking lot uses shall comply with off-street parking and loading standards listed in Section 18.04.703, *General Standards*.
- b. The Administrator may approve a temporary open lot parking for a period of up to 90 days.
- c. Two copies of site development plans shall be submitted to the Administrator for review and approval.
- d. A plan and agreement for the construction of improvements shall be in the format provided by the City, as approved by the City Attorney, and shall include an exhibit showing an estimate of the quantities and costs of public and private improvements. An engineer's estimate of the improvement quantities and costs shall be provided. The City will determine the final estimate of quantities and costs based on the engineer's estimate and the improvement plan and will provide the developer with a copy of the final estimate.
- e. The security for improvements shall be on a format approved by the City Attorney, shall accompany the improvement plan and agreement, and shall be in such amount and for such a time period as set by the Administrator, corresponding to the improvement plan and agreement, to ensure that all improvements required will be provided and installed.
- f. Parking lots may not be installed until approval of the Administrator is obtained.
- g. Two extensions of one year each may be granted for the temporary use by the Administrator. Extensions require the full amount of the applicable security be provided.

(2) **Mixed-Use Downtown and Redevelopment Districts**

Improvement standards for Landscaping and Open Lot Parking specific to Section 18.03.304(h)(5), *Parking Lot, Open*, shall not be required for temporary open lot

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<sup>275</sup> This Subsection generally carries forward existing standards. A new principal (non-temporary) use with different standards is also added.

<sup>276</sup> Subsections (c), (d), (e), and (f), below, were previously applied solely to the MRC district, which is now consolidated under the MU district. To ensure consistency, these standards are now being applied to all districts (where permitted) in the same way.

parking. All other site improvements pertaining to water quality, air quality, and emergency access shall be required.

**(3) Mixed-Use Districts**

Allowed without discretionary review for a period of up to 36 months provided all the general requirements above are met.

**(g) Real Estate Sales Office**

(1) May be permitted as an office within a trailer or building for sale of lots or homes within the development, provided that a general real estate business shall not be conducted in the offices.

(2) Adequate parking shall be provided.

**(h) Stockpiling**

**(1) All Districts**

- a. Stockpiling shall not impair natural drainage patterns and shall be protected against erosion per stockpile management as set forth in the Truckee Meadows Construction Site Best Management Practices Handbook.
- b. Stockpile sites shall be fenced with security fencing, no visual screening is required.
- c. All stockpiling will meet required setbacks of the zoning district where the stockpiling is occurring.
- d. All stockpile sites shall be posted with an on-site sign identifying the approved duration of the stockpile site, hours of operation, reference to this section of this Title, and contact information for the company conducting the stockpiling. The on-site sign shall be placed at the entrance to the site and easily visible from a public access easement or public right-of-way and delivered in writing to the owners of property located within 750 feet of the site area.
- e. The truck route associated with the stockpiling activity shall be approved by the Administrator.
- f. Security to restore the site to pre-stockpiling conditions shall be covered under one of the following types of security: (1) Subdivision Bond; (2) Restoration, Landscaping, and Revegetation Bond; (3) Encroachment/Excavation Permit Bond; or (4) Labor and Material Bond.
- g. All stockpiling shall obtain a grading permit per Section [18.08.606\(b\)](#).

**(2) I and IC District**

- a. Allowed for 24 consecutive months. The Administrator may grant one extension for an additional 12 months if the site is not adjacent to residentially zoned property.
- b. Material processing, including crushing, is allowed if there is no residential or mixed-use zoned property within 750 feet of the stockpiling site. Material processing, excluding crushing, is allowed within 750 feet of residential or mixed-use zoned property.
- c. There is no height limit for the stockpiling.

- d. Stockpiling and associated material processing may operate 24 hours a day if there is no residentially zoned property within 750 feet. If the site is located within 750 feet of residentially zoned property stockpiling and associated material processing may operate between the hours of 6:00 a.m. and 11:00 p.m. If an adequate buffer exists between the site and the residentially zoned property, as determined by the Administrator, the Administrator may allow extended hours of operations and/or hours of material processing. Adequate buffers may include, but are not limited to freeways, sound walls, or structures.

**(3) Mixed-Use Districts**

- a. Allowed for 12 consecutive months. The Administrator may grant one extension for an additional 12 months if the site is not adjacent to residentially zoned property.
- b. Stockpiles are limited to a maximum of 20 feet in height.
- c. Material processing, including crushing, is allowed if there is no residential or mixed-use zoned property within 750 feet. Material processing, excluding crushing, is allowed within 750 feet of residential or mixed-use zoned property between the hours of 8:00 a.m. and 7:00 p.m. Stockpile sites may operate 6:00 a.m. through 11:00 p.m. If an adequate buffer exists between the site and the residentially zoned property, as determined by the Administrator, the Administrator may allow extended hours of operations and/or hours of material processing. Adequate buffers may include, but are not limited to freeways, sound walls, or structures.

**(4) Residential Districts**

- a. Allowed for eight consecutive months. The Administrator may grant one extension for an additional four months if there is no residential structure within 25 feet of the stockpile materials. Stockpiles are limited to a maximum of 15 feet in height. Stockpile sites may operate Monday through Friday, 7:00 a.m. through 8:00 p.m. Material processing, excluding crushing, is allowed Monday through Friday, 8:00 a.m. through 7:00 p.m. Crushing is not allowed.

**(i) Urban Farm**

Urban farms shall be allowed as a temporary principal use for a period of three years in designated zoning districts subject to compliance with the following standards:

- (1) Operators of urban farms shall register as a temporary principal use and submit a site plan outlining the proposed layout, site access/circulation, and any structures.
- (2) A site plan review shall be required to continue an urban farming operation beyond three years. The duration of the temporary operation or approval of a permanent operation shall be specified in the site plan review approval letter.
- (3) No vehicular access to the site may occur unless the Administrator determines that ingress and egress to the property is sufficient for automotive and pedestrian safety and convenience, traffic flow and control, emergency access; and that parking is sufficient to accommodate the use through an approved site plan.
- (4) All structures allowed under this land use shall be considered accessory to the temporary urban farm. The Administrator shall confirm that all accessory structures adhere to minimum five-foot side and rear setbacks and that the front setbacks required in the underlying zoning designation are maintained through issuance of

one accessory structure permit applicable to all onsite structures. These standards shall supersede the accessory structure standards specified in Section 18.03.405 with no limit on the quantity or restrictions on aesthetic design of accessory structures.

- (5) No accessory structure shall exceed 12 feet in height or 120 square feet without a building permit. No accessory structure shall be occupied by the general public unless a valid building permit is issued.
- (6) Dead plant material shall be removed promptly or screened from view of adjacent property and streets by a solid permitted fence. All farm equipment shall be adequately screened or stored in an enclosed structure.
- (7) Temporary on-premises signs are subject to the standards of Chapter 18.05 *Signs*, as amended, and may remain for the allowed duration of the temporary urban farm use.
- (8) No more than 12 fowl and no hooved animals or livestock shall be allowed on site.
- (9) Only the sales of products grown on site shall be allowed.
- (10) Operations on the site, including sales of farm products, shall be restricted to 6:00 a.m. to sunset.
- (11) Temporary urban farms shall be exempt from residential adjacency requirements.

(j) **Vegetation Management**

Vegetation management shall be allowed as a temporary seasonal use in designated zoning districts subject to compliance with the following standards:

- (1) Vegetation Management activities may be conducted for infrastructure operations, ecological purposes or public safety.
- (2) Administrative approval of a plan of operations is required. Operations shall minimize impacts on residences to the extent feasible.
- (3) Temporary overnight caretaker lodging, including cowboy camps, and temporary livestock corrals, shall be located away from homes to the extent feasible to minimize impacts on residences.

## Chapter 18.04 Development Standards

### Commentary

This article contains standards that address development quality. The current code contains many detailed development quality standards, but they are dispersed, mostly between Chapter 18.12 (district-specific standards) and Chapter 18.08 (citywide standards).

In this draft, we started with the current regulations and present a comprehensive reorganization that consolidates related and overlapping provisions from Chapter 18.12 and Chapter 18.08 and follows a more logical sequence, generally from the ground up (i.e., natural resource protection, then site layout, then building design, and finally site enhancements like exterior lighting). Where needed, this draft removes unnecessary material (because it is outdated or duplicative).

This proposed draft contains targeted updates based on input from the community, Planning Commission, and City Council. Amendments have been identified with increasing detail in the Targeted Code Assessment Report, Annotated Outline, Issue Sheets, and reviews of preliminary draft ordinances. In most cases, the main body of the existing regulations is largely carried forward with targeted updates and additional stylistic edits for consistency and clarity.

Significant changes to the development standards include:

*Incentives for Affordable Housing:* Eligibility is expanded for the affordable housing incentive program involving parking and density. Additional updates to parking and other development standards should reduce certain home improvement costs.

*Sustainability:* Amendments integrate sustainability principles into development standards and are part of an integrated land use and transportation strategy intended to promote vibrant urban centers, natural resource protection, and multi-modal transportation options.

*Site and Building Design Standards:* A significant change is the proposed consolidation and update of site and building design standards. Updated standards are organized into Residential, Mixed-Use and Nonresidential districts. Some existing standards are maintained, while others are significantly updated.

*Enhanced residential adjacency standards:* Enhanced residential adjacency standards address a broader range of potential project impacts.

*Infill Development Standards:* The City's current infill development standards are subjective and difficult to administer. The code update replaces the old infill standards with updated site and building design standards for each zoning district.

*Grading and Drainage:* The draft enhances construction standards for grading and drainage, with some relaxation of discretionary review requirements to be more consistent with existing procedures in nearby communities.

*Pedestrian and Bicycle Connectivity:* The update expands site design requirements for pedestrian and bicycle connectivity.

*Off-street Parking and Loading:* The City's minimum parking requirements significantly exceed current industry standards. Assorted parking reduction provisions have been approved over time in certain areas. The update recalibrates parking requirements to reflect current recommendations of the Institute of Transportation Engineers (ITE) and other industry guidelines. In the Downtown area, "discretionary" parking (no minimum) is expanded to include all uses. "Urban" parking rates are applied to the Mixed-Use Urban and Midtown districts. "Suburban" parking rates are applied to the rest of the City.

*Landscaping, Buffering, and Screening:* Amendments are included to expand planting and soil preparation standards, modestly reduce the minimum tree size at planting, and refine the mixed-use district landscape standards.

*Exterior Lighting:* More detailed lighting standards address different types of lighting and dark sky lighting requirements.

*Historic Resources:* Historic resource standards are expanded and processes for historic designation are streamlined.

*Flood Hazard Areas:* Ordinances are updated to require stormwater retention at a 1:1.3 ratio in closed drainage basins.

*Source Water Protection:* New standards require notification to the Truckee Meadows Water Authority (TMWA) when uses with moderate and high pollution risks are established. TMWA intends to monitor applicable sites for compliance with State and Federal regulations.

*Signs:* Minor sign code updates are proposed to align with recent case law (Reed v Gilbert).

*Safe Scope Regulations:* The City is in the process of moving this to Title 5 as part of the package liquor ordinance and it has been removed from this draft. If the package liquor ordinance is not adopted prior to adoption of this Code update, Safe Scope Regulations will be added to Title 5 with adoption of the Code update.

## Article 1 Natural Resource Protection

### Commentary

This article consolidates various sensitive area standards from Chapter 18.12 – General Environmental Standards, Flood Hazard Areas, Wetlands and Stream Environmental Protection Standards, Drainageway Protection Standards, Tree Protection, and Wildland Interface/Fire Safety. These sections and standards have been reformatted and edited for clarity but have not been altered significantly.

Section 18.04.102, *Flood Hazard Areas*, has been carried forward mostly unchanged. The text has been supplemented with the standard conditions of approval for projects in closed drainage basins. These include a required minimum stormwater retention ratio of 1:1.3 in closed drainage basins.

Other updates to natural resource protection standards may be considered in separate projects.

### 18.04.101 General Environmental Standards<sup>277</sup>

(a) **General**

(1) **Purpose**

The purpose of this article is to set forth regulations that protect natural resources and the public from the potential negative effects of development and business activities by regulating smoke and particulate matter, odorous matter, fire or explosive materials, toxic and noxious matter, vibration, open storage, glare, and fuel supply in the vicinity of such sites.

(2) **Applicability**

The following general environmental standards shall apply to all zoning districts.

(b) **Glare and Spillover Lighting**

See Chapter 18.04 Article 13, *Exterior Lighting*, and Article 14, *Residential Adjacency*.

(c) **Shading of Parks and Residences<sup>278</sup>**

(1) **Applicability**

Shading standards apply only to development outside of the Mixed-Use Downtown (MD-) zoning districts.

(2) **Residential Shading<sup>279</sup>**

Structures that exceed 35 feet in height shall not cast a shadow on residentially zoned property between the hours of 10:00 a.m. and 2:00 p.m. on December 21, except structures allowed up to 45 feet in height may shadow other properties designated MF-21 or MF-30.

<sup>277</sup> Current 18.12, Article XV.

<sup>278</sup> This is a city-wide standard being carried forward consistent with recent ordinance approval to exempt downtown districts.

<sup>279</sup> Additional minor amendment to allow buildings up to the 45 foot maximum allowed height in the MF-21 and MF-30 building to shade other buildings in those zone districts.



- (3) **Public Parks and Plaza Shading**  
No structure may cast a shadow on public parks or plazas between the hours of 10:00 a.m. and 2:00 p.m. on December 21.
- (d) **Setbacks from the Truckee River<sup>280</sup>**
- (1) **Measurement**  
A horizontal line measured landward from the floodway boundary; the high-water mark in low-lying areas having a 4:1 slope or less; or from the top of the river bank in areas having a slope greater than 4:1 whichever is greater.
- (2) **General River Setback Required**  
No structure outside of the Esplanades located within the Downtown – Riverwalk District (MD-RD) shall be erected, mobile home or recreational vehicle placed, or material stored within 50 feet of the banks of the Truckee River as designated in the Record of Survey #1167 filed in the office of the County Recorder on April 18, 1978, without having first secured the Administrator's approval or a conditional use permit. As used in this Section, the term "structure" includes all decks, patios, and parking areas or other impervious surfaces.
- (3) **Administrative Exception for Accessory Structures**  
The Administrator may approve the construction of any accessory structure, including decks and patios, within 50 feet of the Truckee River as designated in the Record of Survey #1167 filed in the office of the County Recorder on April 18, 1978, provided that:
- The proposed project will not impair the river environs.
  - The proposed project does not involve placement of fill in the floodplain, construction on unstable slopes, or the removal of riparian vegetation.
  - The proposed project will not negatively impact the visual integrity of the river or result in a visual barrier to the river corridor.
- (e) **Noise**
- (1) **Noise at Residential Property Lines**  
See Article 14, *Residential Adjacency*.
- (2) **Noise Exposure from Airport Operations**  
See Section 18.08.402, *Airport Safety General Overlay Districts*.
- (f) **Smoke and Particulate Matter**
- (1) **Standards**  
No industrial operation or use shall cause, create, or allow the emission of air contaminants for more than three minutes in any one hour which, at the emission point, or within the bounds of the property, are:
- In violation of the standards specified by the Washoe County District Health; or
  - Of such opaqueness as to obscure an observer's view to a degree equal to or greater than does smoke or contaminants in the standard prescribed in Section 18.04.101(f)(1), above. However, when the presence of steam is the only reason for failure to comply or when such contaminants are emitted inside a building

<sup>280</sup> Current 18.12.105. In previous drafts of this Code, this Section was located in Article 7 of Chapter 18.02.

which prevents their escape into the outside atmosphere, performance shall be considered to comply with this section.

**(2) Combined Standards**

The emission of particulate matter from all sources in a district subject to this section shall not exceed the level specified by Washoe County District Health.

**(3) Standards Measured at Property Line**

Open storage and open processing operations, including on-site transportation movements that are the source of wind or airborne dust or other particulate matter; or that involve dust or other particulate air-contaminant-generating equipment including paint spraying, grain handling, sand or gravel processing or storage, or sand blasting shall be so conducted such that dust and other particulate matter generated are not transported across the boundary property line or the tract on which the use is located in concentrations exceeding standards set by Washoe County District Health.

**(g) Odors**

**(1) Applicability**

No use shall be operated in any zoning district in such a manner that the emission of odorous matter occurs in such quantity or volume as to produce a nuisance or hazard beyond the bounding property lines of the use.

**(2) Determination**

The nuisance threshold for odors, as referred to in this section shall be determined using methods and procedures specified by the American Society for Testing Materials ASTM D 1391-57 entitled "Standard Method for Measuring Odors in Atmosphere."

**(h) Toxic and Noxious Matters**

No industrial operation or other use shall emit toxic or noxious matter as defined by Washoe County District Health in any concentration across the bounding property line of the tract on which the operation or use is located.

**(i) Vibration**

No permanent use (construction activities such as site grading, land development, and building construction are not included) shall at any time create earthborne vibration that, when measured at the boundary property line of the source operation, exceeds the limits of the displacement below:

Table 4-1 Allowable Displacement of Earthborne Vibrations	
Frequency (Cycles per Second)	Displacement (Inches)
0 — 10	0.0010
10 — 20	0.0008
20 — 30	0.0005
30 — 40	0.0004
40 and over	0.0003

**(j) Fire or Explosive Hazard Materials<sup>281</sup>**

<sup>281</sup> Updated to refer to Reno fire code and state regulations to ensure standards in this Code are consistent.

Uses that involved the handling, manufacture, storage, or use of explosive or flammable materials shall comply with the standards of Title 16 and state fire and hazardous material standards.

### 18.04.102 Flood Hazard Areas

#### Commentary

Current 18.12, Article XVII. This section is carried forward mostly unchanged. The text has been supplemented to correct outdated procedures and references; and to codify the standard condition of approval requiring 1.3 cubic feet of storm water retention for every 1 cubic foot of increased stormwater runoff in closed drainage basins. Other updates may be considered following adoption of the Code update.

#### (a) General Provisions

##### (1) Purpose and Authority

The purpose of this section is to safeguard the public health, safety, and welfare by establishing guidelines and requirements for development of property within areas determined to be subject to flood damage. The requirements set forth in this section are authorized by NRS Chapter 278 in general and more specifically by NRS sections 278.020 and 278.250.

##### (2) Applicability

This section shall apply to all flood hazard areas as set forth in the flood insurance rate maps ("FIRMs") and limited flooding areas (shaded "X") within the jurisdiction of the City.

##### (3) Basis for Establishing Flood Hazard Areas and Limited Flooding Areas

The flood hazard areas and limited flooding areas (shaded "X") identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the flood insurance study (FIS) dated September 30, 1994 and accompanying flood insurance rate maps (FIRM) dated September 30, 1994 and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this section. The FIS and attendant mapping are the minimum area of applicability of this section and may be supplemented by studies for other areas that allow implementation of this article and that are recommended to the City of Reno by the Floodplain Administrator. The FIS and FIRMs are on file at Reno City Hall, 1 East First Street, Reno, NV 89505, in the Department of Public Works.

##### (4) Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this section and other applicable regulations.

##### (5) Abrogation and Greater Requirements

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another chapter, article, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent requirements, shall prevail.

##### (6) Interpretation

In the interpretation and application of this section, all provisions shall be considered as minimum requirements, shall be liberally construed in favor of the City, and shall be deemed to neither limit nor repeal any other powers granted under state statutes.

##### (7) Warning and Disclaimer of Liability

The degree of flood protection required by this section is considered reasonable for regulator purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. This section does not imply that land outside flood hazard areas or limited flooding areas or uses permitted within such areas will be free from flooding or flood damages. This section shall not create liability on the part of the City, any officer or employee thereof, or the FIA, for any flood damages that result reliant on this article or any administrative decision lawfully made thereunder.

**(8) Letter of Map Amendment (LOMA)<sup>282</sup>**

- a. If an owner, developer, or lessee believes their property to be inappropriately designated as being in a flood hazard area (zone A, A1—30, AH, AE, and AO) or an area of limited flooding (shaded “X”) on the FIRM, they may appeal to FEMA following the guidelines set forth in the *Federal Regulations Title 44, Part 70*. A successful appeal will show either that the property is higher in elevation than the base flood, or that the elevation of the base flood is incorrect. If the appeal is successful, FEMA will provide the owner or developer with a letter of map amendment, which will exempt them from the requirements of this Article and from the mandatory purchase of flood insurance.
- b. For all other modifications to the FEMA flood and floodway mapping, an owner or developer is required to follow the procedures set forth for in Federal Regulations Title 44 for the type of modification being proposed. Modifications to the flood mapping shall be submitted directly to the Floodplain Administrator for review, approval, and submission to FEMA. The applicant will be required to provide all the required materials, review fees, and any corrections modifications required during the review process. For purposes of this Article, the Floodplain Administrator is the Director of Public Works or designee. The Floodplain Administrator will transmit the appeals to the FEMA for its consideration.

**(b) Permit**

**(1) Building and/or Grading Permit Required**

Any person desiring to construct, locate, extend, convert, or alter a structure or alter any land within any flood hazard areas (zones A, A1—30, AH, AE, and AO) or limited flooding area (shaded “X”) shall obtain a building and/or grading permit and none of the exemptions to the building code in effect in the city shall apply to any such development. The City shall determine whether the proposed development is within any flood hazard areas (zone A, A1—30, AH, AE, and AO) or limited flooding area (shaded “X”). If so, the procedures and requirements set forth in this section shall be satisfied before a building and/or grading permit is issued.

**(2) Responsibilities of the Owner or Developer**

- a. The owner or developer shall submit the following information for review by the City:
  1. The elevation of the base flood at the site(s) proposed for development.
  2. In A, A1—30, AH, and AE zones, proposed elevation in relation to mean sea level, certified by an engineer or surveyor, lowest point of the lowest horizontal member of the lowest floor of all structures; in zone AO,

<sup>282</sup> Changes made to correct outdated procedures for Letters of Map Amendment and instead reference the applicable federal regulation.

elevation of proposed finish grade and proposed elevation of lowest floor of all structures.

3. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, certified by an architect, engineer, or land surveyor.
  4. Certification by an engineer that the proposed development will comply with the provisions for flood hazard reduction required in Section 18.04.102(b)(3), below.
  5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development, certified by an engineer. The altered watercourse shall have a flood-carrying capacity that is at least equal to the unaltered course that it replaces and is to be certified to that effect by an engineer.
  6. An operation and maintenance plan for any and all flood protection measures, such as levees, dams, dikes, reservoirs, etc.
- b. The owner or developer shall obtain a permit from all applicable agencies responsible for reviewing navigable bodies of water, as defined in NAC 322.060, as amended, before altering or relocating any waterway. This permit will be provided to the City.
  - c. Notify, in riverine situations, adjacent communities and the state coordinating office prior to altering or relocating any waterway, and submit copies of such notifications to the Federal Insurance Administration (for the purpose of this section "community" means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction).
  - d. The owner or developer shall provide the City with certification by an engineer that all development was completed in compliance with the provisions of this article and all other applicable City codes.

**(3) Responsibilities of the City**

- a. The City will review all permit applications to determine:
  1. That the requirements of this article have been satisfied.
  2. That the site is reasonably safe from flooding.
  3. That the cumulative effect of the proposed development when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point.
  4. That the flood discharge volume and velocity exiting the development after construction is equal to or less than the flood discharge at the location prior to development and that no property upstream or downstream will be subject to increased flood levels or velocities as a result of the development.
  5. That the applicant has obtained all required state and federal permits.
- b. The City will maintain for public inspection and make available as needed for flood insurance policies all certifications required in this article.

- c. The City will provide interpretations, where needed, as to the location of the boundaries of the flood hazard areas and limited flooding areas, and the elevation of the base flood.
- d. When base flood elevation data has not been provided in accordance with Section 18.04.102(a)(3), the City shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source in order to administer Section 18.04.102(a). The City may require that the developer provide an engineering study which determines the base flood elevation.
- e. The City will maintain on file in the Floodplain Administrator's office all operation and maintenance plans submitted by the developer for any and all flood protection measures.

(c) **Provisions for Flood Hazard Reduction**

(1) **Standards of Construction**

In all flood hazard areas, the following standards are required:

a. **Anchoring**

- 1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
- 2. All manufactured home units shall meet the anchoring standards of Section 18.04.102(c)(5), below.

b. **Construction Materials and Methods**

- 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- 2. All new construction and substantial improvements shall use methods and practices that minimize flood damage.
- 3. All elements that function as a part of the structure, such as furnace, hot water heater, air conditioner, etc., shall be elevated to one foot or more above the base flood elevation or depth number specified on the FIRM.
- 4. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or architect or shall meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices if they permit the automatic entry and exit of floodwaters.

c. **Elevation and Floodproofing**

1. In zones A, A1—30, AH, and AE, new construction and substantial improvement of any structure shall have the bottom of the lowest floor beam or basement floor elevated to one foot or more above the base flood elevation. Nonresidential structures will meet the standards in Section 18.04.102(c)(1)c.4, below.
2. New construction and substantial improvement to any structure in a zone AO shall have the bottom of the lowest floor beam or basement floor elevated from finish grade adjacent to the building at least one foot above the depth number specified on the FIRM. If there is no depth number on the FIRM, the bottom of the lowest floor beam or basement floor shall be elevated to a depth of at least two feet above the finished grade adjacent to the building. Nonresidential structures will meet standards in Section 18.04.102(c)(1)c.4, below.
3. New construction and substantial improvement to any structure in a limited flooding area (shaded “X”) shall have the bottom of the lowest floor beam or basement floor elevated to at least one foot above the highest existing grade adjacent to the building, or one foot above the highest top of curb on the street adjacent to the property, as approved by the Floodplain Administrator. Nonresidential structures will meet standards in Section 18.04.102(c)(1)c.4, below.
4. Nonresidential construction shall either be elevated in conformance with Sections 18.04.102(c)(1)c.1-3, or together with attendant utility and sanitary facilities, be floodproofed as follows:
  - [a] Zone A: At least one foot above the base flood elevation.
  - [b] Zone AO: At least one foot above the depth number from finish grade adjacent to the building or where no depth number is given, two feet above the finish grade adjacent to the building.
  - [c] Shaded X: At least one foot above the highest existing grade adjacent to the building, or one foot above the highest top of curb on the street adjacent to the property, as approved by the Administrator.
  - [d] Examples of floodproofing include, but are not limited to:
    - i. Installation of watertight doors, bulkheads, and shutters.
    - ii. Reinforcement of walls to resist water pressure.
    - iii. Use of paints, membranes, or mortars to reduce seepage through walls.
    - iv. Addition of mass or weight to the structure to resist floatation.
    - v. Armor protection of all fill materials from scour and erosion.
  - [e] A registered professional engineer or architect shall develop and/or review plans for construction and shall certify that the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
5. Manufactured homes shall meet the above standards and the standards in Section 18.04.102(c)(5).
6. In A1—30, AH and AE zones, all recreational vehicles shall be fully licensed and highway ready. (A recreational vehicle is ready for highway



use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.) An acceptable option requires that the recreational vehicle be elevated on a permanent foundation so that the lowest portion of the floor will be elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

## (2) Standards for Alluvial Fans

Areas subject to alluvial fan flooding have irregular flow paths that result in erosion of existing channels and the undermining of fill material. Those areas are identified on the FIRM as AO and AH zones with velocities.

- a. All structures shall be securely anchored to minimize the impact of the flood and sediment damage.
- b. All new construction and substantial improvements shall be elevated on pilings, columns, or armored fill so that the bottom lowest floor beam is elevated at least one foot above the depth number.
- c. All fill materials shall be armored to protect the material from the velocity of the flood flow.
- d. Provide adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.
- e. All proposals for subdivision development shall provide a mitigation plan that identifies the engineering methods used to:
  1. Protect structures from erosion and scour caused by the velocity of the flood flow.
  2. Capture or transport flood and sediment flow through the subdivision to a point of deposition that will not create a health or safety hazard.
- f. All manufactured homes shall be prohibited within the identified hazard area except within existing manufactured home parks or existing manufactured home subdivisions.

## (3) Standards for Utilities

- a. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or located to prevent water from entering or accumulating within the components during conditions of flooding.
- b. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
- c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- d. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters or discharge from the systems into flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic

backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

**(4) Standards for Subdivisions**

- a. In addition to the requirements for subdivisions set forth in NRS Chapter 278 and Chapter 18.06 *Land Division*, the following requirements apply:
  1. All tentative subdivision maps shall identify the flood hazard area, the limited flooding area, and the elevation of the base flood.
  2. All subdivision improvement plans shall identify the flood hazard area, the limited flooding area, the elevation of the base flood, the elevation of proposed structure(s), pads, and adjacent grade. If the site is filled above the base flood, the final pad elevation shall be certified by an engineer or surveyor and provided to the City.
  3. All subdivision proposals shall be consistent with the need to minimize flood damage.
  4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage to these utilities.
  5. All subdivision proposals shall demonstrate that adequate drainage will be provided to reduce exposure to flood damage as set forth in this section.

**(5) Standards for Manufactured Homes, Manufactured Home Parks, and Subdivisions**

- a. All new manufactured homes and additions to manufactured homes shall be set on a permanent foundation by anchoring the unit to resist flotation, collapse, or lateral movement by one of the following methods:
  1. By providing an anchoring system designed to withstand horizontal forces of 15 pounds per square foot and uplift forces of nine pounds per square foot, and vertical (down) loading as required by NRS Section 489.251.
  2. By the anchoring of the unit's system, designed to comply with the U.S. Department of Housing and Urban Development (HUD), "Manufactured Home Construction and Safety Standards"; or
  3. By bolting the frame or undercarriage to a reinforced, permanent foundation such as a retaining wall or storm wall used to set the unit.
- b. Adequate surface drainage and access for a hauler shall be provided.
- c. All manufactured homes shall be placed on pads or lots elevated on compacted fill or on pilings so that the lowest floor of the mobile home is at least one foot above the base flood level. If elevated on pilings:
  1. The lots shall be large enough to permit steps;
  2. The pilings shall be placed in stable soil no more than ten feet apart; and
  3. A lateral reinforcement shall be provided for pilings taller than six feet above ground level.
- d. No manufactured home shall be placed in a floodway.

- e. Neither an existing manufactured home park nor an existing manufactured home subdivision shall be allowed to expand into a floodway.

**(6) Floodways**

- a. Located within flood hazard areas are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, any encroachment, including fill, new construction, substantial improvements, and other development is prohibited in the floodway.
- b. If no floodway is identified, the permit applicant shall provide an engineering study for the project area that establishes a setback from the stream bank within which no encroachment of any new development will be allowed. Development occurring beyond the setback will be allowed only to the extent that the elevation of the base flood is not increased more than one foot at any point. The area reserved for conveyance between the stream channel and the setback shall be capable of discharging the base floodwaters without causing increased flood levels or velocities upstream or downstream.

**(7) Closed Intermittent Lakes, Restrictions**

- a. Development within watersheds contributing to closed basins and intermittent lakes shall not raise the base flood water surface elevation during the 100-year, 10-day storm. Any development that would cause an expansion of the limits of the area designated as A, A1—30, AH, AE, and AO zones as shown on the FEMA maps shall require prior map amendment pursuant to Section 18.04.102(a)(8).
- b. Plans shall include onsite detention/retention basins that are adequately sized to mitigate the increase of storm water runoff as the result of the development to a minimum mitigation ratio of 1:1.3 (1.3 cubic feet of retention for every 1 cubic foot of increased runoff) during the 100-year, 10-day storm.<sup>283</sup>
- c. Drainage facilities (e.g., drainage swales, storm drainage pipes, detention/retention basins) shall be privately owned and maintained unless a public stormwater district is available. Developments shall prepare and implement an operations and maintenance manual for all privately maintained drainage facilities. The manual shall outline operations and maintenance tasks, frequency of maintenance, access for maintenance, and a detailed description of the type(s) of equipment that are anticipated to be necessary for the operations and maintenance tasks. The manual shall be implemented by the property owner or equivalent entity responsible for storm drainage for the development.<sup>284</sup>

**(8) Critical Flood Zone 1<sup>285</sup>**

- a. Any public or other improvement that changes existing grades, places fill, imports, and or displaces any volume of water within Critical Flood Zone 1 for the Truckee River shall meet the following requirements:

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<sup>283</sup> New: These are standard conditions of approval from a recent project. The required minimum mitigation ratio of 1:1.3 is per Council direction to staff.

<sup>284</sup> Updated to apply to all drainage facilities (not just on-site) and reference use of public stormwater districts, if available.

<sup>285</sup> This existing subsection has been relocated from the section dealing with Utilities and Services.

1. Storm water discharges from the project shall be limited to pre-development conditions relative to peak flows; and
  2. Flood storage volume mitigation resulting in the greater of 1.3:1 mitigation or No Adverse Impact is required for displacement of available flood storage volume below the 1997 water surface elevation of the Critical Flood Zone 1.<sup>286</sup>
- b. Subject to the concurrence of the Administrator, the requirements of Section 18.04.102(c)(8)a.1. – 2., above, may be met by:
1. Excavating 1.3 parts volume for every one-part volume of flood storage volume displaced. The excavation shall occur within:
    - [a] The same "flood storage area" as the volume placed, and
    - [b] At the same elevation band as the volume placed per the Elevation Map.
  2. When mitigation within the same Flood Storage Area and within same elevation band cannot be met because of utility conflicts, topography, high groundwater, or other conditions exist, mitigation outside of the same Flood Storage Area but within the Critical Flood Zone 1 shall:
    - [a] Provide for at least 1.3 parts excavation volume to one-part volume displaced, and
    - [b] Demonstrate through application and output of the appropriate Truckee River Flood Project Mitigation Model the actual mitigation required
  3. The entire mitigated volume of mitigation areas shall be available for flood storage during any flood event. Detention basins required by other ordinances are not eligible for mitigation of lost storage volumes.
  4. Mitigation cannot occur in conflict with and/or at same location of approved Truckee River Flood Project Features which are shown on the Truckee River Flood Project Features Maps on file with the City of Reno Community Development Department and Public Works Department, as amended, and incorporated by reference.
  5. Mitigation shall occur concurrently with, or prior to, a reduction of flood storage volume.

(d) **Remedies**

- (1) In addition to the provisions of Chapter 18.01 Article 5, *Enforcement, Violations, and Penalties*, the City has the following remedies:

a. **Declaration of Public Nuisance**

Every new structure, building, fill, excavation, or development located or maintained within any area of special flood hazard shall comply with the FIRM in effect at the time the structure, building, fill, excavation, or development is permitted. Any new structure, building, fill, excavation, or development within any area of special flood hazard which is not in compliance with the governing FIRM is a public nuisance per se and may be abated, prevented, or restrained by action of the City.

b. **Abatement of Violations**

<sup>286</sup> Text is clarified but this existing regulation is unchanged.

Within 30 days of discovery of a violation of this ordinance, the Floodplain Administrator may:

1. Request the property owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information shall be provided to the City within five days; and/or
2. Consider whether any application for a variance on file by the property owner is sufficient mitigation to withhold any further remedial action until the City makes a decision to grant or deny the variance. The duty to consider the effects of an application for a variance shall be a continuing duty of the Floodplain Administrator. At any time during the time that the variance application is being considered, the Floodplain Administrator may take any remedial action allowable under the law, they deem appropriate; and/or
3. Take any action to affect the abatement of such violations allowable under the law; and/or
4. Submit to the Administrator of FIA a declaration for denial of insurance, stating the property is in violation of a cited statute or ordinance pursuant to Section 1316 of the National Flood Insurance Act of 1968, as amended.

(e) **Variations**

(1) **Applicability**<sup>287</sup>

In addition to the standards and procedures of Section 18.08.801, *Variance*, this subsection shall apply to all requests for variance in flood hazard areas. Wherever standards conflict, the more restrictive standard shall apply.

(2) **Nature of Variations**

- a. A variance is a grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by ordinance.
- b. The variance criteria set forth in this section of the ordinance are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this ordinance would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics shall be unique to the property and not shared by adjacent parcels. The unique characteristic shall pertain to the land itself, not to the structure, its inhabitants, or the property owners.
- c. The need to protect the public from flooding is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance regulations provided in this ordinance are more detailed and contain multiple provisions that shall be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternative other than a variance is more appropriate.

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<sup>287</sup> New. Added to clarify that the more restrictive criteria of this Section supplements the general variance section.

- (3) In deciding whether to grant variances, the City shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
- a. The danger of materials being swept onto other lands and injuring others;
  - b. The danger to life and property due to flooding or erosion damage;
  - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
  - d. The importance of the services provided by the proposed facility to the community;
  - e. The necessity to the facility of a waterfront location, where applicable;
  - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - g. The compatibility of the proposed use with existing and anticipated development;
  - h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
  - j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
  - k. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

**(4) Procedure**

The procedure for obtaining a variance shall be in accordance with this Title; and Section 18.08.801, *Variance*.

**(5) Conditions**

- a. In addition to the considerations set forth in Section 18.04.102(e)(3), the City shall consider that:
  1. Variances may be issued for new construction, substantial improvements, and other proposed new development to be erected on a lot of on-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures, considerations, conditions, and findings set forth in this ordinance have been fully considered. As the lot size increases beyond ½ acre, the technical justification required for issuing a variance increases.
  2. Variances may be issued for the repair or rehabilitation of "historic structures" upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood level during the based flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the City of Reno need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposed, but only to that elevation which the City of Reno believes will both provide relief and preserve the integrity of the local ordinance.
5. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that subsection a-d are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance. With respect to nuisances in this article, the granting of a variance shall not result in anything which is injurious to safety or health of the entire community or neighborhood, or any considerable number of person, or unlawfully obstructs the free passage or use, in the customary manner of any navigable lake, or river, bay, stream, canal, or basin.

**(6) Findings**

- a. After consideration of the factors set forth in Section 18.04.102(e)(3) and the conditions set forth in Section 18.04.102(e)(5) to approve an application for a variance, the City shall grant a variance upon a:
  1. Showing of good and sufficient cause;
  2. Determination that failure to grant the variance would result in hardship to the applicant. The hardship shall be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbor likewise cannot, as a rule, qualify as a hardship. All these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.
  3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, conflict with existing local laws or ordinances, or commit fraud/victimization on the public. With respect to fraud/victimization, the City will consider the fact and that every newly constructed building adds to government building responsibilities and remains a part of the community for 50 to 100 years. Buildings permitted to be constructed below the base flood elevation are subject during all those years to increase risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages



bring. Additionally, future owners may be unaware of the risk potential to the property due to flood damage and the extremely high rates for flood insurance, and

4. Making of the findings set forth in Section 18.08.801, *Variance*.
- (7) Upon consideration of all the factors and considerations and the purposes of this article, the City may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

### 18.04.103 Wetlands and Stream Environment Protection

#### Commentary

Standards are from the current 18.12, Article XVIII and are carried forward.

(a) **Purpose**

The purpose of this section is to establish standards for the review of development proposals within wetlands, stream environments, and areas of significant hydrologic resources to:

- (1) Improve area water quality;
- (2) Retain natural flood storage capacity;
- (3) Protect rare and endangered plant and animal species; and
- (4) Enhance the aesthetics of the community.

(b) **Mapped Resources**

The map, incorporated by reference, entitled "Potential Wetlands, Stream Environments and Regionally Significant Hydrologic Resources Map" as amended from time to time, depicting significant hydrologic resources is adopted. Potential stream environments are listed in the "Administrative Manual for Implementation of the Wetland and Stream Environment Policy" as amended from time to time is a companion document to the map. It shall be available from the Community Development Department.

(c) **Administrative Manual/Guidelines**

- (1) The "Administrative Manual for Implementation of the Wetland and Stream Environment Policy" ("Manual") is adopted for the purpose of providing guidance in the administration of this section.
- (2) This Manual may be amended only after a public hearing by the Planning Commission and adoption of a resolution by the City Council. It shall be available from the Community Development Department.

(d) **Applicability and Exemptions**

(1) **Applicable to Requests for Development Permits Within or Adjacent to Significant Hydrologic Resources**

- a. Unless exempted by Section 18.04.103(d)(2), below, the wetlands and stream environment protection standards in this section shall apply to requests for development permits that include or are within 150 feet of areas depicted on the Potential Wetlands, Stream Environments and Regionally Significant Hydrologic Resources Map as significant hydrologic resources.
- b. For purposes of this section, the term "development permit" includes:

1. Building permits, grading permits, drainage plans;
2. Tentative subdivision or parcel map applications; and
3. Master Plan amendments, zoning map amendments, site plan review, major site plan reviews, minor conditional use permits, and conditional use permits.

(2) **Exemptions**

The following developments shall be exempt from this Section:

a. **No Over-Covering of Additional Land**

Development projects or permit applications that do not involve over-covering of additional land area (i.e., signs, interior remodels, Master Plan amendments to open space).

b. **Projects Previously Approved**

Permit applications that have been approved prior to the effective date of this ordinance.

c. **Farming Activities**

Normal farming activities as described in Section 404(f) of the Clean Water Act as amended from time to time.

d. **Certain Lots or Parcels**

Development on lots or parcels in existence prior to September 24, 1991, shall not be required to meet the requirements of this section if all the following criteria are met:

1. The impact to the stream environment, playa, spring fed stand of riparian vegetation or wetlands not requiring a U.S. Army Corps of Engineers (USACE) 404 permit ("non-404 wetlands") is ½ acre or less;
2. The property is adjacent to urban or suburban development along 75 percent of its perimeter; and
3. Off-site mitigation, or in-lieu fees, is provided in accordance with the "Administrative Manual for Implementation of the Wetland and Stream Environment Policy."

(e) **No Net Loss Standard Adopted**

(1) There shall be no net loss of wetlands, stream environments, playas, spring fed stands of riparian vegetation, and non-404 wetlands in the city, in terms of both acreage and value. The goal of no net loss shall be achieved in one or more of the following ways. Methods to achieve "no-net-loss" are listed in order of priority. Applications that select lower priority options shall demonstrate why higher priority approaches are not feasible or desirable for the project.

- a. Designation of lands for resource or open space use;
- b. Avoidance of these areas for development;
- c. Mitigation of impacts on site; or
- d. Mitigation off-site.

(2) No building permit shall be issued to erect or construct any structure; no grading permit or drainage plan shall be approved; and no tentative subdivision map, parcel

map or conditional use permit shall be approved, unless the requirements of this article are met.

(f) **Technical Survey Requirements/Waiver**

(1) **Technical Survey Required**

Development permit applications subject to this article's protection standards shall be accompanied by technical surveys sufficient to determine:

- a. If a significant hydrologic resource is present and its classification and value;
- b. The need for protection of the resource; and
- c. The appropriate design techniques or mitigation measures that should be incorporated into the development.

(2) **Waiver of Technical Surveys**

The requirement for a technical survey may be waived by the Administrator when the landowner or developer sets aside as open space, any and all lands involved in the development permit request which have been identified on the potential wetland, stream environment and regionally significant hydrologic resources map.

(3) **Requirements for Technical Surveys**

- a. Technical surveys should be based on field methods described in the Federal Delineation Manual. Based on the technical survey, lands which do not meet the definition of federally significant hydrologic resources, or regionally significant hydrologic resources found in the administrative manual shall be removed from the map as areas of concern.
- b. Lands which only meet the definition of potential mitigation sites shall be so noted on the map, and shall not trigger additional surveys or protection at the time of development unless voluntarily protected through the use of incentives, or other desires of the property owner, actively targeted for off-site mitigation efforts or acquisition by a public or non-profit organization.

(g) **Mitigation Required**

(1) **Mitigation Plan Required**

Negative impacts to wetlands, stream improvements, playas, spring fed riparian and non-404 wetlands shall be mitigated. A detailed mitigation plan in compliance with the administrative manual shall be submitted when a federally or regionally significant hydrologic resource is proposed or expected to be destroyed or substantially altered by development.

(2) **Approval of Plan**

The mitigation plan, including an erosion control and landscape plan, shall be approved by the City of Reno Planning Manager prior to final action on the primary development permit. Once approved, the mitigation plan shall be considered a condition of approval of the project and subject to enforcement.

### 18.04.104 Drainage Way Protection

#### Commentary

Standards are from the current 18.12, Article XIX, and carried forward with no substantive changes.

(a) **Findings**

The protection of drainage ways in the City of Reno is important to the public health, safety, and welfare, and their protection under this section implements the City's mandated policies to preserve major drainage ways as open and recreational space and to save and improve these public resource areas for future generations.

(b) **Purpose**

The specific purposes of this section are to carry out the provisions of the City of Reno Major Drainageways Plan, an element of the City of Reno Master Plan, and to establish standards for the review of development proposals within major drainage ways to:

- (1) Ensure the safety of people and property by providing for drainage of storm waters;
- (2) Maintain, preserve, or enhance the quality of the water in both the Truckee River and Stead basins;
- (3) Maintain or improve wildlife habitats, native vegetation, and natural terrain;
- (4) Reduce the need for the expenditure of public funds to remedy or avoid flood hazards, erosion, or other situations caused by inappropriate alterations of natural watercourses;
- (5) Provide open space land, especially in environmentally sensitive areas, with development where high densities require new approaches and attention to open space needs;
- (6) Improve or enhance wildlife corridors in urban areas to maintain the quality of life and the ecological balance of the community; and
- (7) Assure that drainageways are used for public access and recreational facilities, where determined appropriate.

(c) **Applicability**

The drainageway protection standards in this section shall apply to all new development that is located within a major drainageway. For purposes of this article, a "major drainageway" is a drainageway that drains a land area of 100 acres or more.

(d) **Generally Applicable Protection Standards**

- (1) Unless otherwise specified though the approval of a conditional use permit in accordance with Section 18.08.603, all drainageways shall be the width of the 100-year floodplain with a minimum 15-foot wide area on each side.
- (2) Maintenance of the drainage ways shall be performed by the property owner including, removal of trash, clearing of sediments and debris, and clearing of weeds.
- (3) Soils, grading spoils, rubbish, abandoned autos and auto bodies, etc., which impair the usefulness or capacity of the drainage way as a water storage and transport area, shall not be introduced into the drainage way. In cases of severe destruction (cannot be remedied by general maintenance) of the drainage way's vegetation and capacity as a water storage and transport area, the property owner or the person determined to have disrupted the channel will be required to rehabilitate the drainage way to a stable condition comparable to pre-disturbance capacity.
- (4) There shall be no net loss of wetlands, stream environments, playas, stream fed riparian and non-404 wetlands in terms of both acreage and value. See Section 18.04.103, above, for applicable wetland and stream environment protection standards.

- (5) Drainage ways will not be piped and/or filled in unless there are no alternatives (i.e., re-route or bridge).
  - (6) Engineered improvements to the drainage way shall emphasize reducing erosion, improving water quality, and controlling velocities.
- (e) **Additional Standards for Natural Major Drainage Ways**
- (1) All-natural drainage courses within project sites shall be preserved as open space.
  - (2) All-natural drainage ways shall remain undisturbed except for enhancements to existing vegetation.
  - (3) No grading shall occur within a natural drainage way except for that which is required for the construction of bicycle/pedestrian paths or necessary roadway or utility crossings.
  - (4) Whenever development comes in contact with a natural drainage way, the drainageway shall be marked and restricted as a non-construction area during construction (i.e., no stock piling of materials, no parking of equipment, no dumping of refuse, soils, or rocks, and no construction roads). Sediment fencing or other suitable treatment shall be employed to protect the channel from sediment loaded runoff into the drainageway.
  - (5) The fencing of properties adjacent to the natural drainage way shall be no more than six feet in height and shall be black, green, or brown chain link, wooden split-rail, ornamental iron, or an acceptable alternative. Such alternative treatment shall be described in detail at the time the project is presented to the planning staff. Slats will not be allowed in the chain link fence; however vegetative screening is permissible. Solid wooden fences are strongly discouraged adjacent to drainage ways. Any development adjacent to a drainage way shall submit a detailed fencing plan for approval by the Administrator or decision-making body.
  - (6) Native and drought-tolerant or riparian vegetation, whichever is deemed most appropriate, shall be used in the natural drainage way.
  - (7) If channelization of a natural drainage course is deemed necessary by the City, natural materials shall be utilized.
- (f) **Additional Standards for Disturbed Major Drainage Ways**
- (1) Native and drought-tolerant or riparian vegetation, whichever is deemed most appropriate, shall be used in the disturbed drainageway.
  - (2) If a drainageway is disturbed during development activity, (e.g., stripping of natural vegetation), the developer shall be required to:
    - a. Perform analysis of soils including pH texture, depth, type, and compaction;
    - b. Identify the direction of exposure (i.e., southern) of all surfaces and slopes of the drainage way;
    - c. Prepare discussion of the characteristic behavior of water and moisture in the drainage way;
    - d. Except for drainage ways designated to be "landscaped," prepare a listing of diversified plant communities, with an emphasis on shrubs and forbs and consideration of wildlife needs, proposed for planting in the drainage way and the methods for irrigation;

- e. Submit above with any other information explaining process by which the drainage way will be enhanced, or the natural condition reestablished for review and approval by planning staff;
- f. If the rehabilitation or modification is deemed acceptable, the owner/developer shall deposit a bond or letter of credit in the amount determined by the City to assure that plantings within the natural drainage way will be permanently established. The security shall remain in effect until the City determines that plantings have been permanently established, or for a period of not more than four years; and
- g. In the event the City determines that rehabilitation and plantings have not been permanently established within the four-year period following construction, the City will determine the cost to replace and permanently establish such plantings. Such costs shall be deducted from the security and retained by the city for rehabilitating the drainage way. Any remaining security will be returned to the owner/developer.

### 18.04.105 Tree Protection

#### Commentary

This section carries forward the current tree protection requirements. Updates to these standards are being considered separately from the Code update as part of the broader tree protection initiative.

- (a) **Applicability**  
This section's tree protection standards apply to all new construction and land-disturbing activity subject to City requirements for a grading or building permit, where the Administrator determines that the construction or land-disturbing activity is expected to adversely affect mature healthy trees on the site. Such determination shall be made prior to or concurrent with an application for a grading or building permit.
- (b) **Preserved Tree Criteria**  
A tree shall be considered "preserved" only if a minimum of 75 percent of the critical root zone is maintained at undisturbed natural grade and no more than 25 percent of the canopy is removed due to building encroachment.
- (c) **Tree Credits**  
Existing mature, healthy trees that are preserved along public rights-of-way or in the front yard may be eligible for a credit toward the total tree requirements stated in Section 18.04.809(a) or in the street tree requirements stated in Section 18.04.804. Eligibility for tree credits shall be based on size and condition of the existing trees as determined by the Urban Forester at the time of application for a building permit. The tree credit shall be calculated by dividing the preserved tree diameter by 2.5.<sup>288</sup> The tree credit may not exceed 30 percent of the required number of trees on the lot. The Administrator shall approve the credit.
- (d) **Replacement of Trees/Penalty for Removal**  
Where existing mature, healthy trees, as determined by the Administrator in consultation with the Urban Forester, are removed along public rights-of-way or in the front yard as a result of any construction, they shall be replaced based on the size of the tree, with deciduous trees of a minimum caliper of 2 ½ inches and evergreen trees with a minimum height of ten feet. The maximum tree penalty for this section is 30 percent. Replacement

<sup>288</sup> This added ratio language is only organizational (not substantive) and replaces the existing example language that is confusing. Additional changes to how this standard is calculated may be addressed separately by staff.

trees required under this section shall count toward the minimum number of trees required elsewhere in this chapter.

(e) **Tree Mitigation Plan**

A tree preservation plan shall be provided by an arborist where construction is expected to adversely impact mature healthy trees. Unless otherwise approved in writing by the Urban Forester, the following procedures shall be followed on all construction projects:

(1) **Tree Flagging**

All protected trees on the subject property within 50 feet of a construction area or surface improvements, such as driveways and walks, shall be flagged with bright fluorescent orange vinyl tape wrapped around the main trunk at a height of four feet or more, so that the tape is visible to workers operating construction equipment.

(2) **Open Space Flagging**

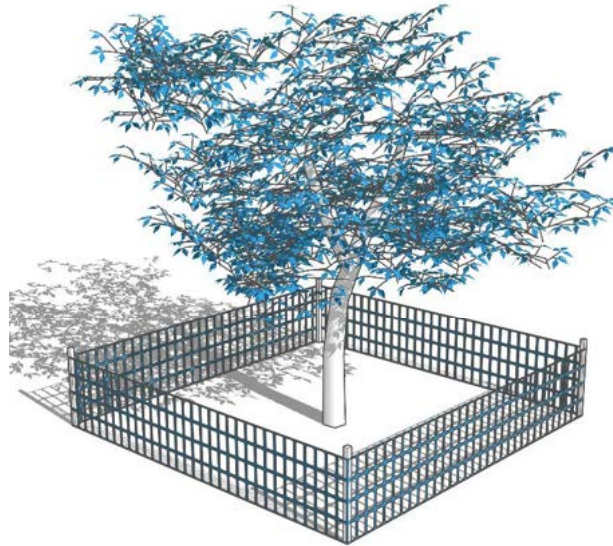
All trees or groups of trees within areas intended to be saved as open space shall be enclosed with fluorescent orange tape along all areas of possible access or intrusion by construction equipment. Tape shall be supported at a minimum of 25-foot intervals by wrapping trees or utilizing another approved method. Access for the purposes of clearing underbrush is allowed outside of riparian zones.

(3) **Protective Fencing**

In those situations where a protected tree is so close to the construction area that construction equipment will infringe on the root system, a protective fence may be required between the tree and the construction activity. See Figure 4-1, below.



#### (4) Bark Protection



**Figure 4-1: Protective Fencing for Trees**

In situations where a protected tree remains in the immediate area of intended construction, the tree shall be protected by enclosing the entire circumference of the tree with two-inch by four-inch lumber encircled with wire or other means that do not damage the tree. This will protect the bark of the tree against incidental contact by large construction equipment.

#### (f) **Prohibited Activities Adjacent to Trees**

The following activities shall be prohibited within the limits of the critical root zone of any protected tree, subject to the requirements of this ordinance:

##### (1) **Material Storage**

No materials intended for use in construction, or waste materials accumulated due to excavation or demolition, shall be placed within the limits of the critical root zone of any protected tree.

##### (2) **Equipment Cleaning/Liquid Disposal**

No equipment shall be cleaned, or other materials or liquids deposited or allowed to flow over land, within the limits of the critical root zone of a protected tree. This includes, without limitation, paint, oil, solvents, asphalt, concrete, mortar, or similar materials.

##### (3) **Tree Attachments**

No signs, wires, or other attachments other than those of a protective nature shall be attached to any protected tree.

##### (4) **Vehicular Traffic**

No vehicular and/or construction equipment traffic or parking shall take place within the limits of the critical root zone of any protected tree other than on an existing

paved street or parking lot. This restriction does not apply to single incident access within the critical root zone for purposes of clearing underbrush, establishing the building pad and associated lot grading, vehicular traffic necessary for routine utility maintenance or emergency restoration of utility service or routine mowing operations.

(5) **Grade Changes**

No grade changes over two inches (cut or fill) shall be allowed within the limits of the critical root zone of any protected tree unless adequate construction methods are utilized which have been approved by the Urban Forester.

(g) **Permitted Construction Methods**

(1) **Boring**

Boring of utilities under protected trees may be required in certain circumstances. When required, the length of the bore shall be at a minimum the width of the critical root zone and shall be at a minimum depth of 48 inches.

(2) **Grade Change**

Grade changes within the critical root zone of a protected tree should not exceed two inches. If more than 25 percent of the critical root zone is disturbed by trenching or a grade change greater than two inches, the applicant may be required to prune the root zone or tree canopy in accordance with industry standards, or to take some other mitigative measure to help preserve the health of the tree.

(3) **Trenching**

All trenching shall be designed to avoid crossing the critical root zone of any protected tree.

(4) **Root Pruning**

All roots two inches or larger in diameter that are exposed because of trenching or other excavation, shall be cut off and covered with pruning compound within two hours of initial exposure.

### 18.04.106 Wildland Interface/Fire Safety

#### Commentary

Master Plan Implementation Strategies call for the adoption of fire protection mitigation measures outside existing fire service areas, as well as adoption of the State Fire Marshal Standards for the Wildland Urban Interface (WUI). The Reno Fire Department has been implementing WUI standards, which are referenced in this new code language.

Development within City of Reno limits that are located within a high or extreme fire risk Wildland-Urban Interface (WUI) Area shall follow requirements set forth in the State's adoption of the Wildland-Urban Interface Code under NRS Chapter 477 and NAC Section 477.281. The regulations in this Title are intended to mitigate the risk to life and structures from intrusion of fire from wildland fire exposures from adjacent structures and to mitigate structure fires from spreading to wildland fuels. A vegetation management plan shall be submitted to the Administrator, the Reno Fire Department and the State Forester for review and approval as part of the plans required for a building permit or discretionary approval. Fire Risk ratings for properties within Washoe County can be found on the Washoe Regional Mapping System.<sup>289</sup>

<sup>289</sup> <https://gis.washoecounty.us/wrms/firehazard>

At a minimum, the vegetation management plan shall include a fuel loading plan and related provisions to minimize wildfire hazards.

Deviations from the landscape requirements in 18.04 Article 8 may be made by the Administrator, if required to mitigate wildland-urban interface concerns.

### 18.04.107 Source Water Protection

#### Commentary

This new section was developed in conjunction with TMWA and other regional water stakeholders to establish standards for specific land uses that have a higher risk of contaminating drinking water in the region. This citywide approach is done in lieu of an overlay district because the overlay/area of concern would already cover most of Reno and these standards are easier to administer than an additional overlay district. This section does not change or supersede state law.

(a) **Purpose**

The purpose of this section is to reduce threats to public health and safety by reducing the contamination risk for public drinking water supplies.

(b) **Potentially Contributing Uses**

The following land uses pose a moderate to high risk of contamination of drinking water supplies and are classified for purposes of this section as “Potentially Contributing Uses”:

- (1) Public Park or Recreation Area
- (2) College, University, or Seminary
- (3) School, Secondary
- (4) School, Vocational or Trade
- (5) Healthcare Facilities (all uses)
- (6) Agricultural, Animals, and Farming (all uses)
- (7) Cleaners, Commercial
- (8) Amusement or Recreation, Outside
- (9) Sports Arena, Stadium, or Track
- (10) Airport Operations and Facilities
- (11) Auto Service and Repair
- (12) Gas Station
- (13) Truck Stop / Travel Plaza
- (14) Industrial Uses (All Uses)

(c) **Design and Operation Considerations**

Potentially Contributing Uses shall carefully consider, as applicable:

- (1) The primary and secondary containment of potential contaminants on site;
- (2) Overflow alarms and their maintenance;
- (3) Standard operating procedures for storage and handling of hazardous material(s) or other potential contaminant(s); and

- (4) What to do in the event of an emergency including notification procedures in the event of a release of hazardous material(s) or potential contaminant(s) and an employee training program regarding the above.

(d) **Coordination with Public Water Provider**

New construction, establishment or expansion of a Potentially Contributing Use requiring a new or revised business license or development permit shall comply with the following standards. This is not required with a change in ownership.

- (1) Show documentation that notification has been submitted to the Truckee Meadows Water Authority (TMWA) before plans are approved or a building permit or business license is issued.
- (2) Notification will contain the property's Assessor's parcel number(s) (APN), the applicable permit or application number, the type(s) of Potential Contributory Use, and contact information.
- (3) Notification information may be used by TMWA to identify risks and promote actions that reduce potential for contamination of drinking water supplies. TMWA may contact the development/business to provide educational information regarding water quality risks, water pollution prevention plans, and applicable local, state and federal requirements.

**18.04.108 Wildlife Habitat Management**

(a) **Feral Horse Management**

(1) **Applicability**

Properties that abut or have access to the Virginia Range shall incorporate the following standards into any new development:

- a. **Fencing Plan** - A fencing plan shall be provided that demonstrates the following:
1. Contiguous horse fencing with no gaps through which horses may enter the property in accordance with NRS 569.431.
  2. Cattle guards with welded “hoof stops” and self-closing gates that open outward installed at all locations where roadways cross the perimeter fencing.
  3. Six-foot wide, self-closing pedestrian gates that open out installed at all locations where sidewalk/pedestrian pathways cross the perimeter fencing. Pedestrian gates installed near cattle guards may double as emergency exits for horses that may become stuck inside the gate.

Said fencing plan shall approved prior to the issuance of any building permit and all required fencing, cattle guards, and/or pedestrian gates shall be installed prior to any construction, including grading, commencing.

- b. **Maintenance and Monitoring**
1. Perimeter fencing shall be maintained by the developer during construction and maintenance responsibility shall be transferred to a homeowner’s association, landscape maintenance association, or other similar entity upon formation.
  2. The party responsible for maintaining the fence shall maintain a contract for on-call fence repair to expedite response (within 48 hours of notice) to repairs as needed.
  3. During construction, the developer will require its contractor to provide a gate monitor for roadway crossings with an emphasis on monitoring areas on the property with potential ingress/egress t existing improved areas.
- c. **Additional Improvement Requirements**
1. Turf shall be prohibited within 200 feet of any proposed cattle guard/roadway crossing.
  2. Where open channel drainage facilities cross the perimeter fencing on a subject property, large rip-rap shall be installed in the drainage channel abutting the perimeter fencing.

(b) **Species of Special Concern**

[reserved for possible future development]

## Article 2 Sustainability

### Commentary

This article is new and is proposed as a method of recognizing and enhancing sustainable development in Reno. This article is intended to supplement various sustainable design provisions throughout this Title and provide a structured “menu based” system where projects would have a menu of sustainable design options to choose from. Points are awarded for each qualifying feature with minimum point totals required for different project types. Language is copied from the existing Sustainability ordinance in Henderson Nevada with adjustments to incorporate urban infill locations into the menu and reduce point requirements for affordable housing projects..

### 18.04.201 Reserved

[reserved for future development following code adoption]

## Article 3 Grading, Erosion Prevention, and Sedimentation Control

### Commentary

This article carries forward and updates the existing Chapter 18.12, Article IV. Requirements for major site plan review (formerly special use permit) review of cuts and fills are relaxed in conjunction with the establishment of new design requirements for grading and hillside development. The changes emphasize a finished product that is safe, sustainable, and aesthetically pleasing.

Changes in this article include broader applicability for limitations of fill slopes adjacent to single family, new requirements for noxious weed management, expanded slope treatment standards, and reduced hours of construction within 600 feet of residentially zoned property. Additional updates are included in Article 3, *Hillside Development*.

### 18.04.301 General Compliance with City Standards

In addition to the grading, erosion prevention, and sedimentation control provisions in this article, all land-disturbing activity, including without limitation, grading or tree/vegetation clearance, shall comply with all applicable city standards, including without limitation, the Public Works Design Manual.

### 18.04.302 Limits on Grading (Cut and Fill)

(a) **Authority**

NRS Section 278.250 and NRS Chapter 445A authorize the adoption of grading regulations.

(b) **Purpose**

The purpose of this section is to:

- (1) Minimize environmental damage associated with grading;
- (2) Encourage balancing the site and reduce importing and exporting soil;
- (3) Limit visual scarring; and
- (4) Limit unnecessary site disturbance.
- (5) Limit impacts to water quality during grading.

(c) **Grading Permit Required**

No person shall excavate, fill, or otherwise alter the existing grade of any property without first obtaining a grading permit according to the procedures and criteria stated in subsection 18.08.606(b).

(d) **Major Site Plan Review Required<sup>293</sup>**

An applicant shall obtain a major site plan review permit when engaged in any grading resulting in cuts deeper than 20 feet and/or fills greater than ten feet in height, for a hillside development meeting the criteria in Section 18.04.402, *Applicability*; within a major drainageway meeting the criteria in Section 18.04.104(c), *Applicability*; or within the Parks, Greenways, and Open Space (PGOS) District, except for paths, public recreational amenities, or environmental restoration.

<sup>293</sup> Prior special use permit procedures are replaced with major site plan reviews. The process is unchanged, but the findings are more applicable to site plans. In conjunction with expanded grading and hillside development design standards, major site plan review (formerly special use permit) review requirements are updated to only apply to hillside developments exceeding ten acres in size and to not apply to cuts greater than 20 feet in depth and fills greater than 10 feet in height.

**(1) Findings**

For developments ten acres or more in area, the following findings shall be made prior to granting a major site plan review, in addition to the general major site plan review findings:

- a. The proposed project mitigates environmental degradation, including slope failure, erosion, sedimentation, and stormwater run-off;
- b. The proposed project utilizes grading practices that are appropriate for hillsides and designed to minimize the visibility of unsightly scarring;
- c. The proposed project provides open space based on hillside constraints;
- d. The proposed project adheres to applicable hillside development design standards and to Master Plan provisions related to development in sloped areas; and
- e. The proposed project's site layout and design features adequately mitigate potential visual impacts of development near prominent ridgelines and within other visually prominent areas.

**(e) General Grading (Cut and Fill) Standards**

**(1) Preservation of Stable Steep Slopes**

On all projects that include slopes steeper than three to one, existing stable slopes shall be preserved unless the City determines during subdivision or development review that cut and fill slopes are justified and necessary in the overall design of an otherwise acceptable development.

**(2) Fill Slopes<sup>294</sup>**

Fill slopes adjacent to residentially zoned property shall comply with the standards in Section 18.04.1404, *Grading*, for all use types.

**(3) Location of Cut and Fill Slopes<sup>295</sup>**

- a. Wherever feasible, cut and fill slopes adjoining parcel boundaries shall be located within the parcel that the slope is visible from or within a common area.
- b. Tops and toes of cut and fill slopes steeper than 5:1 at property boundaries shall not encroach into the right-of-way.
- c. Tops and toes of cut and fill slopes steeper than 5:1 shall be located at least 18 inches behind a sidewalk and at least six feet behind the face of a curb where no sidewalk is provided.
- d. Cut and fill slopes exceeding 5:1 shall not be located within ten feet of sewer or storm drain access locations.
- e. The Administrator may approve exceptions to these standards in consultation with the City Engineer for hillside developments and other situations where level areas are not warranted for future sidewalk construction or infrastructure maintenance purposes.

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<sup>294</sup> The reference section addresses fill slopes adjacent to residential property, which has been updated to apply the standards to all single-family zoned property as opposed to just existing single-family residences.

<sup>295</sup> New. Added to address problematic locations for cut and fill slopes.



**(4) Noxious Weed Abatement<sup>296</sup>**

Applications proposing grading activities on sites with noxious weeds, as defined by the State of Nevada, shall prepare and implement a noxious weed monitoring and management plan. The plan shall address construction and post construction activities to monitor, eradicate, and prevent the spread of noxious weeds. The plan shall be implemented and enforced throughout the life of the project.

**(5) Re-Vegetation Required After Final Grading**

- a. Temporary stabilization shall be applied in accordance with the Truckee Meadows Construction Site Best Management Practices Handbook and in accordance with the State's General Permit.
- b. Cut and fill slopes steeper than 3:1 shall have riprap (class 400) and revegetation. Riprap shall be backfilled with topsoil to the average depth between placed riprap filling the voids and creating planting pockets.
- c. Soil tests shall be conducted after final grading operations are complete and prior to planting to determine required soil amendments that may be needed for the site.
- d. Re-vegetation shall commence the following late fall with approved security and temporary irrigation (if necessary) provided to ensure proper re-establishment of disturbed areas.
- e. All slopes disturbed by grading, including on site/in-lot slopes that are not necessary for construction staging, shall be reseeded with native shrubs, grasses, etc., consistent with existing on-site native vegetation upon completion of final grading. These areas shall be bonded to ensure proper re-establishment of the vegetation, with temporary irrigation if deemed necessary, based on seed mix, and time of year.
- f. The re-vegetation plan shall include plans to stockpile existing topsoil and vegetative strippings and reapply the material to all disturbed areas that are not formally landscaped.
- g. Re-vegetation shall be a uniform perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the unpaved areas and areas not covered by permanent structures.
- h. Rocks used for riprap and retaining walls shall be of a color consistent with the site, or landscaping shall be installed sufficient to provide 20 percent coverage in three years.
- i. Establishment of coverage will be judged at the end of the second or third year of installation by community development staff in the form of an administrative decision, subject to appeal.
- j. The Administrator shall monitor the re-vegetated areas to identify problems that could prevent or interfere with successful re-vegetation projects. Monitoring activities should react to problems which include: the establishment of invasive weeds, erosion (rilling) caused by sudden or steady runoff that can damage restored areas, failure or lack of vigor in introduced plants, unfavorable amounts of moisture (too little or too much), and damage resulting from human trespass.

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<sup>296</sup> New. Added to be consistent with common conditions of approval.

**(6) No Tracking of Grading Material onto Streets or into Storm Drains**

Material loosened by grading activity shall not be tracked onto adjacent streets or washed down storm drains. The drive apron onto the street shall be stabilized with pavement, gravel, or other approved covering.

**(7) Site Design**

Applicants for a grading permit with a retaining wall, cut slope, or fill slope exceeding four feet in height shall comply with the slope treatment standards for hillside developments in Section 18.04.409, *Slope Treatment*, to the satisfaction of the Administrator.

**(8) Tree Protection**

Applicants for a grading permit shall comply with the tree protection standards in 18.04.105, *Tree Protection*, as applicable.

**18.04.303**

**(a) Enabling Clause**

The Nevada Department of Environmental Protection (NDEP) has issued a discharge permit to Reno, Sparks, and Washoe County requiring the development, implementation, and enforcement of a regional storm water quality management program. The storm water discharge permit is a component of a national pollutant discharge elimination system (NPDES) established by the Clean Water Act Amendments of 1987. An element of the storm water quality management program is the reduction of pollution from construction sites to the maximum extent practicable in accordance with the NPDES permit issued by NDEP.

**(b) Purpose and Intent**

The purpose and intent of this section is to:

- (1) Promote and protect the health, safety, and general welfare of the citizens of Reno and enhance and preserve the quality and value of our resources by regulating construction activities.
- (2) Provide for the protection of storm water, ground water, water bodies, watercourses, and wetlands pursuant to and consistent with the Clean Water Act, and NPDES permit granted to the City of Reno.
- (3) Manage and control the amount of pollutants in storm water discharges, soil erosion, sediment discharge, mud and dirt deposits on public roadways, and municipal storm sewer systems caused by or a result of construction activities.
- (4) Ensure adequate drainage, storm water management, and soil conservation measures are utilized at the site of any construction activity.

**(c) Applicability**

Off-site impacts of erosion and sedimentation from a construction site are prohibited and polluting substances such as construction materials and wastes shall be contained on the site where they cannot drain or be transported by storm water into a water body, channel, or storm drain. Best Management Practices shall be implemented for all construction sites and are mandated for construction sites with a disturbed area of one acre or greater or one acre or less if in a sensitive area or part of a larger planned development according to the performance standards of the "Truckee Meadows Construction Site Best Management Practices Handbook" ("BMP Manual") together with

such addendum, all of which are on deposit in the office of the City Clerk, are adopted by reference and incorporated here in and made a part hereof as if set forth in full.

(d) **Regulatory Consistency**

This section shall be construed to assure consistency with state and federal laws, rules and regulations, including the Clean Water Act and all acts amendatory thereof or supplementary thereto; all NPDES permits issued to the City of Reno; and any other provisions of the Reno Municipal Code. No permit or approval issued pursuant to this section shall relieve a person of the responsibility to secure permits and approvals required for activities regulated by any other applicable rule, code, act, permit, or ordinance. Compliance with this section does not exempt any person from complying with other applicable ordinances, rules, codes, acts, or permits.

(e) **Construction Site Discharge Regulations and Requirements**

- (1) Construction permit submittal is required on all projects that may require a grading, site development, building, site drainage, or encroachment permits and will disturb one or more acres of land (including public works projects).
- (2) Prior to the issuance of a construction permit, the following shall be submitted:
  - a. Construction permit submittal checklist;
  - b. Performance standards compliance checklist;
  - c. Copy of notice of intent;
  - d. Copy of receipt from NDEP or permit; and
  - e. Proof of the SWPPP.
- (3) The installation and maintenance of storm water controls are to be in accordance with the standards as set for in the BMP Manual.
- (4) At the end of construction when the site has been finished and cleaned and permanent erosion controls are in place, a revegetation plan per Chapter 18.08 *Administration and Procedures*, together with associated security may be required by the city to assure permanent establishment of installed measures.

(f) **Administrative Fees**

- (1) The required permit fees are based on the nature or size of the permitted area and are for the purpose of providing administration, inspection, and enforcement of the provisions of this section.
- (2) The City shall collect an administrative service charge for inspection of storm water quality controls, for inspection of appropriate maintenance, for inspection of the measures at the completion of work, and for inspection of measures at the start of each phase of work. The administrative service charge is as set forth in the current resolution and any amendments thereto which establishes the service charges and fees for the City of Reno.
- (3) The above listed fees shall be doubled if the construction activity is commenced prior to the issuance of the required permit and/or installation of storm water controls. Payment of the double fee shall not preclude the City from taking any other enforcement actions within its authority.

**(g) Inspection**

- (1) All construction activities that fall within this section shall be subject to the inspection provisions provided herein.
- (2) The City maintains the right to inspect any site of construction activity. The responsible person shall schedule inspection through community development. An inspection shall be conducted prior to the initiation of construction to verify placement of storm water controls. Initial inspections shall be requested a minimum of 24 hours prior to the desired time of inspection, excluding Saturdays, Sundays, and holidays. Follow up inspections will not be scheduled but will occur as follows:
  - a. Prior to commencing construction when BMP's are in place.
  - b. At the end of construction when the site has been finished and cleaned and permanent erosion controls are in place.
  - c. Monthly for those sites with a combination of extreme factors including slopes greater than ten percent, proximity to floodplains and waterways, long project duration (more than six months), and environmental sensitivity.
  - d. Additional inspections may also occur as deemed necessary by community development.
  - e. For phased projects, the city shall inspect installed measures per the SWPPP prior to the commencement of each phase.
- (3) If an inspector determines the installed storm water controls are placing the city at risk of violating its NPDES permit, the inspector may order change to the storm water controls. If the change to the storm water controls is not acceptable or is not immediately implemented, enforcement action may be taken.
- (4) Emergency control measures may be ordered when pollutants are leaving the site.
- (5) A complaint of violation shall be promptly investigated.

**(h) Enforcement**

**(1) Authority**

The Administrator is hereby authorized and directed to enforce all the provisions of this article.

**(2) Right of Entry**

Whenever necessary to make an inspection to enforce any of the provisions of this Title or any other lawful ordinance, the Administrator or their authorized representative may enter the property at all reasonable times to inspect the same or to perform any duty imposed upon the Administrator by this section, provided they shall first present proper credentials and request entry. If entry is refused, the Administrator or their authorized representative shall have recourse to every remedy provided by law to secure entry.

**(3) Notice of Violation**

Whenever the Administrator finds a violation of the provisions of this article, the Administrator may issue a notice of violation in writing served on the responsible person. The notice of violation will provide a time period in which the corrective action shall be completed.

**(4) Stop Orders<sup>298</sup>**

A written stop work order may be served on the responsible person, and any such persons shall forthwith stop such work until authorized by the Administrator to proceed with the work.

**(5) Penalty for Violation**

In addition to any other remedies under this Section, a person violating any of the provisions of this Article may be subject to provisions of Chapter 1.05, *Code Enforcement*.

**(6) Nevada Department of Environmental Protection**

The City may, at its discretion, contact the NDEP for further enforcement.

**(7) Costs Accrued by City**

Should the City be required to intercede in the installation, maintenance or removal of measures, said costs accrued by the City for time and material necessary to correct the defective installation, maintenance or removal of said measures, shall be levied against the property, and shall be paid in full prior to issuance of any final approval or certificate of occupancy associated with the permit, and prior to issuance of any subsequent permit or start of subsequent phase.

**(i) Disclaimer of Liability**

The degree of protection required by this section is considered reasonable for regulatory purposes and is based on scientific, engineering, and other relevant technical considerations. The standards set forth herein are minimum standards and this section does not imply that compliance will ensure against all unauthorized discharge of pollutants. This section shall not create liability on the part of the city, any agent or employee thereof for any damages that result from reliance on this section or any administrative decision lawfully made thereunder.

**18.04.304 Post-Construction Storm Water Quality Management**

**(a) Enabling Clause**

The Nevada Department of Environmental Protection (NDEP) has issued a discharge permit to Reno, Sparks, and Washoe County requiring the development, implementation, and enforcement of a regional storm water quality management program. The storm water discharge permit is a component of a national pollutant discharge elimination system (NPDES) established by the Clean Water Act Amendments of 1987. An element of the storm water quality management program is the reduction of pollution from construction sites to the maximum extent practicable in accordance with the NPDES permit issued by NDEP.

**(b) Purpose and Intent**

The purpose and intent of this section is to:

- (1) Prevent threats to public health and safety by regulating storm water runoff discharges from applicable land development projects and other construction activities in order to control and minimize increases in storm water runoff rates and volumes, soil erosion, flooding, stream channel erosion, and non-point source pollution associated with storm water runoff.
- (2) Control and minimize the above impacts through implementation of approved post construction storm water quality management plans that place a strong emphasis on

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<sup>298</sup> Technical correction to reflect standard practice of issuing stop work orders concurrent with notices of violation.

implementing Low Impact Development (LID) principles and techniques that include, but are not limited to disturbing only the smallest area necessary, minimizing soil compaction and imperviousness in drainage and recharge areas, preserving natural drainages, vegetation, and buffer zones, and utilizing on-site storm water treatment techniques to the maximum extent practicable.

**(c) Applicability**

- (1) Approved post-construction storm water quality management plans and storm water treatment device access and maintenance agreements are required for the following development activities unless waived according to the terms outlined Section 18.04.304(f):
  - a. Any new development involving the following:
    1. Building permits, conditional use permits, and site plan reviews that would create a new industrial, commercial, or civic structures;
    2. Any new development that would specifically enable outdoor material storage; outdoor material loading/unloading; fueling areas; outdoor work, maintenance, and wash areas; spill prevention, containment and cleanup; waste handling and disposal uses; any industrial use that has been assigned a Federal North American Industry Classification System (NAIC) code; and uses defined as “industrial” in Chapter 18.09 *Rules of Construction and Definitions*.
    3. Final plat and parcel maps that require improvement plans on one or more acres of land;
    4. Grading and site permits involving one or more acres of land except for individual single-family homes;
    5. Development activities defined in Section 18.04.304(c)(1)a.3-4, above, that are smaller than one acre if such activities are part of a larger common plan of development, even though multiple separate and distinct land development activities may take place at different times on different schedules;
    6. Development that will include constructed open channels and local or regional detention basins for flood management;
    7. Development that will disturb less than one acre of land that will also be located within or directly adjacent to environmentally sensitive areas, as defined in the Truckee Meadows Structural Controls Design and Low Impact Development Manual.
  - (2) Complete applications for applicable development permits and entitlements that have been submitted before the effective date of the ordinance codified in this section are exempt from the requirements of this section.
  - (3) Permits and entitlements that were issued before the effective date of this section shall not be subject to this section if the accompanying permit is valid.
  - (4) Permits and entitlements for individual single-family homes and tenant improvements that do not require expansion of the site shall not be subject to this section.

**(d) Application Requirements**



- (1) No applicable permit shall be issued until the post construction storm water quality management plan (as described in Section 18.04.304(e)) and storm water treatment device access and maintenance agreement are approved by the community development department.
  - (2) Applications meeting the terms of Section 18.04.304(c) shall be accompanied by the following documents in order for the application to be considered complete: two copies of the post construction storm water quality management plan and two copies of the storm water treatment device access and maintenance agreement. The post construction storm water quality management plan and storm water treatment device access and maintenance agreement shall be prepared to meet the requirements outlined in this section.
  - (3) Appeals of post construction storm water quality management plan disapprovals for building permits shall follow in accordance with the provisions of Subsection 18.08.307(j), *Appeal*, and all other appeals shall be filed with the relevant provisions of this title.
- (e) **Standards**
- (1) **Post-Construction Storm Water Quality Management Plan Required for All Applicable Developments**  
A post construction storm water quality management plan shall be prepared by a professional civil engineer, registered in the State of Nevada and prepared using the "Truckee Meadows Structural Controls Design and Low Impact Development Manual" and the "Public Works Design Manual", together with all addendum, as planning and design guidance for the implementation of the post construction storm water quality management requirements described in this section. Storm water quality management plan standards are described in the "Public Works Design Manual." These documents are on deposit with the office of the City Clerk.
- (f) **Waivers to Applicability**
- (1) Every applicant shall provide for storm water quality management as required by this section, unless a written request to waive the plan requirements is granted by the Administrator.
  - (2) Because there may be circumstances when the post construction storm water quality treatment measures described in this section are inappropriate to meet the purpose and intent of this section, the minimum requirements for a post-construction storm water quality management plan may be waived provided that at least one of the following conditions applies to the satisfaction of the Administrator:
    - a. The proposed development is not likely to impair attainment of the purpose and intent of this section, or the site conditions are such that of the purpose and intent of this section are unattainable; or
    - b. The proposed development is listed under Section 18.04.107, *Source Water Protection*, and the Administrator determines that the public interest is best served; or
    - c. Provisions are made to manage storm water quality by an off-site facility,



1. An off-site facility is defined as a storm water management measure located outside the subject property boundary described in the permit application for land development activity; and
2. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of storm water treatment and control that is equal to or greater than that which would be afforded by on-site practices, and there is a legally obligated entity responsible for long-term operation and maintenance of the storm water practice.

**(g) Performance Bond/Security**

- (1) The developer shall submit a performance security or bond prior to issuance of a permit requiring post construction storm water quality management in order to ensure that the storm water practices are installed by the permit holder as required by the approved storm water management plan. The amount of the installation performance security shall be the total estimated construction cost of the storm water management practices approved under the permit, plus 20 percent. The performance bond/security can be a stand-alone instrument or may be combined with other required performance securities. The performance security shall be forfeited for failure to complete work specified in the storm water management plan.
- (2) The performance security shall be released in full upon submission of "as built plans" and written certification by a professional civil engineer, registered in the State of Nevada, that the storm water practice has been installed in accordance with the approved plan and other applicable provisions of this section. The community development department will make a final inspection of the storm water practice to ensure that it follows the approved plan and the provisions of this section.
  - a. Provisions for a partial pro-rata release of the performance security based on the completion of various development stages can be done if each of the following is satisfied:
    1. At least 50 percent of the secured improvements are completed;
    2. The applicant has submitted an estimate of the work remaining that is sealed by a professional civil engineer registered in the State of Nevada; and
    3. The applicant has provided evidence in a form acceptable to the community development department of replacement security in the lower amount.
- (3) A reduction of the security may be considered once each calendar year or upon completion of 25 percent, 50 percent, or 80 percent of the secured items. The dollar amount of no one item, as set forth in the bond estimate as approved by the city, shall be reduced below ten percent of the original item amount, and further the security shall at no time be reduced below 20 percent of the original security amount until all storm water practices have been completed in a manner acceptable to the city. The following procedure is to be followed when requesting a reduction in security:
  - a. The subdivider/developer shall make a formal request in writing to the city that the security be renegotiated.

- b. The project engineer shall provide the city with an estimate of the work remaining in the format as provided by the city.
  - c. The city will determine the total amount of security reduction allowed based on the estimated amount of work remaining as provided by the project engineer and verified by the city and shall provide the subdivider/developer with a revised bond estimate.
  - d. The subdivider/developer shall submit to the city new security, in the format as provided by the city with a revised bond estimate attached, for the storm water practices remaining.
  - e. Upon approval as to legal form of the new security by the City Attorney, the new security will be filed with the City Clerk and the old security document returned.
- (4) In no case shall a reduction in security be construed as constituting a final acceptance of storm water practices by the city, either in whole or in part.

(h) **Maintenance and Repair of Storm Water Quality Facilities**

(1) **Access and Maintenance Agreement**

Prior to the issuance of any permit requiring post construction storm water quality management, the applicant or owner of the site shall execute a storm water treatment device access and maintenance agreement that shall be binding on all subsequent owners of land served by the storm water quality management facility. The agreement shall be approved as to form by the City Attorney's Office. The agreement shall provide for access to the facility at reasonable times for periodic inspection by the City of Reno, or their contractor or agent, and for assessments of property owners to ensure that the facility is maintained in working condition to meet design standards and any other provisions established by this article. The applicant shall record the agreement with Washoe County and provide a copy of the recorded document to the City of Reno before permits may be issued.

(2) **Records of Installation and Maintenance Activities**

Applicants and/or owners responsible for the operation and maintenance of a post construction storm water quality management facility shall maintain records of all maintenance and repairs. These records shall be made available during inspection of the facility and at other reasonable times upon request.

(3) **Requirements for Maintenance**

All post construction storm water management facilities shall undergo, at a minimum, an annual inspection by the persons responsible for their operation and maintenance to document and perform maintenance, repair needs, and ensure compliance with the requirements of this article and accomplishment of its purposes. These needs may include but are not limited to removal of silt, litter, and other debris from the catch basins, inlets, and drainage pipes; grass cutting and vegetation removal; and necessary replacement of landscape vegetation. Any maintenance needs found shall be addressed in a timely manner.

(4) **City Inspection of Storm Water Facilities**

Inspections include, but are not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or other pollutants; inspections of businesses or industry of a type which are more likely than the typical discharge to cause violations of state or

federal water or sediment quality standards or the NPDES storm water permit; and joint inspections with other agencies inspecting under environmental or safety laws, reviewing maintenance and repair records; sampling discharges, surface water, ground water, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other storm water treatment practices.

**(5) Right of Entry for Inspection When Connection is Private to Public**

When any new connection is made or when any new connection is made between private property and a public drainage control system or sanitary sewer, the property owner shall grant to the City of Reno on a form provided by or acceptable to city the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when it has a reasonable basis to believe that a violation of this section is occurring or has occurred, and to enter when necessary for abatement of a public nuisance or correction of a violation of this section.

## Article 4 Hillside Development

### Commentary

This article carries forward and updates the existing Chapter 18.12, Article XVI, *Hillside Development*. No substantive changes are proposed for eligibility criteria, density reductions, or open space calculations. Standards for slope treatment and hillside architecture are updated and expanded to reflect better hillside development practices. These enhancements work in conjunction with the enhanced grading standards.

### 18.04.401 Purpose

The purpose of regulations regarding hillside development is to:

- (a) Acknowledge that, as slope increases, so does the potential for environmental degradation including slope failure, increased erosion, sedimentation, and stormwater run-off;
- (b) Preserve and enhance the beauty of the landscape by encouraging retention of natural topographic features, including prominent ridgelines, major drainageways, and significant rock outcrops;
- (c) Encourage innovative grading practices that are more appropriate in hillsides and hide from public view unsightly scarring;
- (d) Consider that hillside development sites have unique topographic, landscape, and geotechnical settings and thus require site-specific design solutions; and
- (e) Promote the preservation of significant topographic features by retaining portions of development sites as undisturbed open space.

### 18.04.402 Applicability

- (a) Hillside development regulations apply to developments that have an average slope, as calculated below, equal to or greater than ten percent or slopes that exceed 15 percent on 25 percent or more of the site.
- (b) Hillside developments greater than ten acres in area shall be subject to the approval of a major site plan review according to Section 18.08.603, *Major Site Plan Review*.<sup>299</sup>

<sup>299</sup> Standard has been updated to allow exemption for small projects (Sparks provides a similar exemption).

- (c) Development of one single-family house and permitted accessory structures, activities typically associated with and accessory to legally established uses, and trails shall be exempt from this article's regulations.
- (d) Utility box/well house, back-up generator, and pumping or booster station uses shall be exempt from the conditional use permit process requirement if structures total no more than 2,000 square feet in size on the subject parcel. Compliance with this section shall be verified during building permit review for such facilities.
- (e) The Administer may waive certain hillside development standards on sites no greater than 10 acres in size that meet the threshold to be considered a hillside development only because of prior grading activities and are located in an area that generally does not qualify as hillside development. This exception is appropriate on small infill development sites where the natural environment has been significantly altered.<sup>300</sup>

**18.04.403 Computation of Slope**

- (a) Slope shall be computed on the existing slope of the land before any grading for the proposed development has commenced, as determined by a digital slope cell calculation or from a topographic map having a scale of not less than one inch equals 60 feet, and a contour interval of not more than two feet. Average slope of a development and slope cell sizes shall not be derived from lower resolution topographic data.
- (b) Percent slope for cells shall be computed by dividing the contour interval by the horizontal distance between contour intervals then multiplying by 100 percent, or by a comparable digital slope analysis.
- (c) For purposes of determining the applicability of a project to this article's standards, the average slope formula below or a comparable digital slope analysis shall be used.

Table 4-2 Average Slope Formula			
S = (0.0023)(I)(L) / A			
S = Average percent slope	L = Summation of length of contours in scale feet	I = Contour interval in feet	A = Area in acres of parcel being considered

**18.04.404 Required Plans**

- (a) Plans for a hillside development shall depict existing contours, proposed finish contours, representative cross sections showing existing and proposed conditions, ridgelines and their proposed treatment, proposed erosion control and slope stabilization techniques, structure siting criteria, building envelopes, any height limitations, any solar orientation considerations, grading treatments necessary to provide access to building envelopes, vehicular circulation routes, and pedestrian circulation routes. Locations of all six-inch caliper or larger trees proposed to be maintained or removed with development shall also be noted on aerial photographs or site plans.
- (b) Additional grading plans and site improvement plans shall be superimposed over a color slope cell map that groups pre-grading slopes into categories identified in Table 4-4, *Hillside Density Calculation*.
- (c) All projects proposing development on hills or mountains, as shown on the "visually prominent ridgeline and related landforms" map (adopted by reference and available for

<sup>300</sup> New. Added to clarify ongoing interpretations of artificial slopes. This standard addresses small, infill development that is not in a hillside setting but has artificial slopes.

inspection or purchase at the Administrator's office), shall provide additional application material indicating how mapped ridgelines and other visually prominent portions of the project are proposed to be treated. Application material may include photo simulations, sight-line analyses, three-dimensional models, three-dimensional computer-generated images, or similar representations of the proposed project.

- (d) All required plans shall be wet-stamped, signed, and certified accurate by a civil engineer licensed in the State of Nevada. Scanned copies of stamped plans may be submitted with project applications if original wet-stamped plans are also provided at least ten calendar days prior to a public hearing or administrative decision.

**18.04.405 Calculation of Density**

To retain the natural features of hillsides, the maximum number of dwelling units shall be reduced as slope increases in accordance with Table 4-4, *Hillside Density Calculation*, and the following standards:

(a) **General**

- (1) Each property to be developed shall be divided into cells of similar slope, utilizing the slope ranges listed in Table 4-4, *Hillside Density Calculation*.
- (2) The 100-year floodplain of major drainageways plus a 15-foot-wide buffer on both sides shall be excluded from density calculations and shall not be allocated any development for purposes of hillside density calculations. (See Section 18.04.104 for applicable major drainageway standards.) Notwithstanding the above, the area excluded from density calculations shall not exceed 80 feet in width along each major drainageway.
- (3) In zoning districts without residential base density standards, allowable development density shall be based on other applicable provisions of this Title.
- (4) The maximum number of dwelling units allowed by Table 4-4, *Hillside Density Calculation*, may only be realized if the proposed development complies with all other applicable provisions of this article.

Table 4-3 Hillside Density Calculation				
Slope Range	A: Density Reduction Factor <sup>[1]</sup>	B: Base Zoning Density (units/acre) <sup>[2,3]</sup>	C: Acres within Slope Range <sup>[3]</sup>	D: Dwelling Unit Allocation <sup>[3,4,5,6]</sup>
0 – 15%	1.0			
15.1 – 20%	0.6			
20.1 – 25%	0.2			
25.1 – 30%	0.1			
Greater than 30%	No density allocation			
				Sum of This Column = Max. Dwelling Units for the Project

Notes: [1] Allowable dwelling units are determined at the project level - the dwelling unit allocation for each slope range is for calculations purposes only.  
 [2] Base zoning density is identified in [18.02 \(Zoning Districts\)](#)  
 [3] Base zoning density, acres within each slope range, and the unit allocation for each slope range shall be rounded to two decimal points.

Table 4-3 Hillside Density Calculation				
Slope Range	A: Density Reduction Factor <sup>[1]</sup>	B: Base Zoning Density (units/acre) <sup>[2,3]</sup>	C: Acres within Slope Range <sup>[3]</sup>	D: Dwelling Unit Allocation <sup>[3,4,5,6]</sup>

- (4) For each row, columns A, B, and C are multiplied to determine the number of dwelling units allocated to each slope range (column D).
- (5) The sum of allowable units within each slope range represents the maximum number of dwelling units for each project.
- (6) Maximum dwelling units for the project shall be rounded down to the next whole number.

**18.04.406 Required Open Space**

- (a) Open space shall be preserved in accordance with Table 4-5, below.

Table 4-4 Required Open Space in Hillside Developments <sup>[1]</sup>			
Slope Range	A: Min. Open Space (%)	B: Acres within Slope Range <sup>[2]</sup>	C: Required Open Space within Each Slope Range (acres) <sup>[2, 3, 4]</sup>
0 – 15%	None		
15.1 – 20%	25%		
20.1 – 25%	50%		
25.1 – 30%	75%		
Greater than 30%	100%		
			Sum of This Column = Max. Dwelling Units for the Project

- Notes: [1] Required open space determined at the project level - the open space required for each slope is for calculation purposes only.
- [2] Acres within each slope range and required open space shall be rounded to two decimal points.
- [3] For each row, columns A and B are multiplied together then divided by 100% to determine the required open space for each slope range in acres (column C).
- [4] The sum of allowable units within each slope range represents the minimum amount of open space required for the project.

- (b) Open space required by other subsections of this Article shall be added to open space required by Table 4-5 and may be provided within any slope range.
- (c) Property that is zoned to open space in conjunction with a hillside development shall qualify towards open space required by Table 4-5.
- (d) Required open space areas shall be strategically located to include some of the site's environmental, recreational, or scenic areas. Environmental, recreational or scenic amenities include, but are not limited to, major drainageways, wetlands, riparian vegetation, high value groundwater recharge areas, visually prominent areas (including ridgelines on the "visually prominent ridgelines and related landforms" map), recreational amenities (including connections to off-site amenities), rock outcrops, and viewpoints.
- (e) Required open space shall be retained in a natural state without clearing, grading, or other construction-related disturbance, or shall be restored or improved with landscaping or recreational amenities.
- (f) At its sole discretion, the decision-making body may allow some or all the required open space to be incorporated within private lot lines if the project site meets the following standards:
  - (1) The site does not include a major drainageway;
  - (2) The site does not abut an existing or planned open space or public recreational area;



- (3) Visual impacts in any sensitive viewshed area are mitigated using alternative means; and
- (4) The alternative site layout is determined to be more compatible with nearby development.

#### 18.04.407 Visually Prominent Ridgelines

Potential visual impacts of development containing ridgelines identified on the "visually prominent ridgelines and related landforms" map shall be mitigated with site design, structure locations, and/or architectural treatments. Techniques to mitigate visual impacts may include preserving ridgelines as open space, providing setbacks from ridgelines and other visually prominent areas, height limitations, structure colors consistent with the natural environment, architectural treatments, or similar techniques. If mapped ridgelines are primarily developed on properties surrounding the proposed development, a similar development pattern may occur subject to design provisions of this section.

#### 18.04.408 Development on 30 Percent and Greater Slopes

Development on natural slopes greater than 30 percent shall only be permitted in accordance with Sections 18.04.408(a)-(b), below.

- (a) The following developments may be allowed on 30 percent or greater slopes in accordance with other provisions of this Title:
  - (1) Communication facilities;
  - (2) Recreational facilities;
  - (3) Utilities;
  - (4) Agriculture;
  - (5) Forestry;
  - (6) Mining; and
  - (7) Residential development at a maximum density of one unit per 40 acres.
- (b) All other development on 30 percent or greater slopes shall comply with the requirements of this Title, this Article, and the following conditions:
  - (1) A 2:1 ratio of property with slopes under 30 percent shall be added to the project open space requirement for all encroachments of development into 30 percent or greater slopes; and
  - (2) Encroachments are determined to improve or not significantly impact the open space network, based on the purpose statement in Section 18.04.401, above.

#### 18.04.409 Slope Treatment

##### Commentary

These standards have been significantly enhanced to reflect staff recommendations and conditions of approval applied for recent projects. Maximum cut and fill slope heights are established, with major site plan review of any exceptions. The standards move away from the current review focus on cut and fill depths to the design of the finished development project. The changes are intended to improve the quality of project grading.

- (a) **Purpose**  
The purpose for these standards is to provide for safe, stable, and aesthetically pleasing artificial slopes that are limited in size and overall steepness.



**(b) General Slope Treatment Standards**

- (1) Except where needed for access and circulation, non-natural slopes shall not exceed the following heights, measured in vertical feet from the toe of slope to the top of slope.
  - a. Finished slopes of 3:1 or less in steepness are limited to 45 feet in height if facing a public right of way, open space, park, or a property not located within the project. Slope height may be increased to 60 feet in height if the slope faces and is partly screened by homes or other buildings within the project area.
  - b. Finished slopes steeper than 3:1 are limited to 30 feet in height if facing a public right of way, open space, park or a property not located within the project. Slope height may be increased to 40 feet in height if the slope faces and is partly screened by a home or other building within the project area.
- (2) Visually integrate all slope faces (cut or fill) into the natural terrain by a gradual transition or "contouring/rounding" of artificial landforms with the natural terrain to add sinuosity to the grading of the site.
- (3) Cut and fill slopes over 15 feet in height shall provide horizontal and vertical changes to vary the flat-engineered look to these slopes by incorporating varied slope steepness and surface treatments such as talus slopes, embedded boulders, landscaping, rockery walls, or other similar methods to break up these slopes and provide a more natural appearance.
- (4) Retaining walls with landscaping are encouraged for cut and fill slopes that require mechanical stabilization, are over 15 feet in height, and are within or visible from areas with public access. Use of riprap shall be limited to smaller slopes that are screened from public view, and portions of larger slopes when used in conjunction with other stabilization methods.
- (5) Retaining walls shall be constructed with decorative materials such as natural rock, brick, stamped and tinted concrete, stucco-faced concrete, or similar materials. Where used, natural rock shall have a similar appearance to native rock or be decorative in appearance. Surface treatments shall be used as necessary to blend construction rocks with the surrounding natural environment.
- (6) Natural rock is preferred in areas that interface with the natural environment and for smaller walls (generally under 6 feet) where stability is not a significant concern and the wall can be seen from public spaces. Natural rock walls are generally inappropriate for larger walls and shall be limited to walls not exceeding 6 feet in height, with sections up to 8 feet in height allowed when appropriate to reduce grading disturbance.
- (7) Retaining walls greater than six feet in height shall have safety railings or other safety features at the top when accessible from public spaces such as sidewalks, trails, and open space areas.
- (8) Retaining walls visible from areas with public access shall be integrated into the overall grading and landscape plans and shall provide horizontal and vertical changes to vary the flat-engineered look of these walls.
- (9) If two or more retaining walls are used, benches shall be provided between the walls for maintenance access and landscaping. Each bench shall have an average width at least as wide as the height of retaining wall below it. Walls and landscaped

benches shall be designed to provide long term planting areas for trees, shrubs, and other landscape material.

- (10) If more than two retaining walls are used, the total slope between the bottom of the lowest wall and the top of the highest wall may not exceed 1:1.
- (11) The Administrator may approve exceptions from these standards when slopes are cut into stable rock or other stable ground material, as determined by a geotechnical report.

#### 18.04.4010 Hillside Architecture<sup>301</sup>

- (a) Hillside adaptive architectural features shall be strategically utilized to reduce grading disturbances in areas where flat homesite pads would generate major grading disturbances and deviations from flat homesite pads would not prevent effective utility and service delivery.
- (b) For the purposes of this section, major grading disturbances include cut or fill slopes steeper than 3:1 that exceed 30 feet in height, cut or fill slopes less steep than 3:1 that exceed 45 feet in height, and fill depths that exceed ten feet at project edges and interfaces with major drainageways.
- (c) Hillside adaptive architectural features include but are not limited to, walkout basements, multi-level foundations, construction of structures on the existing natural grade, and similar techniques. If any of the above-listed major disturbances are proposed, development shall utilize walkout basements, multi-level foundations or construction of structures on natural grade to reduce the size of finished slopes.

#### 18.04.4011 Pedestrian Circulation

- (a) Sidewalks or walkways shall be provided in accordance with a total pedestrian circulation plan that addresses projected needs, including those of school children.
- (b) Safe pedestrian access shall be provided between occupied structures and recreational facilities on or adjacent to the site.
- (c) Sidewalk standards may be modified to minimize grading disturbances.
- (d) The pedestrian circulation plan shall be evaluated with respect to safety, accessibility, and recreational value.

#### 18.04.4012 Reduction of Street Width

On-street parking lanes may be omitted from streets when the result is a substantial decrease in cutting and/or filling. Off-street parking areas shall provide one additional space for each dwelling unit that does not front an on-street parking lane. Local streets may be reduced to 20 feet in width for one-way travel, 24 feet in width for two-way travel (with no on-street parking), or 28 feet in width (with on-street parking on one side of the street). Street width is measured from the face of curb or from the flow line for rolled curbs.

#### 18.04.4013 Alternative Project Design<sup>302</sup>

Alternative designs that exceed the slope treatment standards in Section 18.04.409 or the hillside architecture standards in Section 18.04.4010 may be approved with a site plan review for projects ten acres or less in size, or with a major site plan review for projects over 10 acres in size. In order to approve alternative slope treatments, the decision-making body shall make

<sup>301</sup> Standard updated to strengthen hillside architecture requirements and minimize the creation of large artificial slopes.

<sup>302</sup> New standard to allow exceptions to strengthened hillside design standards.

the standard findings and a supplemental finding that the proposed slope sizes, slope treatments, and architectural accommodations are appropriate for the site, provide a safe and stable finished grades, and adequately mitigate visual impacts.

## Article 5 Streets, Utilities, and Services

### Commentary

This article carries forward the Current 18.12, Articles VI, VII, and XIII. No major substantive changes are proposed. Criteria for approval of sidewalk waivers are clarified. Other changes are made for consistency with the Public Works design manual and updated Master Plan, including residential sidewalks changing from 4 feet to 5 feet in width.

### 18.04.501 Streets<sup>303</sup>

#### (a) Street Design: General Standards

##### (1) Incorporation of the City of Reno Public Works Design Manual

The City of Reno Public Works Design Manual, as amended, is hereby incorporated by reference, and made a part of this chapter as if set forth in full.

##### (2) Minimum Street Design Requirements

All street design shall conform to the Public Works Design Manual, city standards, application reports and documents, and the requirements in this article.

#### (b) Sound Barriers

#### (c) Sound barriers adjacent to public rights-of-way shall be placed within a public improvement easement or on common area parcels. All maintenance of sound walls shall be the responsibility of the adjacent property owner, homeowners association, landscape maintenance association, or other similar body. Right-of-Way Dedications

(1) Dedication of right-of-way shall be mandatory when in accordance with the Regional Transportation Plan, City of Reno Master Plan, Reno Municipal Code, or Public Works Design Manual.

(2) Dedications will be compensated in accordance with city policy and the regional road impact fee administrative manual.

(3) Dedication shall be completed prior to or concurrent with issuance of any building permit associated with a discretionary request or that is valued at over ten percent of the assessed value of the structure on the most recent tax rolls.

#### (d) Private Streets

##### (1) Applicability

Developments may be developed with private streets instead of public streets if the development complies with the requirements of this section. Variances to these requirements shall not be permitted.

##### (2) Design and Construction Standards

Private streets shall conform to the same standards regulating the design and construction of public streets.

##### (3) Streets Excluded

<sup>303</sup> Street/Intersection Spacing subsection has been removed because it conflicts with the Public Works Design Manual.

Arterials, collectors, and routes shown on the multi-modal transportation system map of the Master Plan shall not be used, maintained, or constructed as private streets. The Administrator may also deny the creation of any private street if in the Administrator's judgment the private street would:

- a. Negatively affect traffic circulation on public streets;
- b. Impair access to property either on site or off-site to the development;
- c. Impair access to or from public facilities including schools, parks, and libraries; or
- d. Delay the response time of emergency vehicles.

**(4) Property Owners' Associations Required**

**a. Mandatory Association**

Developments with private streets shall have a mandatory property owners association that includes all property served by private streets. The association shall own and be responsible for the maintenance of private streets and appurtenances. Such documents shall be reviewed and approved by the City Attorney to ensure conformance to this and other applicable city ordinances.

**b. Association Standards**

The association documents shall be filed of record prior to the approval of the final map. Lot deeds shall convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the City. Nor may any portion of the association documents pertaining to assessments and the maintenance of the private streets be amended without the written consent of the City.

**(5) Private Street Lot**

Private streets shall be constructed within a separate lot owned by the property owners' association. This lot shall conform to the City's standards for public street right-of-way. An easement covering the street lot shall be granted to the City and utility companies providing unrestricted use of the property for utilities and utility maintenance. This right shall extend to all utility providers including telecable companies and emergency services operating within the city. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including, but not limited to, fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.

**(6) Construction and Maintenance Cost**

The City shall not pay for any portion of the cost of constructing or maintaining a private street including street signs and regulatory signage. Costs incurred for construction will not offset any impact fee charges.

**(7) Utilities**

Sewer, drainage facilities, and signs placed within the private street shall be installed to City standards. Dedication to the City shall occur prior to acceptance of the development and/or release of securities. All City regulations relating to infrastructure financing, developer cost participation, and capital cost recovery shall apply to developments with private streets.

**(8) Plans and Inspections**

Developments proposed with private streets shall submit the same plans and engineering information required to construct public streets and utilities. Requirements pertaining to inspection and approval of improvements prior to final map approval shall apply. Fees charged for these services shall also apply. The City may periodically inspect private streets and require repairs necessary to insure emergency access. The City may take legal action to ensure necessary repairs are made and/or perform the repairs and charge the owners actual costs.

**(9) Access Restrictions**

The entrances to all private streets shall be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances shall be staffed 24 hours every day or provide an alternative means of ensuring access to the development by the City and other utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide city services, the city may enter the development and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph which may not be amended without the written consent of the City.

**(10) Access Restricted Entrance Design Standards**

Any private street that has an access control gate or cross arm shall have a minimum uninterrupted pavement width of 22 feet at the location of the access control device. If an overhead barrier is used, it shall be a minimum of 14 feet in height above the road surface. All gates and cross arms shall be of a break-away design. A turnaround space shall be in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets. The location and design of gates is subject to city approval.

**(11) Waiver of Services**

The subdivision final map or other final development plan or permit, property deeds, and property owner association documents shall note that certain city services shall not be provided on private streets. All private traffic regulatory signs shall conform to the Manual of Uniform Traffic Control Devices. Depending on the characteristics of the proposed development, services may not be provided.

**(12) Petition to Convert to Public Streets**

The property owner association documents shall allow the association to request the City to accept private streets and associated property as public streets and right-of-way upon written notice to all association members and the favorable vote of a majority of the membership. However, in no event shall the City be obligated to accept the streets as public. Should the City elect to accept the streets as public, the City may inspect the private streets and assess the lot owners for the expense of needed repairs concurrent with the City's acceptance of the streets. The City will be the sole judge of whether repairs are needed. The city may also require, at the association's expense, removal of guard houses, access control devices, landscaping or other aesthetic amenities located within the street lot. The association documents shall provide for the City's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the City.

**(e) Collector and Larger Roadways**

Single-family homes that are proposed to have direct driveway access onto collector or

larger roadways shall record a notification for future buyers identifying the functional classification of the road providing primary access and the maximum allowable traffic volume for that classification.

### 18.04.502 Sidewalks, Curbs, and Gutters

#### (a) Applicability

##### (1) General

Sidewalks, curbs, and gutters shall be required on all lots or parcels of land that are improved or upon which any building or construction shall take place, unless excepted in Subsection (2), below. Sidewalks are required on both sides of all streets, public and private, unless another means of pedestrian access is approved, or if the sidewalk is impractical or is unnecessary for pedestrian access purposes as determined by the Administrator.

##### (2) Exceptions

Sidewalks, curbs, and gutters are not required in the event of addition or remodel of 500 square feet or less to an existing structure.

##### (3) Timing of Determination of Sidewalk Requirements

In new developments, sidewalk requirements shall be determined at time of tentative map or parcel map approval.

##### (4) Waiver of Sidewalk, Curb, and Gutter Requirements<sup>304</sup>

- a. Upon application by a property owner and for cause shown, the Administrator may waive the requirement for curb, gutter, and/or sidewalk whenever the Administrator determines that it is not practical to be installed at the time of building or construction due to negative impacts on future road construction or improvements, undesirable obstruction to drainage patterns, flow paths, public safety or where a pedestrian circulation plan has been adopted for an area that indicates no sidewalks are planned for a site.
- b. The Administrator may waive the sidewalk requirement in the event of repair, remodeling, or addition to existing improvements on all parcels of land or for new construction of a single-family residence where sidewalks within 300 feet of the immediate area do not presently exist or where topographic constraints, walls, or landscaping or other obstructions prevent continuous extension on this property or others.
- c. The Administrator may waive or modify sidewalk requirements and allow alternative pedestrian circulation plans for hillside developments, to reduce project grading, or to satisfy Low Impact Development objectives.
- d. No requests for sidewalk waivers will be considered on any parcels of land, which are located within ¼ mile of any school and located on arterial, collector, or industrial roadway.
- e. The decision denying the applicant a waiver may be appealed in writing to the Hearing Examiner within ten days after notification of such denial.

##### (5) Hold-Harmless Agreement

To have consideration for any provisions described in this subsection, the applicant shall provide to the City a hold-harmless agreement, subject to the approval of the

<sup>304</sup> Text edits made in this Section for clarity/improvement of waiver provisions.



City Attorney. The applicant shall also waive any protest or objection pursuant to state statutes to any future assessment district that may be formed to incorporate sidewalk upon all the tracts in the district. Such waiver of protest shall be recorded in the Office of the County Recorder and the provisions thereof complied with by any successor in interest.

(b) **Sidewalk Dimensions**<sup>305</sup>

- (1) Sidewalks shall be a minimum of five feet wide along local and residential collector streets.
- (2) Sidewalks shall be a minimum of six feet wide along commercial collector and arterial streets.
- (3) Additional district specific requirements for sidewalks and landscaped parkways are set forth in Articles 8, 9, and 10, below.
- (4) The Administrator may modify minimum sidewalk dimensions to protect existing structures, utilities, street trees, or landscaping; or for consistency with existing sidewalk dimensions on adjacent properties. Any modifications shall maintain sufficient access for people with disabilities.

(c) **Commencement and Completion of Construction**

Construction of sidewalks, curbs, and gutters shall be commenced within 30 days from the date of issuance of the permit for the work contemplated or the date of completion of the engineering required to establish the street grade, whichever is later, and shall be completed within 60 days from such date.

### 18.04.503 Utilities and Services

(a) **Sewage**

Any new subdivision or development within the city shall connect to the City's sanitary sewer system unless the City Council approves an agreement under which sewer service is to be provided by another entity or unless a property owner requests and obtains permission from the City Council to connect to a different sanitary sewer system. If sewer service is provided by an entity other than the City, then the City assumes no liability for the quality and continuity of service. Any necessary sanitary sewer main extension or the upgrading of any existing sanitary sewer system which is necessary to serve the subdivision or development shall be provided by the developer. When an oversized public sewer main is required for future service to other properties, the provisions of Section 12.16.480, *Sewer Main Line Extensions*, will be followed.

(b) **Water and Fire Hydrants**

- (1) The water supply system shall be adequate for all domestic use plus fire protection, which is when the system can furnish the required fire flow from any fire hydrant for the required duration of time while the required residual pressures are maintained in the system. The criteria for determining the above requirements for any specific subdivision or area, shall be the "Standard Schedule for Grading Cities and Towns of the United States with Reference to Their Fire Defenses and Physical Conditions," a publication of the National Board of Fire Underwriters.

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<sup>305</sup> Subsection (b) has been updated to better reflect the Public Works Design Manual and also change to residential sidewalks from 4 feet to 5 feet. The updated minimum sidewalk dimension is to be offset by PWDM changes to reduce the width of local streets. Additional language has been removed because it is covered by the PWDM.



- (2) A subdivision or development located outside a water service district that is to be supplied by a source other than the local water utility will require a complete design for the source of supply acceptable to the City. The design, showing pressure, capacity, potential population capable of being served, and the provisions to comply with National Board of Fire Underwriters recommended fire flow, shall be furnished. Any water supply obtained from wells shall be clearly shown on the design. A statement shall be submitted stating the capacity of the well, pressure, the population which can be served from the well or wells, and the state permit number issued for each well. An agreement satisfactory to the City shall be submitted guaranteeing continued water supply for the subdivision or development.
  - (3) Water mains to fire hydrants shall conform to recommendations of the National Board of Fire Underwriters, and the number of fire hydrants and their placement throughout the subdivision or development will be specified by the fire department.
  - (4) Fire hydrants shall be installed in conformance with City standards. Fire hydrant markers shall be placed as directed by the fire chief.
- (c) **Underground Utility Services**
- (1) The subdivider or developer shall provide for utility distribution service and facilities to serve each lot of a subdivision or development, including, but not limited to, gas, water, electricity, communication, and cable television. The location and kilovolts are to be shown on project applications to the Community Development Department and on building permit plans for all new or existing power lines to be relocated within and/or adjacent to a project.
  - (2) All new or relocated utility distribution and service facilities, including communication and cable television, shall be placed underground except surface mounted transformers located in conformance to applicable setbacks, pedestal mounted terminal boxes, meter cabinets and concealed ducts. Above-ground installations shall be aesthetically screened.
  - (3) The Administrator may waive the requirements for undergrounding power lines under the following conditions:
    - a. A conflict with the National Electrical Safety Code.
    - b. The proposed undergrounding of relocated power lines would result in the need for power line improvements outside and not adjacent to the site in excess of 100 percent of the on-site or adjacent to the site undergrounding costs.
    - c. New overhead, relocated, or upgraded service drops are in an area where 90 percent of services within 300 feet are overhead, or where the impact on public or private improvements is deemed excessive.
  - (4) The subdivider or developer is responsible for complying with the requirements of this subsection, and shall make the necessary arrangements with the utility companies involved for the installation of the facilities in accordance with such applicable tariffs, rules and regulations of the utilities as may be on file with the state public service commission, and in accordance with any pertinent franchise arrangements, agreements or contracts.
  - (5) The developer of new development with an aggregate 660 feet of street frontage or a 50 percent net reduction in the number of poles shall underground existing overhead utilities upon the following conditions:

- a. The developer is responsible for all costs of undergrounding the existing facilities, including, right of way or easement acquisition, permitting, trenching, street cuts, restoration costs, and adjoining property impacts inclusive of changing out service panels; and
  - b. The conversation shall be limited to electrical distribution facilities only (25kV and below).
- (d) **Water Supply Ditches**  
Any water supply ditch adjacent to residential units is to be fenced in accordance with Section 18.04.809(f) and City standards, to safeguard the public; except specially constructed, privately maintained, decorative streams.

## Article 6 Access, Connectivity, and Circulation

### Commentary

This section supplements existing standards in the current Chapter 18.12: Articles IX, X, and XIII, related to access, connectivity, and circulation with new standards for external street connectivity (Section 18.04.501(d)) and pedestrian and bicycle connectivity (Section 18.04.502).

### 18.04.601 Vehicle Access/Circulation and Traffic Analysis

(a) **Site Access: Driveways and Curb-Cuts**

(1) **Driveways**

All driveways shall conform to the following standards unless otherwise approved by the Administrator:

- a. Every development site shall have unobstructed access to a public right-of-way. This access shall intersect the right-of-way at an angle of approximately 90 degrees.
- b. All driveways shall be paved and shall comply with the Public Works Design Manual and Title 12.
- c. Except in conjunction with a single-family, duplex, or triplex residential use, no parking area shall require or encourage a vehicle to back over the property line into a public street right-of-way except that backing into an alley is permitted. Exceptions may be approved by the decision making body for adaptive re-use projects on sites where the prior use backed onto a street, the street is not an arterial, and safety concerns are sufficiently mitigated.
- d. No driveway shall be less than 20 feet in length as measures from the back of the sidewalk or planned sidewalk to the garage door or the end of paving.

(2) **Curb-Cuts**

Where parking on any residential lot is accessible from the street, or access for motor vehicles is desired in business, commercial, or industrial use, provisions shall be made for a driveway. All driveway approaches shall enter properties via a standard curb-cut.

a. **Shared Curb-Cuts and Driveways**

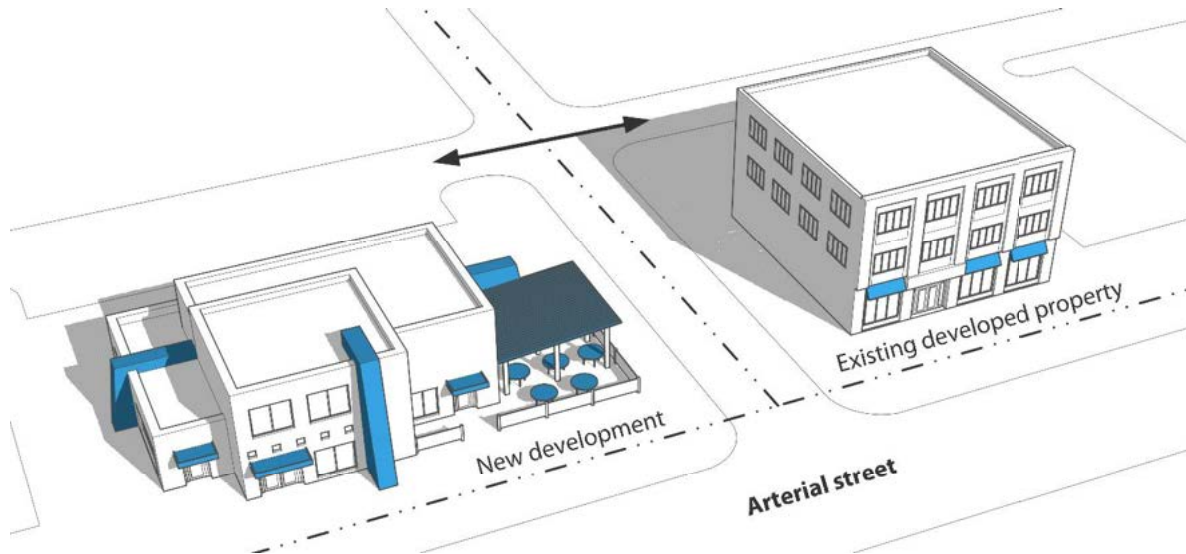
On arterial streets in the mixed-use and nonresidential zoning districts, shared driveways or curb-cuts, and reciprocal access easements may be required by the Administrator along common lot lines as follows:

## Chapter 18.04 Development Standards

### Article 6 Access, Connectivity, and Circulation

#### 18.04.601 Vehicle Access/Circulation and Traffic Analysis

1. Where existing abutting property is already developed, driveways and access aisles shall be interconnected unless the abutting property is already developed in such a manner that interconnection is physically or legally impossible. See Figure 4-2, below.



**Figure 4-2: Shared Curb-Cuts and Driveways – Developed Property**

2. Where abutting property is not developed and where the owner of the abutting property does not wish to develop concurrently, driveways shall be brought to the common property line so that future interconnection is possible. See Figure 4-3, below.



Figure 4-3: Shared Curb-Cuts and Driveways – Undeveloped Property

- b. **Maximum Number of Curb-Cuts**  
The maximum number of curb-cuts from any project or property shall comply with the Public Works Design Manual and Title 12.
  - c. **Curb Returns**  
Curb returns shall be provided with pedestrian ramps for people with disabilities in accordance with City standards.
  - d. **Design and Construction**  
Design and construction of driveways, driveway approaches, and curb-cuts shall comply with the Public Works Design Manual and Title.
  - e. **Separate Access for Service**  
The Administrator may require that separate service access be provided to a development when doing so would result in a reduction in potential vehicular and pedestrian conflicts or improve traffic safety.
  - f. **Street Reconstruction Projects**  
Whenever a street reconstruction project includes curb and gutter improvements, existing curb-cuts in excess of the requirements of this section shall be removed.
- (b) **Vision Triangles**  
Vision triangles and development restrictions shall be provided in accordance with the Public Works Design Manual and Title 12.
- (c) **Traffic Impact Analysis (TIA) Requirements<sup>306</sup>**
- (1) **Purpose of Traffic Studies**  
Traffic impact analyses and traffic entry and access studies (collectively, “traffic studies”) are required to:

<sup>306</sup> Section reorganized for clarity.

- a. Ensure that public roadways in the city will continue to function at an acceptable level-of-service and in an acceptable manner for the city as a whole;
- b. Reduce traffic conflicts and hazards, which may compromise safety of the traveling public; and
- c. Help prevent commercial, industrial, and other cut-through traffic from using local residential roadways.

**(2) Projects that Require a Traffic Impact Analysis<sup>307</sup>**

- a. A traffic impact analysis (TIA) shall be submitted concurrently with the submission of an application for a Master Plan amendment, zoning map amendment, tentative map, conditional use permit, minor conditional use permit, major site plan review, site plan review, or a building permit if the site meets any of the following criteria:
  - 1. Applications generating 200 or more peak-hour trips or that propose a change to roadways in the Regional Transportation Plan (RTP) for Washoe County or the Regional Road Impact Fee (RRIF) Network.
  - 2. Projects defined as "projects of regional significance" in Section 18.08.601.
  - 3. Projects that will be phased over a period exceeding ten years (does not apply to Master Plan or zoning map amendments).
  - 4. Projects that may impact planned roadway projects (e.g., a proposal may require revised access or be located near an arterial intersection).
  - 5. Projects deemed to have impacts related to intersection capacity, safety, neighborhood, or other concerns as identified by the City of Reno or the State of Nevada Department of Transportation (NDOT).
- b. TIAs submitted for Master Plan or zoning map amendments shall utilize assumptions based on the typical types and intensities of development allowed within the proposed Master Plan and zoning designations.
- c. If a TIA has been previously submitted for a site, a new study shall not be required. However, the Administrator may require an update of the study if the study is more than one year old or if conditions on the site or in the general area of the site have changed substantially.
- d. In addition, the Administrator may require a TIA of any proposed development if there is cause and concern that the development will conflict with existing traffic flows, may impact the traffic operation at intersections, may not provide adequate site access or will likely adversely impact neighborhoods.

**(3) Projects That Require a Traffic Entry and Access Study**

- a. All developments for which the estimated trip generation for all uses on the lot collectively is equal to or greater than 100 trips per peak hour, according to Table 4-6, below, shall be required to submit a traffic entry and access study:

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<sup>307</sup> Proposed combination of two subsections. This folds the contents of the current "Projects that May Require a Traffic Report" in as specific thresholds under provision 1. The Assessment report proposed converting recommendations in this section into standards. Also, note that the current code appears to use the terms "traffic report" and "traffic impact analysis" interchangeably. This draft eliminates the term "traffic report."

**Table 4-5 Peak-Hour Trip Generation (Assumptions for Specific Projects)**

Type of Use	Peak Hour Trip Rate
Residential	1 per dwelling unit
Lodging	0.76 per guest room
Recreation	3 per net acre <sup>[1]</sup>
Institutional and Community Service	3 per 1,000 sq. ft.
Office	2 per 1,000 sq. ft.
Retail and Personal Service	5 per 1,000 sq. ft.
Restaurant	13 per 1,000 sq. ft.
Commercial and Business Service	2 per 1,000 sq. ft.
Industrial	1 per 1,000 sq. ft.
Wholesale, Distribution and Storage	.4 per 1,000 sq. ft.

Notes: [1] Net does not include roadways and facilities that do not have parking requirements.

- b. As an alternative to Table 4-6, the current edition of Trip Generation by the Institute of Transportation Engineers (ITE) may be used to determine peak hour trip rates.

**(4) Process**

**a. Pre-Submittal Conference**

- 1. Prior to commencing a required traffic study, the applicant's traffic engineer shall confer with the Administrator, and discuss such items as:
  - [a] Definition of the study area;
  - [b] Level of background traffic;
  - [c] Directional distribution of traffic;
  - [d] Street and intersection capacity;
  - [e] Intersections requiring level-of-service analysis; and
  - [f] Methods for projecting build-out volume.

**b. Study Format**

To facilitate review by other agencies and to promote region-wide uniform requirements for the content and preparation of traffic studies, the Traffic Impact Analysis Guidelines adopted by the regional transportation commission shall be used for formatting any TIA, unless otherwise approved by the City's traffic engineer.

**c. Professionally Prepared**

All traffic studies shall be prepared and sealed by a Nevada Registered Professional Engineer with experience in transportation planning and engineering.

**d. Preliminary Traffic Studies**

Where the proposed development is in the preliminary design stage, the city traffic engineer may only require a preliminary TIA, subject to a standard TIA being completed and submitted prior to, or concurrently with, the submission of an application for a development review, tentative map or building permit, whichever occurs first.

**(d) External Street Connectivity<sup>308</sup>**

Circulation plans for all new subdivisions and other projects that extend streets or gain access from the terminus of existing streets, shall maintain external street connectivity in accordance with the following standards:

- (1) The arrangement of streets in a development shall provide for the alignment and continuation of existing or proposed streets into adjoining lands in those cases in which the adjoining lands are undeveloped and may provide for future development or in which the adjoining lands are developed and include opportunities for such connections.
- (2) Street rights-of-way shall be extended to or along adjoining property boundaries such that a roadway connection or street stub shall be provided for development to future development sites at least every 1/2 mile for each direction (north, south, east, and west) in which development abuts vacant or developable lands, as determined by the Administrator. Such street stubs shall not be required to abut adjacent developed areas that lack existing or planned street connections, or when floodplains, wetlands, steep hillsides, limited access roadways, or other unique site conditions preventing a street connection in the opinion of the Administrator.
- (3) Residential streets affected by external street connectivity requirements may be candidates for traffic calming treatments upon the recommendation of the Administrator, City Engineer and Fire Marshal.
- (4) Street and sidewalk connections shall be made between neighborhood commercial centers and adjacent residential neighborhoods.
- (5) At all locations where streets terminate with no street connection, but a future connection is planned or accommodated, the application shall install and maintain a permanent sign at the location with the words "STREET MAY BE EXTENDED BY THE AUTHORITY OF THE CITY OF RENO" to inform property owners.
- (6) The Final Map and a disclosure for all residential dwellings shall identify all stub streets and include a notation that all street stubs are intended for connection with future streets on adjoining undeveloped property.

**18.04.602 Pedestrian and Bicycle Connectivity****Commentary**

This is mostly new material for the city's consideration. The draft code continues to generally require sidewalks on both sides of all streets and allow administrative discretion to modify or waive this requirement based on factors such as topography. Longer-term, however, the city will develop a new sidewalks/trails Master Plan specifying where specific facilities are required. The "on-site pedestrian walkways" section includes new standards for achieving greater on-site pedestrian connectivity. Minor refinements and clarifications since the previous draft are proposed based on public input.

**(a) Sidewalks**

All pedestrian access shall comply with the standards stated in Section 18.04.502, *Sidewalks, Curbs, and Gutters*, and the site and building standards in Articles 8, 9, and 10, below.

**(b) On-Site Pedestrian Walkways**

All development shall provide an on-site system of pedestrian walkways that meets the following standards:

<sup>308</sup> New standards. Changes proposed to increase design flexibility while continuing to require through streets every ½ mile where conditions permit.



**(1) Areas to Connect**

On-site pedestrian walkways shall provide direct access and connections to and between:

- a. The primary entrance or entrances to each building, including pad site buildings;
- b. Any sidewalks, walkways, multi-use paths, or emergency access roads that extend to the boundaries shared with the development;
- c. Any parking areas intended to serve the development;
- d. Any sidewalk system along the perimeter streets adjacent to the development;
- e. Any planned or existing public transit station areas, transit stops, park and ride facilities, or other transit facilities on-site or along an adjacent street;
- f. Any adjacent residential neighborhoods (planned or existing); and
- g. Any adjacent or on-site public park, trail system, open space, greenway, or other public or civic use or amenity (planned or existing).

**(2) Walkway Design**

Required on-site pedestrian walkways shall be a minimum width of five feet; however, the Administrator and/or City Engineer may require a wider walkway based on site characteristics such as, but not limited to, anticipated pedestrian volume, street classification, zoning, and location within a neighborhood planning area. All required walkways shall:

- a. Be distinguishable from areas used by vehicles using one or more of the following techniques:
  1. Changing surfacing material, patterns, and/or paving color, but not including the painting of the paving material;
  2. Changing paving height;
  3. Decorative bollards; and
  4. Raised median walkways with landscaped buffers;
- b. Be designed with similar and/or complementary details, colors, and finishes as other interconnected walkways;
- c. Include lighting for security and safety;
- d. Provide reasonably direct connections to the locations specified in Subsection (1), above;
- e. Be ADA accessible; and
- f. Not include barriers that limit pedestrian access between the subject property and adjacent properties.

**(3) Pedestrian Access through Parking Areas**

All parking lots that contain more than 50 parking spaces shall include pedestrian walkways that are delineated with changes of material, elevation, or landscaping through the parking lot to the primary building entrance or a sidewalk providing access to the primary building entrance. At a minimum, walkways shall be provided for every three driving aisles or not more than 180-foot intervals, whichever is less.

**(c) Bicycle Circulation**

Bicycle access and circulation improvements shall be provided and shall include the bicycle facilities identified in plans that have been formally approved as a component of the City of Reno Master Plan or the and the Regional Transportation Plan, along with bicycle connections to other adjacent bicycle facilities and to major destinations within the project.

## Article 7 Off-Street Parking and Loading

### Commentary

This article includes updated standards for how much parking and loading is required and the layout and design of parking areas. Table 1.7, *Off-Street Parking Requirements* mirrors the land use table, making it clear how much parking is required for each proposed land use.

This article restructures and generally reduces minimum off-street parking rates, along with targeted updates to off-street parking layout and design, parking alternatives, loading and stacking areas, parking and loading area maintenance, and bicycle parking. Revisions from the current standards are footnoted.

### 18.04.701 Purpose<sup>309</sup>

This article is intended to provide off-street parking and loading facilities in proportion to the generalized parking, loading, and transportation demands of different land uses. This section is also intended to help protect the public health, safety, and general welfare by:

- (a) Avoiding and mitigating traffic congestion;
- (b) Avoiding and mitigating the adverse visual impact of large concentrations of exposed parking;
- (c) Reducing stormwater runoff, reducing heat island effect from large expanses of pavement, improving water quality, and minimizing dust pollution;
- (d) Providing necessary access for service and emergency vehicles;
- (e) Providing for safe and convenient interaction between vehicles and pedestrians; and
- (f) Providing flexible methods of responding to the transportation and access demands of various land uses in different areas of the city.

### 18.04.702 Applicability

#### (a) New Development

Unless otherwise exempted by this article, the standards in this article shall apply to all development and land uses established after the effective date of this Title.

#### (b) Existing Uses

- (1) No existing use or structure shall be deemed nonconforming solely because of the lack of off-street parking (including bicycle parking) or loading requirements prescribed in this article, provided that off-street parking and loading facilities existing on the effective date of this title shall not be reduced in capacity, design, or function to less than the minimum standards prescribed in this article, unless required for a public infrastructure project.
- (2) No existing use shall be required to maintain more parking or loading spaces than is required for a new structure or use under this article.

<sup>309</sup> New subsection.

- (3) It shall be unlawful for an owner of a building or land use affected by this section to cause or permit the discontinuance or reduction of required parking or loading facilities without the establishment of acceptable alternative parking or loading facilities that meet the requirements of this title. Parking shall be considered discontinued if it is rented to other uses off-site, or blocked by storage containers, materials, or merchandise.
- (c) **Expansion or Increase in Intensity**  
Unless otherwise exempted by this article, the off-street parking and loading standards of this article apply when an existing structure or use is expanded or enlarged, through the addition of dwelling units, floor area, seating capacity, or other units of measurement used for establishing off-street parking and loading requirements. Additional off-street parking and loading spaces shall be required only to serve the enlarged or expanded area, not the entire building or use.
- (d) **Change of Use**  
Unless otherwise exempted by this article, off-street parking and loading facilities (including bicycle parking) shall be provided for any change of use that would result in a requirement for more parking or loading spaces than the former use as defined in this article. Additional parking or loading spaces shall be required only in proportion to the extent of the change, not for the entire building or use. Relaxation of minimum parking to accommodate changes of use may be approved with a major deviation.<sup>310</sup>
- (1) **Exception**
- a. **Motel/Hotel Conversions into Housing**  
Additional off-street parking will not be required for the conversion of motels or hotels into long-term, permanent housing.

### 18.04.703 General Standards<sup>311</sup>

- (a) **Parking Available for Use**
- (1) All required parking shall be available for use by on-site tenants.
- (2) Unless expressly allowed by this article, all required off-street parking shall be available on-site.
- (3) Garages in multi-family projects shall only qualify as parking if used for parking, with storage restricted. This standard shall be enforced through the establishment of deed and/or lease restrictions prior to occupancy, and the maintenance of such restrictions.
- (4) Areas adjacent to gas pumps, drive through-lanes, loading areas, and similar parking lot features shall not be considered as required parking.<sup>312</sup>
- (b) **Maintenance of Parking and Loading Areas**
- (1) **Surface Maintenance**  
All parking, loading, and service surfaces, curbs, and approaches shall be maintained in good condition, and free of structural hazards.
- (2) **Debris and Litter**

<sup>310</sup> New standard added to accommodate adaptive re-use projects because site plan review findings do not require hardship or unusual situations.

<sup>311</sup> Single-family standards relocated to Article 8, *Site and Building Standards for Residential Districts* to address duplication

<sup>312</sup> Moved from Section 18.05.704.

Off-street parking, loading, and storage areas shall be maintained to prevent the accumulation of debris or litter.

(c) **Public Transit Facilities**

Where the decision-making body determines that a use or development would result in the need for public transit, the owner shall dedicate and construct bus turnouts and shelters in accordance with city standards.

(d) **Public and Semi-Public Parking and Service Areas**

Public and semi-public parking lots, service areas, loading spaces, drive-in businesses, automobile, mobile home, recreational vehicle and boat sales, and storage areas shall be developed in accordance with the provisions of this section, and shall be subject to review and approval by the Administrator. A person establishing a public or semi-public parking lot shall maintain a permanent sign at each entrance to the parking lot, approved by the Administrator, suitable to apprise potential users of the following information:

(1) **Hours**

The hours of the day or night during which the parking lot is open for business.

(2) **Rates**

The rates (if any) charged for parking, and when more than one rate is charged, or when a sliding rate scale is charged. The figures and letters stipulating each rate shall be of uniform size and dimensions and shall be not less than six inches in height and three inches in width.

(3) **Towing**

- a. If vehicles in violation of parking rules will be towed from the parking lot, the sign shall state this information.
- b. If vehicles will be towed, the name and telephone number of the operator of the parking lot who may be contacted if a vehicle is towed shall be stated.

(4) **Patron Lot**

If the parking lot is used exclusively as a patron parking lot, signage shall clearly advise potential users of the terms and conditions of the use.

### 18.04.704 Calculation of Parking and Loading Requirements<sup>313</sup>

(a) **Area Measurements**

All square footage-based parking and loading requirements shall be computed based on gross floor area of the subject use. Structured parking within a building shall not be counted in such computation.

(b) **Fractions**

When measurements of the minimum number of required spaces result in a fractional number for a project, total parking shall be calculated in accordance with Section 18.09.209, *Rounding*.

(c) **Parking and Loading for Unlisted Uses**

For uses not expressly listed in Table 4-7 *Off-Street Parking Requirements*, the Administrator is authorized to apply the minimum off-street parking space requirement specified in Table 4-7 to the proposed use (based on operating characteristics, the most

<sup>313</sup> New section.

similar related occupancy classification, or other factors determined by the Administrator); or

- (1) Establish the minimum off-street parking space requirement by reference to parking resources published by the Institute of Traffic Engineers (ITE) or other acceptable source of parking demand data; or
- (2) Establish the minimum off-street parking space and loading requirements based on a parking and loading demand study prepared by the applicant according to subsection 18.04.704(d), *Requirement Based on Demand Study*, below.

(d) **Requirement Based on Demand Study**<sup>314</sup>

Uses that reference Table 4-7 *Off-Street Parking Requirements*, have widely varying parking and loading demand characteristics, making it difficult to specify a single off-street parking or loading standard. Upon receiving an application for a use subject to this subsection, the Administrator shall apply the off-street parking and loading standards based on a parking and loading demand study. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location. For projects requiring 12 or fewer spaces, , the Administrator may apply off-street parking and loading standards based on accepted standards without requiring a parking demand study.

### 18.04.705 Off-Street Parking Requirements

(a) **Required Amounts of Parking**<sup>315</sup>

(1) **Minimum**

Table 4-7 *Off-Street Parking Requirements*, sets forth the minimum required amounts of off-street parking spaces for each specified land use. Minimum parking standards are established by district as defined below.

a. **Downtown Parking District**

1. The Downtown district applies to all Mixed-Use Downtown (MD-) districts.
2. There is no minimum parking requirement in the Mixed-Use Downtown (MD-) districts.

b. **Level 1 Parking District**

1. Minimum parking requirements in the Level 1 district apply to the Mixed-Use Urban (MU) District and Mixed-Use Midtown Commercial (MU-MC) District.
2. Properties that are partly or entirely located within ¼ mile of Mixed-Use Downtown (MD-) districts or the centerline of the Virginia Street or Fourth Street bus rapid transit routes (measured in a direct line) may provide parking at 60 percent of the Level 1 parking district minimum.

<sup>314</sup> Updated to clarify traffic study requirements, including allowing other professionals to prepare a study, and allow Administrator to set parking rates for smaller projects to reduce cost to applicants.

<sup>315</sup> This section establishes three "levels" for minimum parking standards in Reno, with no on-site parking required in Downtown Reno, reduced rates in urban mixed-use areas, and higher rates in other areas. Blended calculations are allowed in transitional areas.

**c. Level 2 Parking District**

1. Minimum parking requirements in the Level 2 district apply to all zoning districts not in the Downtown or Level 1 districts.
2. Properties within the Level 2 parking district and within 600 feet of the Downtown or Level 1 parking districts may provide parking at an average of the Level 2 district minimum and the nearby parking district minimum.

**(2) Maximum**

There is no maximum parking limitation.

**(3) Accessory and Temporary Use Parking**

1. Accessory uses shall provide parking in addition to any parking required for the principal use.
2. Parking is not required for temporary uses.

**Commentary**

Table 4-7 *Off-Street Parking Requirements* mirrors the land use table, making it clear how much parking is required for each proposed land use. The current parking requirement for each use is listed in the second column, although it should be noted that the current minimum requirements in the Mixed-Use zoning districts vary considerably and in many areas are significantly less than the current citywide standards. The new proposed minimum requirements are in the third and fourth columns, with the third column showing Level 1 parking district minimums to apply in more urban areas outside of Downtown Reno and Level 2 parking district minimum applying in the rest of the city.

The proposed minimum number of parking spaces required for each use was derived by comparing the current standards with recommended standards published in the Institute of Traffic Engineers (ITE) parking demand manual, referencing the Clarion library of parking standards for cities across the nation, and professional best practices. Our general approach was to be conservative with the minimum of parking spaces required in the table, and to be more aggressive with the parking alternatives section to allow a greater degree of flexibility. Issue Sheet 2A recommended parking minimums be reduced where excessive, which is widely reflected in the proposed changes. Residential parking minimums are proposed to be calculated per unit instead of per bedroom to ease implementation. Targeted changes to reduce the number of spaces required are primarily in the Level 1 parking district where restaurant, bars, and retail are not required to provide parking. Other changes to restaurant, medical uses, and office uses better align with Sparks. Discretionary parking study is now required for casinos and stadiums instead of set minimums.

Similar to the Table of Allowed Uses, it is not uncommon for staff and stakeholders to spend a considerable amount of time reviewing the parking requirements to ensure they meet the City's vision and goals.

Table 4-6 Off-Street Parking Requirements

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
<b>RESIDENTIAL</b>			
<b>Household Living</b>			
Dwelling, Duplex (NEW)	1.12 per efficiency D/U (no separate bedroom); 1.5 per 1 bedroom D/U; 2 per 2 bedroom D/U; 2 per 3 bedroom D/U; 2 plus .5 per each bedroom for D/U larger than-3 bedrooms; 1 per 10 D/U guest parking.	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 2 per unit)
Dwelling, Fourplex (NEW)	1.12 per efficiency D/U (no separate bedroom); 1.5 per 1 bedroom D/U; 2 per 2 bedroom D/U; 2 per 3 bedroom D/U; 2 plus .5 per each bedroom for D/U larger than-3 bedrooms; 1 per 10 D/U guest parking.	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 2 per unit)
Dwelling, Live/Work (NEW)	1.12 per efficiency D/U (no separate bedroom); 1.5 per 1 bedroom D/U; 2 per 2 bedroom D/U; 2 plus .5 per each bedroom for D/U larger than-3 bedrooms; 1 per 10 D/U guest parking.	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 3 per unit)
Dwelling, Multi-family	1 per bedroom	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 2 per unit)
Dwelling, Single-Family Attached	1 per bedroom	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 3 per unit)
Dwelling, Single-Family Detached	1 per bedroom	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 3 per unit)
Dwelling, Triplex (NEW)	1.12 per efficiency D/U (no separate bedroom); 1.5 per 1 bedroom D/U; 2 per 2 bedroom D/U; 2 per 3 bedroom D/U; 2 plus .5 per each bedroom for D/U larger than-3 bedrooms; 1 per 10 D/U guest parking.	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 2 per unit)
Manufactured Home <sup>316</sup>	1 per bedroom. Subdivisions with lot sizes smaller than 4000 sq. ft. and on street parking shall provide 1 space of common parking for every 4 units. Subdivisions without on-street parking lanes shall provide one space of common parking for every unit. Parking lots shall have no more than 5 spaces in any one lot unless separated by landscaping.	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 3 per unit)
Manufactured or Mobile Home Park <sup>317</sup>	1.8 per mobile home	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 2 per unit)
Mobile Home Subdivision	1.8 per mobile home	1 per unit	1 per 1,250 sq. ft. per unit (not to exceed 2 per unit)
<b>Group Living</b>			
Assisted Living Facility	1 per 1.65 dwelling units <sup>318</sup>	1 per 2.5 resident beds	1 per 1.5 resident beds
Boarding or Rooming House	1 per each 2.2 beds	1 per 5 resident beds	1 per 2.5 resident beds

<sup>316</sup> Standards for "Single-Family: Attached Townhouse; Detached; Zero Lot Line" used.

<sup>317</sup> Standards for "Mobile Home Subdivision" used.

<sup>318</sup> Dimensional standards are relocated to subsection (b) of this Section.



**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Convent or Monastery	--	1 per 5 resident beds	1 per 2.5 resident beds
Fraternity or Sorority House	.9 per each rooming unit	1 per 3 resident beds	1 per 2 resident beds
Group Home	--	1 per 3 resident beds	1 per 2 resident beds
Private Dorm	.9 per each rooming unit	1 per 3 resident beds	1 per 2 resident beds
Single-Room-Occupancy	1 per every 2.2 Rooms. If located within 500 feet of a public transportation stop, 1 per every 4.4 Rooms	1 per every 4 units	1 per 2 units
Transitional Living Facility	--	1 per 5 resident beds	1 per 2.5 resident beds

**PUBLIC, INSTITUTIONAL, AND CIVIC USES**

**Community and Cultural Facilities**

Cemetery or Mausoleum	1 for each 4.4 fixed seats or 1 for each 110 sq. ft. in rooms open to the public, whichever is greater	1 per 200 sq. ft. used for viewing or services	1 per 200 sq. ft. used for viewing or services
Funeral Parlor	1 for each 4.4 fixed seats or 1 for each 110 sq. ft. in rooms open to the public, whichever is greater	1 per 200 sq. ft. used for viewing or services	1 per 200 sq. ft. used for viewing or services
Library, Art Gallery, or Museum	1 per 330 sq. ft.	1 per 1,000 sq. ft.	1 per 500 sq. ft.
Major Government Facility	--	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Minor Government Facility	--	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Prison or Custodial Institution	1 for each employee, plus one space per 28 inmates	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Private Club, Lodge, or Fraternal Organization	1 per 82 sq. ft.	1 per 500 sq. ft.	1 per 300 sq. ft.
Public Meal or Homeless Services Provider	1 for each 1,500 square feet of building area, plus one per employee/volunteer on the largest shift	1 per 1,500 square feet of building area, plus 1 per employee/volunteer on the largest shift	1 per 1,500 square feet of building area, plus 1 per employee/volunteer on the largest shift
Public Park or Recreation Area	1 per 2200 sq. ft. of land area	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Religious Assembly	1 per each 5.5 seats	1 per 500 sq. ft.	1 per 300 sq. ft.

**Educational Facilities**

Adult Education	1 per 9 pupils	1 per 500 sq. ft.	1 per 400 sq. ft.
Childcare Center	1 per 9 pupils	1 per 500 sq. ft.	1 per 400 sq. ft.

**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
College, University, or Seminary	1 for every 4.4 students	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
School, Primary	1 space per classroom and 1 space per 100 students based on design capacity	1 per classroom and 1 per 100 students based on design capacity	1 per classroom and 1 per 100 students based on design capacity
School, Secondary	High School: 1 space for each 1.5 students, faculty and staff based on design capacity Middle School: 2 spaces per classroom plus 1 space per every 100 students based on design capacity	High School: 1 per 1.5 students, faculty, and staff based on design capacity Middle School: 2 per classroom plus 1 per 100 students based on design capacity	High School: 1 per 1.5 students, faculty, and staff based on design capacity Middle School: 2 per classroom plus 1 per 100 students based on design capacity
School, Vocational or Trade	1 per student at full capacity	1 per 1.5 students, faculty, and staff based on design capacity	1 per 1.5 students, faculty, and staff based on design capacity

**Healthcare Facilities**

Blood Plasma Donor Center	1 for each 220 sq. ft.	1 per 250 sq. ft.	1 per 250 sq. ft.
Hospital, Acute and Overnight Care	1 per 1.65 beds	1 per 600 sq. ft.	1 per 400 sq. ft.
Medical Facility, Day Use <sup>319</sup>	1 per 165 sq. ft.	1 per 600 sq. ft.	1 per 400 sq. ft.

**COMMERCIAL USES**

**Agriculture, Animals, and Farming**

Animal Clinic, Shelter, Hospital, Boarding Kennel, or Training Facility	1 per each 330 sq. ft.	1 per 500 sq. ft.	1 per 330 sq. ft.
Farm	--	--	--
Stable, Commercial	1 for each five horses boarded at the maximum capacity and 1 double length stall for trailers per stable	--	1 per 5 animals boarding capacity
Urban Farm (NEW)	--	--	--

**Food and Beverage**

Bakery, Retail <sup>320</sup>	<ul style="list-style-type: none"> <li>Low-volume sit-down restaurant (customer turnover typically hourly or longer) 1 per 88 sq. ft.</li> <li>Lounge area—1 per each 110 sq. ft.</li> </ul>	--	1 per 200 sq. ft.
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<sup>319</sup> Standard for "Office, Medical Professional" used.

<sup>320</sup> Standards for "Food and Beverage Service" used.

**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
	<ul style="list-style-type: none"> <li>High-volume restaurant (customer turnover typically less than hourly)—1 per 66 sq. ft.</li> </ul>		
Bar, Lounge, or Tavern	1 per each 110 sq. ft.	--	1 per 200 sq. ft.
Commercial Kitchen (NEW)	--	--	1 per 300 sq. ft.
Microbrewery, Distillery, or Winery (NEW)	--	--	1 per 300 sq. ft.
Restaurant <sup>321</sup>	<ul style="list-style-type: none"> <li>Low-volume sit-down restaurant (customer turnover typically hourly or longer) 1 per 88 sq. ft.</li> <li>Lounge area—1 per each 110 sq. ft.</li> <li>High-volume restaurant (customer turnover typically less than hourly)—1 per 66 sq. ft.</li> </ul>	--	1 per 200 sq. ft.
Restaurant with Alcohol Service <sup>322</sup>	<ul style="list-style-type: none"> <li>Low-volume sit-down restaurant (customer turnover typically hourly or longer) 1 per 88 sq. ft.</li> <li>Lounge area—1 per each 110 sq. ft.</li> <li>High-volume restaurant (customer turnover typically less than hourly)—1 per 66 sq. ft.</li> </ul>	--	1 per 200 sq. ft.

**Lodging**

Bed and Breakfast Inn	1 per guest room plus 2 for primary residence	1 per guest room	1 per guest room
Hotel-Condominium	.72 per room plus parking as required for other uses in the hotel	1 per 2 guest rooms, plus parking as required for other uses in the hotel	0.72 per guest room, plus parking as required for other uses in the hotel
Hotel	.72 per room plus parking as required for other uses in the hotel	1 per 2 guest rooms, plus parking as required for other uses in the hotel	0.72 per guest room, plus parking as required for other uses in the hotel
Hotel with Nonrestricted Gaming	.72 per room plus parking as required for other uses in the hotel	1 per 2 guest rooms, plus parking as required for other uses in the hotel	0.72 per guest room, plus parking as required for other uses in the hotel
Motel	1 per each sleeping room	1 per 2 guest rooms, plus parking as required for other uses in the motel	0.72 per guest room, plus parking as required for other uses in the motel

<sup>321</sup> Standards for "Food and Beverage Service" used.

<sup>322</sup> Standards for "Food and Beverage Service" used.

**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Motel with Nonrestricted Gaming	.72 per room plus parking as required for other uses in the hotel	1 per 2 guest rooms, plus parking as required for other uses in the motel	0.72 per guest room, plus parking as required for other uses in the motel

**Office and Professional Services**

Call Center	1 per 50 square feet of computer/telephone bank area, 1 per 250 square foot office	1 per 60 square feet of computer/telephone bank area, plus 1 per 300 square foot office	1 per 50 square feet of computer/telephone bank area, plus 1 per 250 square foot office
Financial Institution	1 per 275 sq. ft.	1 per 800 sq. ft.	1 per 400 sq. ft.
Laboratory	--	1 per 800 sq. ft.	1 per 400 sq. ft.
Office, General	1 per each 275 sq. ft.	1 per 800 sq. ft.	1 per 400 sq. ft.
Recording Studio	--	1 per 800 sq. ft.	1 per 400 sq. ft.

**Personal Services**

Cleaners, Commercial	--	1 per 400 sq. ft.	1 per 300 sq. ft.
Personal Service, General	1 per 220 sq. ft.	1 per 400 sq. ft.	1 per 300 sq. ft.
Tattoo Parlor, Body Painting, and Similar Uses	--	1 per 400 sq. ft.	1 per 300 sq. ft.
Wedding Chapel	--	1 per 400 sq. ft.	1 per 300 sq. ft.

**Recreation and Entertainment**

Adult Business	--	1 per 400 sq. ft.	1 per 300 sq. ft.
Amusement or Recreation, Inside	1 per 220 sq. ft.	--	1 per 300 sq. ft.
Amusement or Recreation, Outside	1 per 660 sq. ft. of site area, exclusive of building	--	1 per 250 sq. ft., plus 1 per 1,000 sq. ft. site area
Live Entertainment Venue	--	--	1 per 200 sq. ft. for principal use area
Casino (see Hotel with Nonrestricted Gaming)	1 per 550 sq. ft. of gaming and commercial area	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Convention Center	1 per every 550 sq. ft. public area	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Country Club, Private	1 per 275 sq. ft.	-	1 per 300 sq. ft.
Daytime Entertainment Venue	--	1 per 200 sq. ft. building area, plus 1 per 1000 sq. ft. outside area used	1 per 200 sq. ft. building area, plus 1 per 1000 sq. ft. outside area used
Escort Service/Outcall	--	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)

**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Gun Range, Indoor	.9 per target stall, plus 1 per each 220 sq. ft. of office or retail	1 per target area	1 per target area
Night Club	1 per each 55 sq. ft. of public seating and waiting area, plus 1 per each 220 sq. ft. of the total remaining with a minimum of 10 spaces	--	1 per 200 sq. ft. for principal use area
Recreational Vehicle Park	1 per each unit, plus one guest space for every 10 recreational vehicle sites, plus one space for each employee.	1 per RV site	1.2 per RV site
Sports Arena, Stadium, or Track	1 per 4.4 seats	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)

**Retail**

Building, Lumber, and Landscape Material Sales	1 per 550 sq. ft. of building area; 1 per 1100 sq. ft. outdoor storage area	1 per 1000 sq. ft., plus 1 per 1,000 sq. ft. of outdoor storage area	1 per 550 sq. ft., plus 1 per 1,000 sq. ft. of outdoor storage area
Cannabis Dispensary, Medical	--	1 per 400 sq. ft.	1 per 220 sq. ft.
Cannabis Retail Store, Adult-use	--	1 per 400 sq. ft.	1 per 220 sq. ft.
Convenience Store <sup>323</sup>	1 per 220 sq. ft.; 1 per 350 if retail use is over 500,000 sq. ft. in area in one building	--	1 per 220 sq. ft.
General Retail, less than 10,000 Square Feet	1 per 220 sq. ft.; 1 per 350 if retail use is over 500,000 sq. ft. in area in one building	--	1 per 250 sq. ft.
General Retail, 10,000 Square Feet or more (NEW)	--	1 per 400 sq. ft.	1 per 250 sq. ft.
Pawn Shop <sup>324</sup>	1 per 220 sq. ft.; 1 per 350 if retail use is over 500,000 sq. ft. in area in one building	1 per 400 sq. ft.	1 per 220 sq. ft.
Plant Nursery or Garden Supply <sup>325</sup>	1 per 550 sq. ft. of building area; 1 per 1100 sq. ft. outdoor storage area	--	1 per 550 sq. ft., plus 1 per 1,000 sq. ft. of outdoor storage area

**Transportation, Vehicles, and Equipment**

Airport Operations and Facilities	--	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
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<sup>323</sup> Standards for "Retail uses, other than listed" used.

<sup>324</sup> Standards for "Retail uses, other than listed" used.

<sup>325</sup> Standards for "Building & Landscape Materials" used.

**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Auto Service and Repair	1 per 330 sq. ft.	1 per 350 sq. ft.	1 per 350 sq. ft.
Automobile, Truck, Mobile Home, RV, Boat, and Trailer Sales or Rental	1 per 550 sq. ft. plus 1 for each 1100 sq. ft. of site area	1 per 500 sq. ft., plus 1 per 5,000 sq. ft. of outdoor storage area	1 per 500 sq. ft., plus 1 per 5,000 sq. ft. of outdoor storage area
Bus or Other Transportation Terminal	1 per 660 sq. ft.	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Car Wash	3.6 per bay or stall	— Stacking - 18.04.708	— Stacking - 18.04.708
Gas Station	1 per 275 sq. ft.	1 per 300 sq. ft.	1 per 300 sq. ft.
Parking Lot, Open	--	--	--
Public Transit or School Bus Shelter	--	--	--
Truck Stop/Travel Plaza	--	1 per 300 sq. ft., plus 1 per service bay	1 per 300 sq. ft., plus 1 per service bay

**PUBLIC AND QUASI-PUBLIC UTILITIES AND SERVICES USES****Communications and Broadcasting**

Communication Facility, Equipment Only	--	--	--
TV Broadcasting and Other Communication Service	--	1 per 3,000 sq. ft.	1 per 3,000 sq. ft.

**Utilities**

Utilities, Major	--	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Utilities, Minor (NEW)	--	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)

**INDUSTRIAL USES****Manufacturing and Processing<sup>326</sup>**

Animal and Animal Byproduct Processing	1 per 1100 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Cannabis Cultivation Facility, Adult-use	1 per 1100 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Cannabis Cultivation Facility, Medical	1 per 1100 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.

<sup>326</sup> Existing parking table lists one standard for "Industrial/Manufacturing," which is used unless another is provided for a specific use.

**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Cannabis Independent Testing Laboratory, Adult Use	1 per 1100 sq. ft.	1 per 500 sq. ft.	1 per 500 sq. ft.
Cannabis Independent Testing Laboratory, Medical	1 per 1100 sq. ft.	1 per 500 sq. ft.	1 per 500 sq. ft.
Cannabis Production Facility , Adult-use	1 per 1100 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Cannabis Production Facility , Medical	1 per 1100 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Chemical Processing and/or Manufacture	1 per 1100 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Collection Station	1 per 1100 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Crematorium	1 per 1100 sq. ft.	1 per 500 sq. ft.	1 per 500 sq. ft.
Custom and Craft Manufacturing	1 per 1100 sq. ft.	1 per 1,500 sq. ft. processing area	1 per 1,000 sq. ft. processing area
Food Processing or Wholesale Bakery	1 per 1100 sq. ft.	1 per 1,500 sq. ft. processing area	1 per 1,000 sq. ft. processing area, plus 1 per 100 sq. ft. retail area
Hazardous Waste Facility	1 per 1100 sq. ft.	1 per 1,500 sq. ft.	1 per 1,000 sq. ft.
Indoor Manufacturing, Processing, Assembly, or Fabrication	1 per 1100 sq. ft.	1 per 1,500 sq. ft. processing area	1 per 1,000 sq. ft. processing area
Maintenance, Repair, or Renovation Business	1 per 1100 sq. ft.	1 per 1,500 sq. ft.	1 per 1,000 sq. ft.
Outdoor Manufacturing, Processing,	1 per 1100 sq. ft. of land area	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.



**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Assembly, or Fabrication			
Printing and Publishing	1 per 1100 sq. ft.	1 per 2200 sq. ft.	1 per 1,000 sq. ft.

**Resource and Extraction**

Asphalt or Concrete Batch Plant	1 per 1100 sq. ft.	1 per 1,500 sq. ft.	1 per 1,500 sq. ft.
Mining Operations	1 per 1100 sq. ft.	1 per 1,500 sq. ft.	1 per 1,500 sq. ft.

**Storage, Distribution, and Warehousing**

Heavy Machinery and Equipment, Rental, Sales, and Service	--	1 per 500 sq. ft.	1 per 500 sq. ft.
Mini-warehouse	1 per 44 storage units spread throughout the development, plus 2 for manager	1 per 3,000 sq. ft.	1 per 3,000 sq. ft.
Outdoor Storage	1 per 2200 sq. ft. of land area	1 per 3,000 sq. ft. land area	1 per 3,000 sq. ft. land area
Railroad Yard or Shop	1 per 550 sq. ft. of building area	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Salvage or Reclamation of Products, Indoors	1 per 330 sq. ft. of floor area plus one for every 11,000 sq. ft. of yard area	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Septic Tank Services	--	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Towing and Impound Yard	--	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Transfer Station	--	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Truck Terminal	1 per 275 sq. ft. of office and 2 spaces for each company vehicle operating from the premises	1 per 500 sq. ft.	1 per 500 sq. ft.
Warehouse or Distribution Center	1 per 3300 sq. ft.	1 per 3,300 sq. ft.	1 per 3,300 sq. ft.
Wholesale	1 per 330 sq. ft.	1 per 1,000 sq. ft.	1 per 1,000 sq. ft.
Wrecking Yard, Salvage Yard, or Junk Yard <sup>327</sup>	1 per 330 sq. ft. of floor area plus one for every 11,000 sq. ft. of yard area	1 per 10,000 sq. ft. yard area	1 per 10,000 sq. ft. yard area

**ACCESSORY USES**

<sup>327</sup> Standards for "Salvage or Reclamation of Products" used.

**Table 4-6 Off-Street Parking Requirements**

Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Automated Teller Machine, Freestanding	4 spaces	Discretionary - 18.04.704(d)	Discretionary - 18.04.704(d)
Ball Court <sup>328</sup>	2.7 per court	--	2 per court
Caretaker Quarters <sup>329</sup>	1 per bedroom	1 per unit	1 per unit
Childcare, In-Home (1-6 Children) <sup>330</sup>	1 per 9 pupils	1 per 9 pupils	1 per 9 pupils
Childcare, In-Home (7-12 Children)	1 per 9 pupils	1 per 9 pupils	1 per 9 pupils
Community Center, Private <sup>331</sup>	1 per 275 sq. ft.	1 per 800 sq. ft.	1 per 400 sq. ft.
Drive-Through Facility (Food Service)	40 lineal feet of stacking area in front of each window or bay plus one off-street stacking area of 140 lineal feet in length (measured from the window)	-- Stacking - 18.04.708	-- Stacking - 18.04.708
Drive-Through Facility (Non-Food Service)	40 lineal feet of stacking area in front of each window or bay plus one off-street stacking area of 140 lineal feet in length (measured from the window)	-- Stacking - 18.04.708	— Stacking - 18.04.708
Gaming Operation, Restricted	--	--	--
Guest Quarters <sup>332</sup>	1 per bedroom	1 per unit	1 per unit
Helipad	2 spaces	2 spaces	2 spaces
Home Occupation	1 for any non-resident employee, if there is one	0.5 per non-resident employee on the largest shift	1 per non-resident employee on the largest shift
Live Entertainment (NEW)	--	--	1 per 200 sq. ft. of area that is not also used for a principal use
Outdoor Storage (NEW)	--	1 per 2,200 sq. ft. land area	1 per 2,200 sq. ft. land area <sup>333</sup>
Retail Sales Associated with a Primary Use	--	--	1 per 200 sq. ft. of area that is not also used for a principal use
Satellite Dish	--	--	--
Sidewalk Café	--	--	1 per 200 sq. ft.

<sup>328</sup> Standards for "Tennis Courts" used.<sup>329</sup> Standards for "Granny Flat" used.<sup>330</sup> Standards for "Child Care Center" used.<sup>331</sup> Standards for "Community Center, Country Club" used.<sup>332</sup> Standards for "Granny Flat" used.<sup>333</sup> Same standard as primary use.

Table 4-6 Off-Street Parking Requirements			
Use	Number of Spaces (Min.) (Current)	Level 1 Parking District (Min.) (Proposed)	Level 2 Parking District (Min.) (Proposed)
Stable, Private <sup>334</sup>	1 for each five horses boarded at the maximum capacity and 1 double length stall for trailers per stable	1 per 5 boarding capacity	1 per 5 boarding capacity
Utilities, Alternative Systems	--	--	--

(b) **Accessible Parking**

(1) **Meeting Parking Requirement**

Accessible parking required by this subsection shall count toward fulfilling the off-street parking requirements of the site.

(2) **Residential Uses**

- a. Accessible parking for residential uses of five or more units per lot shall be provided at the rate established by Section 18.04.705(b)(3), below, for nonresidential projects.
- b. Residential uses less than five units per lot shall provide one accessible space for each dwelling unit that is designed for occupancy by people with disabilities.
- c. Resident parking spaces for Assisted Living Facilities shall be at least ten feet wide.

(3) **Nonresidential Uses**

a. **Requirement<sup>335</sup>**

- 1. Except as provided in Sections 18.04.705(b)(3)a.2. and c., below, accessible parking spaces shall be developed at the following rate based on the number of spaces provided, not the number of spaces required:

Table 4-7 Required Accessible Parking	
Total Parking Provided	Number of Accessible Spaces
1 to 10	1
11-30	2
31-50	3
51-80	4 spaces
81-125	5%
126-250	4%
251 and over	3%

- 2. Accessible parking spaces shall be provided within 100 feet of the building entrance.

b. **Medical Facilities**

<sup>334</sup> Standards for "Stable" used.

<sup>335</sup> Accessible parking rates updated and are now based on provided (not required) spaces.

1. Facilities providing medical care, such as hospitals, clinics, and medical offices, shall provide accessible parking at least equal to the lesser of 2 spaces or ten percent of the total number of parking spaces provided for each facility.
2. Facilities that specialize in treatment or services for persons with mobility impairments, shall provide accessible parking equal to at least 20 percent of the total number of parking spaces provided serving each facility.

**c. Van Parking**

One in every eight accessible spaces shall be van accessible. If only one accessible space is required, that space shall be van accessible.

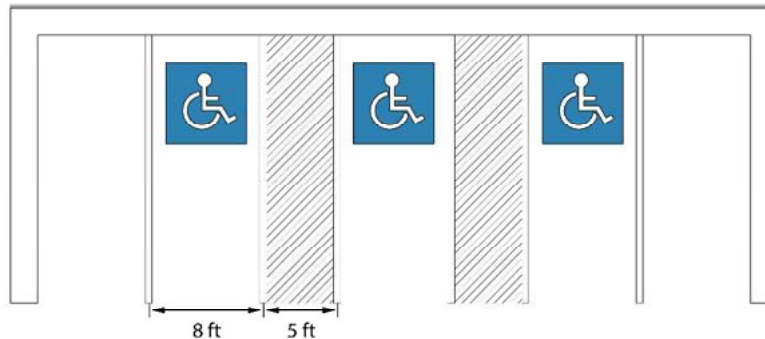
**(4) Accessible Parking Design Standards**

**a. Minimum Dimensions**

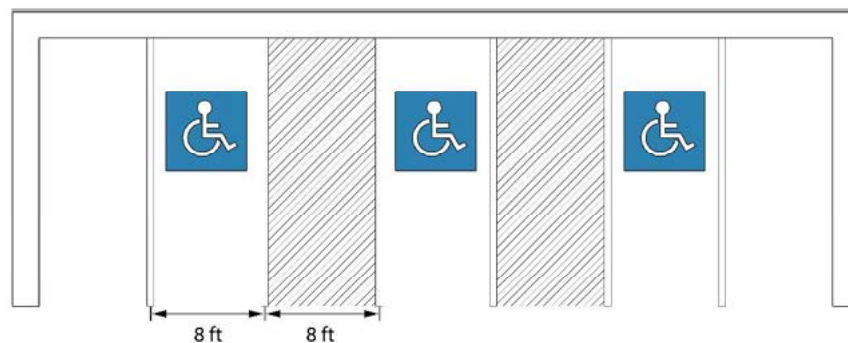
Minimum dimensions of accessible parking spaces shall be as provided as detailed below and shown in Figure 4-4:

1. All accessible parking spaces shall be a minimum of eight feet wide, with an adjacent access aisle with a minimum width of five which may be placed between two accessible spaces so as to serve both spaces.
2. Van accessible spaces shall be a minimum of eight wide, with an adjacent access aisle which is a minimum of eight wide which may also be placed between two van accessible spaces to serve both spaces.

[a] All accessible parking spaces



[b] Van accessible parking spaces



A minimum of 8 feet is required for "van accessible" spaces; other spaces require a minimum of 5 feet.

**Figure 4-4: Accessible Parking Spaces**

**b. Signage**

All accessible parking spaces shall be clearly identified with signs as described in the accessible parking sections of NRS Chapter 484 and Section 6.30.400, *Handicapped Parking*, with a painted symbol. Van accessible spaces shall have an additional sign reading "Van-accessible" mounted below. All signs shall be located so they cannot be obscured by a vehicle parking in the space or by surrounding vegetation.

**c. Clearance**

All accessible parking spaces shall provide a minimum vertical clearance of eight feet, two at the parking space(s) and along at least one vehicle access route to the spaces from site entrances and exit(s).

**d. Parking Space Slope**

All accessible parking spaces and access aisles shall be level. Surface slopes shall not exceed 50:1 (two percent) in any direction.

**e. Route to Building**

Whenever accessible parking is provided, an accessible route shall also be provided which connects accessible parking spaces with main building

entrances. This route shall consist of walking surfaces with a slope no greater than 20:1, marked crossings at driveways and other vehicular routes, access aisles, ramps, curb ramps, and/or any other element which is determined by the administrator to be necessary to allow a person with a mobility impairment to travel from the accessible parking spaces to the main building entrances.

(c) **Bicycle Parking**<sup>336</sup>

(1) **Requirement**

Bicycle parking facilities shall be provided as follows:

Table 4-8 Bicycle Parking Requirements		
Use	Downtown and Level 1 Parking Districts	Level 2 Parking District
Household Living	1 per unit	1 per unit
Group Living	1 per 2 bedrooms <sup>[1]</sup>	1 per 2 bedrooms <sup>[1]</sup>
Community and Cultural Facilities	1 per 300 sf <sup>[2]</sup>	1 per 600 sf <sup>[2]</sup>
Education and Healthcare Facilities	1 per 500 sf	1 per 1,000 sf
Lodging	1 per 4 guest rooms	1 per 8 guest rooms
Transportation, Vehicles, and Equipment	1 per 5,000 sf	1 per 10,000 sf
All Other Commercial Uses	1 per 500 sf (up to 3,000 sf), plus 1 per 5,000 sf of additional area	1 per 1,000 sf (up to 6,000 sf), plus 1 per 10,000 sf of additional area
Public and Quasi-Public	--	--
Industrial	1 per 10,000 sf (up to 60,000 sf), plus 1 per 60,000 sf of additional area	1 per 20,000 sf (up to 120,000 sf), plus 1 per 120,000 sf of additional area

Notes:

[1] Assisted Living is exempted.

[2] Alternative Administrator determination may be requested.

a. **Minimum Requirement**

Except for residential uses, a minimum of two bicycle parking spaces is required.

b. **Maximum Requirement**

No more than 50 bicycle parking spaces shall be required for any single use.

(2) **Exempted Uses**

The following uses are exempted from providing bicycle parking:

- a. All Agriculture, Animals, and Farming uses;
- b. Cemetery of Mausoleum;
- c. Funeral Parlor;
- d. Assisted Living Facility; and,
- e. Other uses when the decision making body determines that bicycle use would be unsafe or otherwise unnecessary.

(3) **Location and Design**<sup>337</sup>

<sup>336</sup> Design standards (lighting) are proposed to be moved to a manual of technical standards/administrative manual.

<sup>337</sup> New standards for location and design of bicycle parking.

- a. **Location**  
All bicycle parking spaces required by this Title shall be located within a building or covered by a roof, awning, or similar shelter structure. The Administrator may waive the shelter requirement for additions and adaptive reuse projects.
- b. **Right-of-Way**  
Bicycle parking spaces shall not be located fully or partially within a public right-of-way without approval of the City Engineer.
- c. **Access and Pedestrian Obstruction**  
All required bicycle parking spaces shall be located so that a minimum six-foot clear pedestrian passage space is provided behind each required space, or a minimum three-foot clear space is provided next to each group of no more than two required spaces. The pedestrian passage space may be within the public right-of-way, or in an area that also serves as parking lot drive aisle, sidewalk, pedestrian route, or similar area.
- d. **Minimum Size**  
The minimum area required for each bicycle parking space is six feet by 18 inches.

#### 18.04.706 Parking Alternatives, Credits, and Adjustments

- (a) **Generally**  
The Administrator may approve parking alternatives, credits, and adjustments to the off-street parking spaces required by Table 4-7 *Off-Street Parking Requirements*, in accordance with this section.
- (b) **On-Street Parking<sup>338</sup>**
  - (1) Required parking may be located on-street, subject to the following standards:
    - a. On-street parking shall abut the project site;
    - b. On-street parking allowed in this subsection shall not be substituted for more than 35 percent of the off-street parking required by this article; and
    - c. On-street parking is not for the exclusive use of the property. If on-street parking is used, a notification shall be recorded on the deed that general public parking is allowed on adjacent streets.
  - (2) When an applicant requests the substitution of on-street parking for off-street parking under this subsection for a land use that requires a discretionary review, the body making the final decision on the discretionary review application shall make the determination whether to allow the on-street parking as part of its consideration of the project.
  - (3) The Administrator shall review and finally decide all other requests for on-street parking. The Administrator may require that a conditional use permit be obtained from the Planning Commission where there is a dispute related to the location of the on-street parking in relation to the use served or if the Administrator finds that a public review and hearing process is desirable under the circumstances.

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<sup>338</sup> Updated to clarify standards and reduce on street parking allowances from 50% to 35%.



(c) **Shared and Off-Site Parking**<sup>339</sup>

Shared and/or off-site parking is allowed if the shared and/or off-site parking complies with the following:

(1) **Location Standards**<sup>340</sup>

- a. In the MU-MC and MU districts, shared and/or off-site parking for nonresidential uses shall be located within 1/4 mile of the property on which the shared parking is provided, as measured along a legal pedestrian route
- b. In all other districts, shared and/or off-site parking for nonresidential uses shall be located within 600 feet of the property on which the shared parking is provided.
- c. The Administrator may authorize farther distances for shared parking facilities where shuttle services are available.

(2) **Shared Parking Rates**

The total number of spaces may be reduced in one of the following ways:

- a. If the Administrator approves a parking and loading demand study for the combination of land uses. Such a study shall estimate parking demand for the proposed use based on the recommendations of the Institute of Traffic Engineers (ITE), Urban Land Institute, the American Planning Association, or other acceptable source of parking demand data for uses and/or combinations of uses of comparable activities, scale, bulk, area, and location; or
- b. By adjusting parking for joint use of off-street parking areas according to the following percentages listed in the following table, by time of day:

Table 4-9 Parking Adjustment Factors by Type of Use						
Time of Day	Residential	Office	Retail	Restaurant	Theater	Hotel
6:00 a.m.— 12:00 Noon	0.80	1.00	0.97	0.60	0.30	1.00
12:00 p.m.— 1:00 p.m.	0.30	0.90	1.00	0.70	0.70	0.30
1:00 p.m.— 4:00 p.m.	0.45	0.97	0.97	0.60	0.70	0.45
4:00 p.m.— 6:00 p.m.	0.70	0.47	0.82	0.90	0.80	0.70
6:00 p.m.— 8:00 p.m.	1.00	0.07	0.89	1.00	1.00	1.00
8:00 p.m.— 12:00 a.m.	1.00	0.03	0.61	1.00	1.00	1.00

(3) **Parking Agreement Required**

a. **Written Agreement**

The parties involved in the joint use of shared parking facilities and/or the use of off-site parking facilities shall submit a written agreement to the Administrator with the following:

- 1. A legal written and recorded agreement;

<sup>339</sup> New section and standards to replace the current “Joint Use Parking” subsection. These standards allow a demand study or use of the table of permitted parking adjustments by use type and time of day. This should provide staff with greater flexibility and allow applicants for other uses to seek this alternative.

<sup>340</sup> Standards for Downtown area are removed because parking in these zoning districts is proposed to be discretionary.

2. Proof of continuing use and maintenance;

**b. Approval**

The Administrator shall approve any agreement prior to issuance of a building permit or business license for any use to be served by the shared and/or off-site parking facility.

**(d) Parking Reduction for Affordable Housing Projects<sup>341</sup>**

**(1) Conditions for Parking Reduction<sup>342</sup>**

Parking reductions for residential developments that meet the affordability guidelines stated in Article 15, *Housing*, shall be granted if:

- a. The project can demonstrate that either parking cannot be provided in compliance with Section 18.04.705, *Off-Street Parking Requirements*, or additional amenities can be provided with the reduction of parking; and
- b. Availability of public transportation can be demonstrated.

**(2) Parking Reductions Allowed**

If the above guidelines are met, then parking may be reduced as follows:

- a. Each unit dedicated to households earning 80<sup>343</sup> percent of adjusted median income (AMI) may receive a 20 percent reduction to the parking requirements.
- b. Each unit dedicated to households earning 60 percent of AMI may receive a 30 percent reduction to the parking requirements.<sup>344</sup>
- c. Each unit dedicated to households earning 40 percent of AMI or less may receive a 45 percent reduction to the parking requirements.

(3)

**18.04.707 Off-Street Parking Layout and Design<sup>347</sup>**

**(a) Use of Parking and Loading Areas<sup>348</sup>**

- (1) Except for single-family and duplex dwellings, no required off-street parking or loading space shall be used for any purpose other than the parking of vehicles, unless otherwise allowed by this Title. Off-street parking spaces provided in excess of the number required may be used for any legal purpose within the respective zoning district. If a required off-street parking space is converted to another use or can no longer be used for off-street parking, it shall be deemed a violation of this Title.
- (2) Parking shall be prohibited in aisle ways, fire lanes, or similar areas not officially designated for parking purposes. These areas shall be posted with “No Parking” signs and/or other means as required by the Administrator.

<sup>341</sup> Existing standards from Section 18.12.203 are relocated here and modified. These standards were previously included in Section 18.02.702(b), but make more sense here.

<sup>342</sup> Removed criteria relating to proximity of large employer, and proximity of another previously approved project.

<sup>343</sup> Changed from 60 to 80.

<sup>344</sup> Updated to 60 percent from 50 percent.

<sup>347</sup> “Construction of Parking Areas” standards are removed, as they are better suited to a manual of technical standards or administrative manual separate from Code. This will reduce the size of the Code document and allow staff to more easily modify standards to best practices over time.

<sup>348</sup> New standards reflecting interpretations and practice.

- (3) Required parking spaces and areas shall not be used for the sale, display, or repair of motor vehicles or other goods and services unless authorized by a temporary use permit issued in accordance with Chapter 18.08 *Administration and Procedures*.
  - (4) Vehicles, recreational vehicles, campers, trailers, buses, vans, motor homes, moving vans, refrigerator trucks or similar vehicles shall not be used for storage, overnight occupancy, or any similar use, except as authorized by the Administrator.
- (b) **Location Standards**  
Parking lots areas shall be designed to comply with all applicable parking area location and design standards in Sections 18.04.903(a)(3) (residential districts), 18.04.1003(a) (mixed-use districts), and 18.04.1103(a) (nonresidential districts).
- (c) **Dimensional Standards**
- (1) **Parking Spaces and Aisle Widths**  
Parking spaces and aisle widths within parking areas shall be configured according to Table 4-11 and Figure 4-5, below:

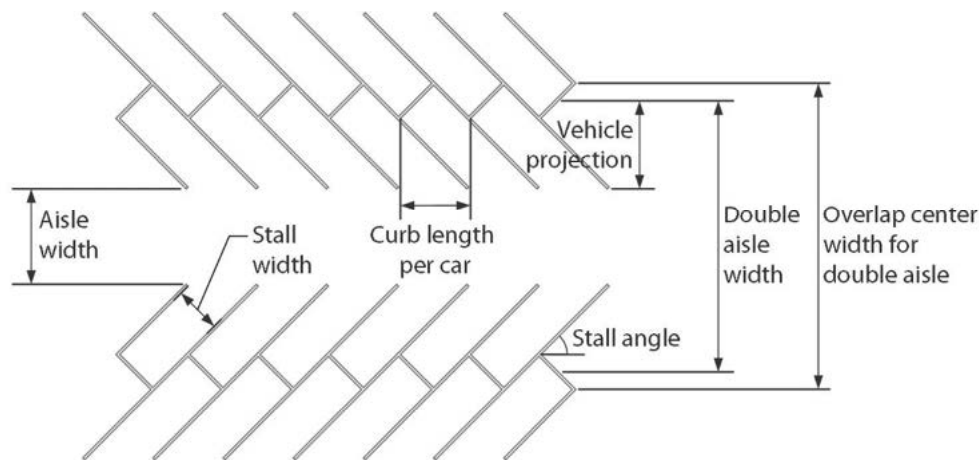


Figure 4-5: Off-Street Parking Dimensions

Table 4-10 Off-Street Parking Dimensional Standards						
Stall Angle	Stall Width	Vehicle Projection (19' Stall)	Aisle Width	Curb Length Per Car	Double Aisle Width	Overlap Center Width for Double Aisle
0°	8'0"	8.0	12.0	23.0	28.0	—
	8'6"	8.5	12.0	23.0	29.0	—
	9'0"	9.0	12.0	23.0	30.0	—
	9'6"	9.5	12.0	23.0	32.0	—
	10'0"	10.0	12.0	23.0	32.0	—
20°	9'0"	15.0	11.0	26.3	41.0	32.5
	9'6"	15.5	11.0	27.8	42.0	33.1
	10'0"	15.9	11.0	29.2	42.8	33.4
30°	9'0"	17.3	11.0	18.0	45.6	37.8

**Table 4-10 Off-Street Parking Dimensional Standards**

Stall Angle	Stall Width	Vehicle Projection (19' Stall)	Aisle Width	Curb Length Per Car	Double Aisle Width	Overlap Center Width for Double Aisle
	9'6"	17.8	11.0	19.0	46.6	38.4
	10'0"	18.2	11.0	20.0	47.4	38.7
45°	9'0"	19.8	13.0	12.7	52.5	46.5
	9'6"	20.1	13.0	13.4	53.3	46.5
	10'0"	20.5	13.0	14.1	54.0	46.9
60°	9'0"	21.0	18.0	10.4	60.0	55.5
	9'6"	21.2	18.0	11.0	60.4	55.6
	10'0"	21.5	18.0	11.5	61.0	56.0
70°	9'0"	21.0	19.0	9.6	61.0	57.9
	9'6"	21.2	18.5	10.1	60.9	57.7
	10'0"	21.2	18.0	10.6	60.4	57.0
80°	9'0"	20.3	24.0	9.1	64.3	62.7
	9'6"	20.4	24.0	9.6	64.4	62.7
	10'0"	20.5	24.0	10.2	65.0	63.3
90°	9'0"	19.0	24.0	9.0	62.0	—
	9'6"	19.0	24.0	9.5	62.0	—
	10'0"	19.0	24.0	10.0	62.0	—

**(2) Compact Spaces for Off-Street Parking**

- a. Up to 15 percent of the required number of parking spaces in a parking lot may be sized for compact cars. The compact spaces shall measure a minimum of 8 feet wide by 16 feet long. Each compact space shall be clearly marked "compact only".
- b. Projects on lots no greater than 10,000 is size may reduce the size of parking stalls to be as small as 16 feet by 9 feet or 19 feet by 8 feet to accommodate site limitations.

**(3) Wheel Stops**

Wheel stops or other measures which meet the objectives of wheel stops approved by the Administrator shall be provided adjacent to landscaped areas. A two-foot vehicle overhang may be permitted where parking abuts a sidewalk or landscaping with a minimum width of six feet

**(4) Parking and Maneuvering Areas**

To discourage parking in areas with insufficient space, driveways and other parking areas may not be smaller than the minimum size required for an off-site parking space.

**(d) General Standards**

**(1) Parking Area Circulation**

- a. Adequate ingress, egress, on-premises circulation, and maneuvering areas shall be provided. Interior circulation in parking areas shall be designed to avoid any vehicular stacking on arterial or collector streets as the result of vehicular movements within parking areas.

- b. In cases where an off-street parking lot serving a nonresidential use is located on an abutting lot, connection between the two parking areas via a cross-accessway with a minimum width of 12 feet and a maximum width of 24 feet is strongly encouraged.

**(2) Large Parking Areas**

Any development that includes 600 or more parking spaces shall either:

- a. Place a minimum of 70 percent of the spaces over 600 within a parking garage; or
- b. Provide enhanced landscaping as required in Section 18.04.804(e).

**(3) Excess Parking**

If more than 150 percent of the required parking for projects requiring 20 or more parking spaces is provided as surface parking, additional landscaping is required per Section 18.04.804(e). In lieu of providing the required excess landscaping, a contribution may be made to the City parkway and boulevards landscaping fund. The contribution shall be based on the cost of the additional landscaping which is required.

**(4) Minimizing Vehicular and Pedestrian Conflicts<sup>349</sup>**

- a. Traffic control signs and/or striping shall be provided within all parking areas as necessary to prioritize pedestrian safety and minimize vehicular and pedestrian conflicts.
- b. Groundcover adjacent to walkways within or adjacent to parking lots shall be designed to provide level walking surfaces from the walkway to all adjacent parking areas. The use of large rocks and other barriers to pedestrian connectivity shall be avoided.
- c. If vehicular and pedestrian conflicts are apparent, the Administrator may require an alternative design of parking areas to resolve potential conflicts.

**(5) Parking Area Landscaping<sup>350</sup>**

All parking lot landscaping shall be provided in accordance with Section 18.04.804 *Minimum Landscaping Required*.

**(6) Parking Area Lighting<sup>351</sup>**

All parking lot lighting shall be provided in accordance with Section 18.04.1305, *Parking Area Lighting*.

**(e) Modifications<sup>352</sup>**

The Administrator may modify the requirements of this section, if in the opinion of the Administrator, a potential traffic safety concern is not present.

- (1) The Administrator may approve alternative parking space sizes and parking area design in order to retain existing trees, native vegetation, or unique, natural features within the parking area.
- (2) The Administrator may approve alternative parking space sizes in parking garages so long as the parking garage will still meet the expected needs of the use.

<sup>349</sup> New standard to prioritize pedestrian safety and reduce vehicular/pedestrian conflict.

<sup>350</sup> New standard is an organizational change to reference landscaping standards instead of including here.

<sup>351</sup> New standard is an organizational change to reference lighting standards instead of including here.

<sup>352</sup> Clarified language for existing standards. No substantive change.

- (3) The Administrator may approve alternative parking space sizes when it is determined that the reduction is a preferred design component in the implementation of LID objectives.
- (4) The Administrator may allow dedicated employee parking in offices or office complexes with a minimum of 100 stalls to utilize the dimensions given for a nine-foot wide stall, except that the stall width may be reduced to 8 ½ feet.

**18.04.708 Off-Street Loading and Stacking**

(a) **Loading and Service Standards**

(1) **Number and Size of Loading Areas**<sup>353</sup>

Off-street loading areas shall be provided for all nonresidential developments as required by Table 4-12, below.

Table 4-11 Required Off-Street Loading		
Gross Floor Area	Number of Loading Areas	Size of Each Loading Area
Less than 30,000 sq. ft.	None	N/A
More than 30,000 sq. ft.	1, plus 1 additional for every 30,000 sq. ft. beyond the first 30,000 sq. ft.	10 ft. wide x 45 ft. long x 14 ft. high

(2) **Location and Design of Loading Areas**

a. **Mixed-Use Districts**

Off-street loading areas in mixed-use districts shall be designed per Section 18.04.1003, *General Standards for Mixed-Use Districts*.

b. **Nonresidential Districts**<sup>354</sup>

Off-street loading areas in nonresidential districts shall be designed per Section 18.04.1103, *General Standards for Nonresidential Districts*.

(b) **Vehicle Stacking**<sup>355</sup>

Where traffic flow is controlled by an entry gate, guard house, or drive-through service facility, an adequate stacking lane, approved by the Administrator, shall be provided in a manner that does not interfere with maneuvering into parking spaces or traffic flow of aisles, streets, bike paths or sidewalks. The following minimum stacking standards shall be met where applicable:

(1) **Car Wash**

Two stacking spaces required per service lane, plus one stacking space per detailing bay.

(2) **Drive-Through Facility (Food Service)**

- a. A minimum of 140 feet of stacking space is required behind the window where payment is made.
- b. A minimum of 100 feet of stacking space is required behind the kiosk/window where orders are taken, which may be part of the 140 feet of stacking space required by subsection a, above.

<sup>353</sup> Existing standards carried forward, but reorganized in a table format.

<sup>354</sup> Nonresidential standards have been relocated to Section 18.04.1003 and updated.

<sup>355</sup> New standard to allow for flexibility and to eliminate references to stacking spaces from required parking table.

- c. An additional 40 feet of stacking space is required behind each additional kiosk/window where orders are taken.

**(3) Drive-Through Facility (Non-Food Service)**

- a. For projects with a single drive up window or machine where payment is made or received, a minimum of 80 feet of stacking space is required behind the window or machine.
- b. If there is a separate window or kiosk where orders are made, a minimum of 60 feet of stacking space is required behind each kiosk/window where orders are made, which may be part of the 80 feet of stacking space required by subsection a, above.
- c. An additional 40 feet of stacking space is required behind each additional kiosk, window, or machine where orders are made.

**18.04.709 Tandem Parking**

Tandem parking will only be permitted in association with:

- (a) Household living uses when all spaces are assigned to the same unit; or
- (b) For valet parking with a full-time attendant. Valet parking spaces shall be no less than eight feet wide by 18 feet long.

## Article 8 Landscaping, Buffering, Screening, and Fencing

### Commentary

This article consolidates standards for landscaping required on a development site, buffers required between transitioning uses and/or zone districts, and screening devices such as fences and walls. Current standards are mostly in 18.12, Article XII. A suite of amendments were developed in coordination with local landscape architects, primarily to improve conditions for the growth of large shade trees. These include increased soil standards, reduced tree sizes at planting, adjustments to parking lot landscaping standards and related clarifications. Additional minor changes refine mixed use district landscaping standards and screening standards.

### 18.04.801 Purpose<sup>356</sup>

The purpose of this article is to establish requirements and standards for landscape and screening to:

- (a) Enhance the aesthetics of the community, including the visual appearance of city streets in all areas of the city;
- (b) Prioritize the planting of shade trees to reduce urban heat, including the planting of large canopy shade trees where feasible;
- (c) Improve the streetscape environment by providing street tree plantings, parkways, and other landscaping in new development and with transportation improvement projects;
- (d) Encourage low impact development (LID) infrastructure that directs stormwater into landscaped or natural areas;
- (e) Promote the use of xeriscape design principles utilizing drought-tolerant or native plants and the efficient use of water;

<sup>356</sup> Expanded purpose statement to include goals related to shade trees, reduce urban heat, streetscape improvements, and low impact development.



- (f) Provide for the health and comfort of the public by using landscaping to aid in reducing dust and erosion, promote psychological benefits and natural diversity in the environment, and reduce the effects of heat and cold on buildings, public areas, and parking lots;
- (g) Reduce visual pollution which might otherwise occur within an urbanized area;
- (h) Encourage groundwater recharge, wetland preservation, and associated environmental benefits from open spaces;
- (i) Integrate significant natural features of the city into a landscape that fosters their preservation and enjoyment;
- (j) Promote screening of surface parking lots from public view; and
- (k) Encourage landscaped parkways on all streets.

**18.04.802 Applicability**

(a) **New Development**

The landscaping and screening standards of this article shall apply to all new development except for approved temporary open lot parking or unless otherwise expressly exempted by this article or Title.

(b) **Existing Uses**

(1) **Expansion of an Existing Use**

When an existing site or use that does not comply with the standards of this article is expanded, landscaping shall be provided in an amount that is proportionate to such expansion. Preference shall be given to placing landscaping along public streets and other high-visibility areas. An example is provided below to illustrate this requirement:

<b>Table 4-12 Expansion of Use Landscaping Example</b>			
Existing building area: 10,000 sq. ft.			
Proposed expansion area: 1,000 sq. ft. (10%)			
District	Standard	Calculation	Required Landscaping
Mixed Employment (ME) District	20%	10% increase x 20% standard = 2%	2% of site shall be new landscaping
Industrial (I) District:	100% of required front yard (e.g., 2000 sq. ft.)	10% increase x 2000 sq. ft. standard = 200 sq. ft.	200 sq. ft. shall be new landscaping

(2) **Major Improvements to an Existing Use**

When an existing site or use does not comply with the standards of this article, and such site or use is expanded, remodeled, or otherwise improved, and the value of such improvements over a 24-month period is valued at over 40 percent of the assessed value of the structure on the most recent tax rolls (before depreciation), the entire site or use shall be brought into compliance with all landscape and screening requirements unless physically impossible. In determining compliance, the combined value of all buildings on the lot shall be used.

(3) **Improvements to Existing Parking Areas**

When more than ten percent of an existing parking area is repaved, reconstructed, or expanded, excluding top seal or restriping, the parking area shall be brought into

compliance with the landscaping and screening requirements for parking lots of this article to the extent that the required minimum amount of parking spaces can still be provided. The priority for newly installed landscaping shall be a five-foot minimum planter along street rights-of-way.

### 18.04.803 Landscape Plan

#### (a) Landscape Plan Required

- (1) Preliminary landscape plans shall be filed with the Administrator for the following:
  - a. Any tentative map that includes common area; and
  - b. Applications for minor conditional use permit, conditional use permit, site plan review, or major site plan review.
- (2) The plan shall, at a minimum, identify all existing trees, all areas to be landscaped and include area and tree calculations, water regime, and general types of landscaping proposed for the areas.
- (3) A final approved landscape plan meeting the requirements of this section shall be submitted and approved prior to the issuance of a building permit to erect or construct any industrial or commercial use, or a model home in a subdivision where the approved tentative map contains 30 lots or more.
- (4) Landscape plans may be combined on the same drawing with required site development plans.

#### (b) Exemptions

The following are exempted from submitting a landscape plan:

- (1) Single-family and duplex dwellings.
- (2) Building permits for interior remodeling which does not involve a change of use from residential to nonresidential or from single-family or duplex to multi-family use.
- (3) Permits such as, but not limited to, re-roofing, siding, temporary power, change of electrical service, change of furnace, mobile home set up, addition of interior plumbing, addition of interior electrical, fencing, on-premises and off-premises signs, and encroachment.
- (4) Development projects where the existing vegetation to be retained meets or exceeds the requirements of this article.

#### (c) Landscape Plans, Generally

##### (1) Meet Standards

All required landscape plans shall meet or exceed the minimum standards established in this article.

##### (2) Professional Preparation<sup>357</sup>

- a. A final landscape plan shall be prepared and sealed by a Nevada-registered landscape architect.
- b. Plans for residential and nonresidential buildings of 4,000 square feet or less, or office conversions, do not require a signature by a registered landscape architect.

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<sup>357</sup> Updated to clarify existing code interpretation.

- (3) **Submittal Requirements**  
Submittal requirements for landscape plans are published in the Reno Administrative Manual.<sup>358</sup>
- (d) **Approval Procedures**
- (1) **Approval**  
Landscape plans shall be submitted to and approved by the Administrator before an applicable building permit is issued or final map is approved.
- (2) **Changes to Approved Plan**  
The Administrator shall approve any significant changes to the approved plan which affect plant species or irrigation component coverage.
- (e) **Installation and Inspection**
- (1) **Installation Required**<sup>359</sup>  
The approved landscape plan shall be implemented before a certificate of occupancy, or final inspection for unoccupied structures, is issued. However, in the event of a declared drought, during the winter season (October 1—April 30), or for other causes, a temporary or permanent certificate of occupancy may be issued following the filing of a good and sufficient surety bond, cash or a letter of credit. The surety bond shall be written by a surety company authorized to do business in Nevada. The letter of credit shall be issued by a bank as defined by NRS Section 657.010, which is authorized under the provisions of NRS Chapter 659 to do business. The bond, cash deposit, or letter of credit shall be in an amount determined by the Administrator based on cost estimates provided by the applicant plus a 20 percent contingency.
- (2) **Inspection**  
Upon installation of landscaping and irrigation systems, the owner shall submit a letter from the landscape architect; or from the responsible party when landscape architect plans are not required. The letter shall state that the installation is in conformance with the approved plans.

#### 18.04.804 Minimum Landscaping Required

- (a) **Conflicting Regulations**  
Where the required landscape area standards in this Section conflict with a landscaping standard stated elsewhere in this Article or this Title, the most restrictive standard shall apply unless otherwise expressly allowed.
- (b) **All Districts**<sup>360</sup>  
Street trees shall be prioritized to provide shade for sidewalks, parking areas, and other paved surfaces.
- (c) **District-Specific Standards**
- (1) **Residential Districts**  
The minimum portion of a site to be permanently landscaped shall be:

<sup>358</sup> Submittal requirements removed from this draft to be provided in the Reno Administrative Manual.

<sup>359</sup> Expanded consistent with current practice to allow deferred installation with bonding "for other causes."

<sup>360</sup> New.

- a. **Single-Family, Detached; Single Family, Attached; and Duplex Dwellings**  
 The required front yard, excluding driveways and sidewalks, shall be landscaped within one year of the issuance of a certificate of occupancy.
- b. **All Other Residential Uses**  
 Twenty percent of the site.
- c. **Reduction Allowed**  
 Reductions in the required landscape area may be approved by the Administrator in accordance with Section 18.08.804, *Minor Deviation*, and NRS Section 278.319. In no case shall the required number of street trees or parking lot trees be reduced.

**(2) Mixed-Use Districts**

The minimum portion of a site to be permanently landscaped except in the Mixed-Use Downtown (MD-) districts shall be:

<b>Table 4-13 Minimum Landscape Area Requirements in Mixed-Use Zoning Districts<sup>361</sup></b>	
Zoning District	Minimum Landscape Area (% Gross Land Area)
General Commercial (GC) <sup>362</sup>	15%
Mixed-Use Suburban (MS)	10% (greater than 20 DU/acre or 1.0 FAR) 20% (all other development)
Mixed-Use Urban (MU)	
Mixed-Use Midtown Commercial (MU-MC)	5% (greater than 30 DU/acre or 1.5 FAR) 10% (greater than 20 DU/acre or 1.0 FAR) 20% (all other development)
Mixed-Use Midtown Residential (MU-RES)	
Neighborhood Commercial (NC)	20%
Professional Office (PO)	20%
Mixed-Use Downtown (MD-)	See Subsection 18.04.804(f)(1)c (street tree standards; no minimum percentage landscape area)

Note: The minimum front yard setback, not including driveways and sidewalks, shall be comprised entirely of landscaping, which shall be credited toward compliance with the % required landscape area in this table.

**(3) Nonresidential Districts**

The minimum portion of a site to be permanently landscaped shall be:

<b>Table 4-14 Minimum Landscape Area Requirements in Nonresidential Zoning Districts</b>	
Sites & Zoning Districts	Minimum Landscape Area
Less than 20 acres	100% of front yard (driveways excepted)
20 acres or larger	
Industrial Commercial (IC)	

<sup>361</sup> Modest changes to minimum landscaped area to differentiate between MU/Midtown and MS zoning districts.

<sup>362</sup> Standards for AC and CC Districts are consolidated here. Same as Table of Allowed Uses.

**Table 4-14 Minimum Landscape Area Requirements in Nonresidential Zoning Districts**

Sites & Zoning Districts	Minimum Landscape Area
Mixed Employment (ME)	100% of front yard (driveways excepted); 30 ft. width, minimum
Industrial (I)	100% of front yard (driveways excepted); 20 ft. width, minimum
Buildings taller than 35 ft.	Additional setback required shall be landscaped
Loading docks, delivery areas, and truck parking	Additional setback required shall be landscaped
Additional landscaping may be required	See Section 18.04.804(e), <i>Parking Area Landscaping and Screening Requirements</i> . See Section 18.04.808, <i>Screening</i> . See Article 14, <i>Residential Adjacency</i> .

(d) **Credits Toward Landscaping Requirements**

(1) **Landscaping on Parking Structures and in Detention Areas**

Landscaping on parking structures and within retention or detention areas for stormwater shall be counted toward compliance with this subsection.

(2) **Undeveloped Land**

Land that will remain undeveloped and undisturbed may be deleted from the total acreage used for the purpose of calculating the landscape requirement, if the Administrator determines that this exclusion meets the statement of purpose for this section.

(3) **Wetlands/Stream Environments**

- a. Wetland areas that are preserved and/or enhanced may qualify as a portion of the landscaping required by this section. In no case may the retention of wetlands qualify for more than 50 percent of the required landscaping.
- b. In an established wetland or stream environment, existing *Ulmus*, *Populus*, and *Salix* will be allowed. Any enhancement of the area may not include new plantings of *Ulmus*, *Populus*, and *Salix* without the approval of the urban forester in accordance with Section 8.32.080, *Prohibited Trees*.

(4) **Common Areas<sup>363</sup>**

In developments with common areas, the Administrator may administer landscaping standards for the overall project and may give credit to individual parcels for common area landscaping. This credit may only be given once and shall be proportionally equivalent to the required amount of landscaping. The common area landscaping shall be maintained in perpetuity.

(5) **Placement of Required Landscaping**

Required landscaping may be placed in the public right-of-way (within adjacent parkways and medians) when maintained by the adjoining property owner(s), homeowners, special assessment district, landscape lighting district, or other means approved by the City. Required front yard landscaping may be placed in the public right-of-way to back of curb when the Administrator determines that the pavement width will not need to be increased and sidewalks are not necessary.

<sup>363</sup> Language clarified consistent with ongoing practice.

- (6) **Credit for Preserving Trees**  
Preservation of existing, mature, healthy trees on a site may be credited toward compliance with the minimum tree planting requirements stated in Section 18.04.805(b). Tree credits shall be approved by the Administrator according to the provisions stated in Section 18.04.105.
- (e) **Parking Area Landscaping and Screening Requirements**
- (1) **Applicability**  
The standards in this section shall apply to off-street parking areas in all zoning districts, except for single-family, attached; single-family, detached; or duplex dwellings.
- (2) **Surface Parking Lots**
- a. **Landscape Areas Required**
1. **Defining Parking Lots**  
Landscaping should separate parking lots into a maximum of 350 parking spaces in each defined lot.
  2. **Amount of Landscape Area<sup>364</sup>**
    - [a] Surface parking lots shall incorporate a minimum of 25 square feet of landscaped area for each off-street parking space.
    - [b] The amount of surface parking lot landscaping required by this subsection shall be credited toward the minimum landscape area requirements for the subject zoning district stated in Section 18.04.804, above.
    - [c] In no event shall the landscaping provided in surface parking lots be less than 15 percent of the total area of the surface parking lot.
  3. **Additional Requirements for Parking Lots with 600 or More Spaces**  
Surface parking lots with 600 or more spaces visible from the public right-of-way shall meet the following additional requirements:
    - [a] A 15-foot wide landscape area, which includes a two-foot high berm, wall or hedge shall be placed around the perimeter of the parking area. Where there is a five-foot or greater grade change between the parking area and the site perimeter, the berm may be waived.
    - [b] An additional ten square feet of landscape area for each parking space in excess of 600 shall be placed in the interior of the parking area.
  4. **Parking Lot Edge**
    - [a] A parking lot edge shall surround each parking lot and be a minimum of five feet wide excluding any curbing, unless a larger parking edge or perimeter buffer is required by this article. The parking lot edge may overlap any parking setback line. When other provisions of this article require a fully landscaped front, side, or rear yard/setback, and such setback area is larger than five feet and is located in the same place as a required parking lot edge, this provision for a landscaped parking edge shall not apply where the landscaped yard/setback is provided.

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<sup>364</sup> Standard updated slightly to apply to provided parking spaces (vs required). Also note removal of existing language requiring extra landscaping when parking above minimum rates is provided. With reduced parking minimums, excess parking is anticipated on many sites. Enhances parking lot landscaping standards address this issue for all parking lots.

- [b] When separating two parking lots, the parking lot edge shall be a minimum of five feet wide (including any curbing) and shall contain an average minimum three-foot high hedge or two-foot berm. Parking lot edges may facilitate the grading and terracing of parking lots on a site or may be used for pedestrian access.

**5. Location of Required Parking Lot Landscape**

Required landscape areas shall occur entirely within the parking lot and parking lot edge boundaries.

**b. Minimum Requirements for Required Landscape Areas**

**1. General Requirements**

Required landscape areas may take the form of "parking lot edges" or interior "islands" depending on site design and the preservation of natural site features. All landscape areas within parking areas shall:

- [a] Be planted with living plant materials according to this article; and
- [b] Allow for pedestrian walking surfaces across them to provide improved pedestrian circulation across the parking area. Said walking surfaces count towards meeting the landscape area requirement up to a total of 25 percent of the requirement; and
- [c] Have a minimum of one tree for each island with the remaining area in shrubs, ground cover, grasses, or seasonal color; and
- [d] Have a minimum of one tree planted at an average rate of 30 feet on center along any street frontage.



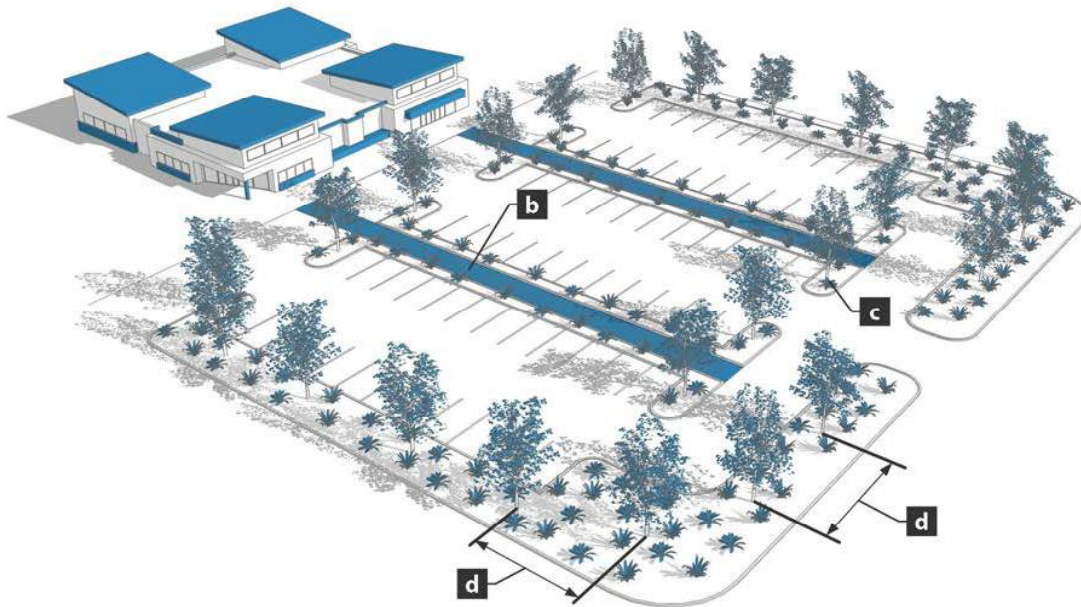


Figure 4-6: Parking Area Landscaping

## 2. Tree Placement and Density<sup>365</sup>

In meeting the requirement for a minimum number of trees per required landscape area stated in Section 18.04.805(c)(3), below, parking lots that have 12 or more spaces in width shall have at least one island with a shade tree placed so that the parking lot has no more than 12 parking spaces between islands. Parking lots smaller than 12 spaces in width may place shade trees in parking lot edges. Parking lots 12 or more spaces in width shall place shade trees in islands where a parking space would otherwise fit. Placement of these islands and trees shall be accomplished such that no parking space shall be further than 75 feet from a tree. See Figure 4-6, above.

## 3. Tree Size<sup>366</sup>

Parking lots shall be entirely landscaped with Class 4 large canopy type trees, unless additional smaller trees are provided to provide comparable shade coverage at maturity. Tree sizes and measurements shall otherwise conform to Section 18.04.805(c)(3).

## 4. Islands

An island containing at least one tree shall be located in accordance with Subsection 2., above. Islands shall be designed to reflect the size of the adjacent parking space(s). Minimum length for the usable planting area, excluding adjacent curbs or sidewalks, is 14 feet. Minimum width for the usable planting area is 8 feet. Trees shall be placed a minimum of 4 feet from

<sup>365</sup> Island density slightly reduced. Balanced by enhanced parking lot landscaping standards.

<sup>366</sup> Enhanced standard for large canopy trees in parking lots.

the back of any curb or sidewalk. The location of parking lot islands shall recognize convenient pedestrian circulation routes and walks within the island and shall be planned accordingly. Landscape strips may also be used to address the minimum requirements for parking lot islands and trees.

**5. Soil Preparation<sup>367</sup>**

Parking lot islands shall be prepared with a minimum three-foot usable soil depth for the entire island area. Except where natural soils are determined to be suitable for healthy tree growth, the entire area of the island shall be excavated to a depth of three feet and backfilled with suitable planting material. Determinations of soil suitability shall be made by the landscape architect or other responsible party, as applicable. Planting wells for required trees in parking lot edges shall be similarly prepared with minimum usable soil dimensions of three feet in depth and 25 square feet in surface area.

**6. Placement of Lighting<sup>368</sup>**

Parking lot lighting shall be located to not be shaded by the expected growth of shade trees.

**7. Existing Trees and Natural Features**

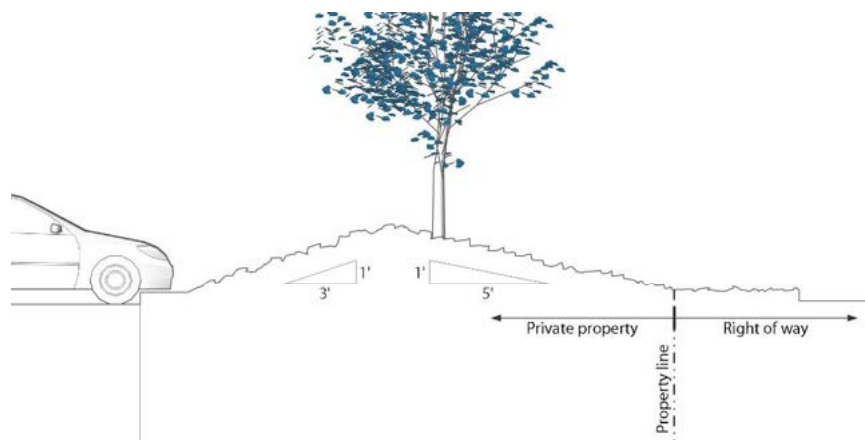
Notwithstanding the above, the location of landscaped islands should be adjusted to accommodate existing trees or other natural features, provided that the total landscape area requirements are met.

**(3) Screening of Parking from Public Areas**

**a. General**

All parking areas shall be screened from view of public roadways. The screen shall be a minimum of 36 inches in height, and be achieved with street trees and one of the following methods:

1. A berm (see Figure 4-7);



**Figure 4-7: Berm Parking Area Screening**

<sup>367</sup> New standards to improve the growth/success of parking lot trees.

<sup>368</sup> New standard to address problem of needing to remove parking lot tree branches to maintain lighting.

2. A planting screen, including shrubs (see Figure 4-8);
3. A decorative wall (see Figure 4-9); or
4. A combination of the above, or as shown on the approved detailed site plan.

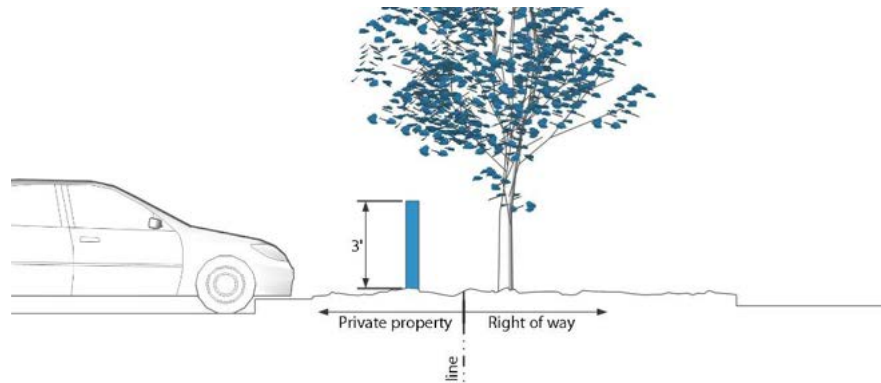


Figure 4-9: Decorative Wall Parking

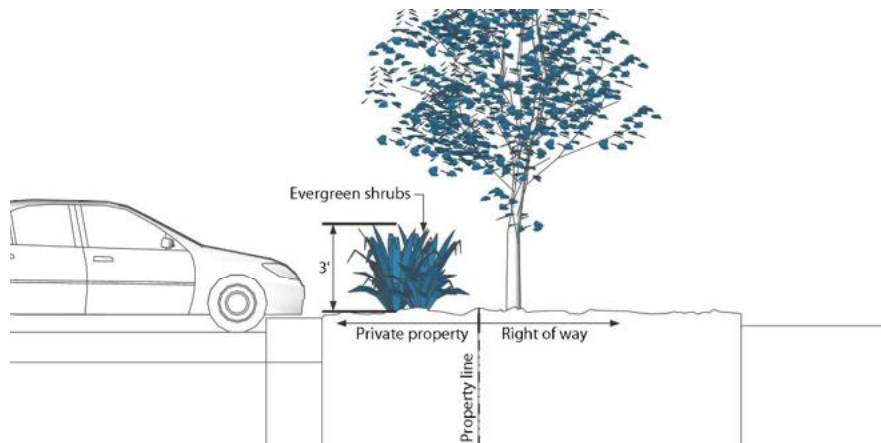


Figure 4-8: Planting Parking Area Screening

- b. **Parking Lot Edge**  
Screening shall generally be placed within the parking lot edge zone as defined in Section 18.04.804(e)(2), above.
- c. **Screening Waiver**  
The screening requirement in this subsection shall be waived when the surface of the entire lot is more than 36 inches below the grade of the street.

(4) **Landscaping of Parking Structures**

Unless incorporated into a main building, all parking garages shall comply with the following:

- a. Parking garages that are 35 feet or less in height shall have a minimum five-foot wide landscape area adjacent to all public rights-of-way (excluding alleys) which shall include at least one tree and five shrubs for each 30 feet of length. Required landscaping may occur in a parkway adjacent to the public right-of-way. See Figure 4-10.

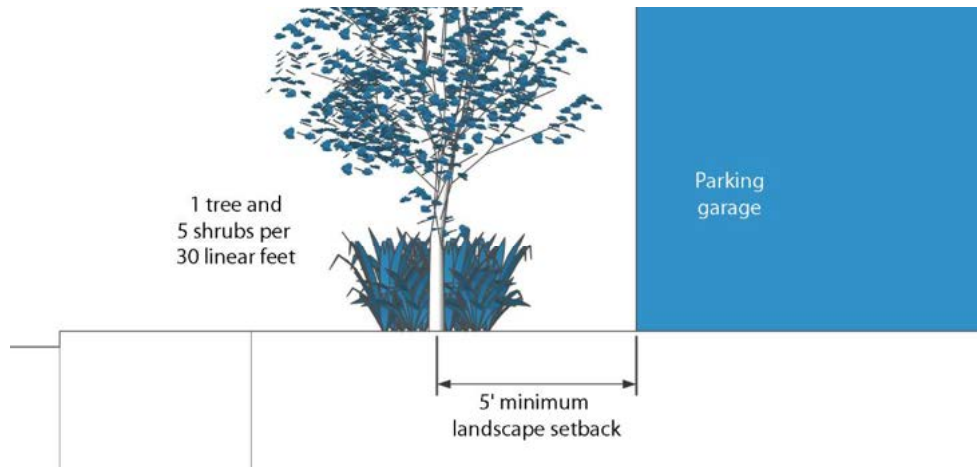


Figure 4-10: Parking Structure Landscaping

- b. Parking garages of more than 35 feet in height shall, in addition to the requirements in a., above, provide a building inset of five feet in width at each additional 35-foot level or provide other setbacks and/or structure treatments as approved by the Administrator. This additional inset or other treatment shall be provided adjacent to all public rights-of-ways (excluding alleys). These areas shall contain landscaping in accordance with an approved landscape plan.

(f) **Street Tree Requirements**

(1) **Trees Required**

a. **Arterials and Collectors**

1. Unless otherwise required, trees shall be planted adjacent to the right-of-way at a minimum average rate of one tree for every 30 feet of street frontage.
2. Parkway landscaping shall include a minimum of six shrubs per tree and/or living groundcover planted to achieve full coverage at maturity, except for any walkways.<sup>369</sup>
3. Expanded sidewalks with street trees and furnishings may be provided in lieu of landscaped parkways, as provided in Articles 8, 9 and 10 of this 18.03.503(j)(3).

<sup>369</sup> New standard for living groundcover in parkways.

**b. Residential Streets**

1. Two street trees shall be planted for each lot up to 50 feet in width and at a minimum average rate of one tree for every 30 feet of frontage over 50 feet. The tree shall be a minimum two-inch caliper tree from the city's permitted street tree list.<sup>370</sup>
2. The City prefers that all residential street trees be planted in the parkway, if one exists. Where no parkway exists, the Administrator may approve the planting of the required trees between the curb line and the building setback line, but at least 2 ½ feet from the curb line and from the building foundation.

**c. Mixed-Use Downtown (MD-) Districts<sup>371</sup>**

All street trees in the MD districts shall meet the standards of the Downtown Streetscape Design Manual. Where the Downtown Streetscape Design Manual does not identify street tree requirements, the standard requirements for Arterials, Collectors, and Residential Streets shall apply

**(2) Planting Schedule**

Trees shall be planted prior to the issuance of a certificate of occupancy. The Administrator may allow the planting to occur within the next growing season the required landscaping is bonded or guaranteed as described in Subsection 18.04.803(e), *Installation and Inspection*.

**(3) Modification of Standards**

The Administrator may approve a modification of the tree species, tree spacing or planting standard, provided that the overall objectives of creating an attractive streetscape are achieved and the approved modification meets the intent of this section. The applicant shall incorporate all modifications approved by the Administrator in a revised landscape plan and submit the revised plan for the Administrator's review and approval within 30 days of the Administrator's modification decision.

**(4) Trees in the Public Right-of-Way**

**a. Work Permit Required**

Trees planted or removed from the public right-of-way are subject to the issuance of a tree work permit. Placement, species, and type of tree well covering are subject to City approval prior to the issuance of the tree work permit per Chapter 8.32, *Trees and Shrubs*.

**b. Maintenance**

Trees planted in the public right-of-way shall be maintained by adjacent property owners, neighborhood associations, special assessment district or maintenance district formed under NRS Section 278.4787.

**(5) Approved Street Tree Species<sup>372</sup>**

Street trees shall be selected from the Reno Urban Forestry Commission Approved Street Tree Species List.

<sup>370</sup> Tree size at planting reduced from 2 ½ to 2 inches.

<sup>371</sup> Updated to refer to the Downtown Streetscape Design Manual.

<sup>372</sup> The approved street tree species list is provided in the administrative manual.

### 18.04.805 Landscaping Standards<sup>373</sup>

(a) **General Materials Requirements**

All required landscape areas shall be comprised of trees, shrubs, living and/or non-living ground covers, and/or enhanced paving. This area may also include a cover, roof structure or minor structure over a portion of the area, if it will enhance the use of the landscape area. Bare dirt shall not be allowed.

(b) **Minimum Number of Trees and Shrubs in Required Landscape Areas<sup>374</sup>**

(1) **All Zoning Districts Except Nonresidential Districts**

One tree and six shrubs shall be provided for every 300 square feet of required landscaped area, plus any additional trees required by this article.

(2) **Nonresidential Districts**

One tree for every 300 square feet of required front yard landscaping plus one tree for every ten parking spaces is required. At least 50 percent of the required trees shall be evergreen. If any additional screening is required by this Title, those requirements are in addition to the minimums stated in this subsection.

(c) **Minimum Stocking and Materials Standards**

All required landscape areas shall comply with the following minimum stocking and materials standards, unless otherwise varied or modified under this Title.

(1) **General**

Generally, acceptable landscape materials shall include:

- a. Living plant materials.
- b. Alternate materials may be used for playing fields, skywalks, or similar situations with the Administrator's approval.

(2) **Ground Cover**

Ground cover used in required landscape areas may include the following, or alternatives if equivalent approved by the Administrator:

- a. Lawn or turf.
- b. Living ground covers other than lawn or turf, planted in a manner so the area designed for the ground is at least 90 percent covered at maturity. Ground covers shall be a minimum of a four-inch pot container in size.<sup>375</sup>
- c. Decorative paving, artificial turf, rock, or other inert materials, up to 25 percent of the required landscaped area, unless the Administrator approves a different amount after consideration of the visual appearance of the site. Choices of non-living ground cover should be made after considering the flammability and toxicity of available types. When rock is used on slopes 3:1 or steeper, it shall be fractured at least three-inch minimum. Shredded bark/wood, decomposed granite, or other similar non-stabilized material may not be used on grades greater than 4:1. Landscape walls and retaining walls do not require fractured rock. Loose rock mulch may not exceed 50 percent of the allowed inert materials,

<sup>373</sup> Moved this Section up to follow the landscaping requirements. It is oddly placed after the screening requirements in the current document.

<sup>374</sup> Modified to clarify interpretation.

<sup>375</sup> Groundcover standards revised to require a more appropriate planting density (90% coverage at maturity rather than 100% coverage after 3 years).



with remaining inert materials being an organic mulch such as tree/wood mulch.<sup>376</sup>

- d. Calculation of coverage is by means of the following method:
  1. Grass and ground covers are calculated based on simple area (length x width).
  2. Shrubs should be calculated using the area of a shrub based on spacing. Spacing should be presented in the plant list for use of the landscaper and plan review purposes. Spacing should reflect what the expected average size of the shrub should be in three years.
  3. Calculate the area of shrub coverage based on  $\pi r^2$  (area of a circle) times the number of shrubs from plant list ( $\pi = 3.14$ ,  $r =$  radius of shrub spacing).

**Table 4-15 Example Vegetative Cover Calculation**

Proposal	Standard	Required (min.)
20 shrubs (5 ft. spacing)	$\pi \times (2.5 \text{ ft.} \times 2.5 \text{ ft.}) = 19.6 \text{ sf}$ $19.6 \text{ sf} \times 20 = 392 \text{ sf}$	392 sf

4. Total vegetative cover is the sum of all areas covered by grass, ground covers, and shrubs.
5. Trees do not count toward vegetative cover unless their branches come down to the ground (e.g., many evergreen trees).

**(3) Trees**

In satisfying the landscaping requirements of this section, the use of high-quality, hardy, and drought-tolerant trees is required.

- a. **Size Standards<sup>377</sup>**  
 At the time of installation, deciduous trees shall have a minimum caliper of 2 inches, and evergreen trees shall have a minimum height of 6 feet..
- b. **Tree Mix<sup>378</sup>**  
 A mixture of deciduous and evergreen trees shall be provided. Species diversity is encouraged.
- c. **Prohibited Tree List**  
 Prohibited trees are listed in Section 8.32.080, *Prohibited Trees*. The Administrator, in consultation with staff experts, may allow the planting of an otherwise prohibited tree for the purpose of maintaining riparian vegetation and habitat along the Truckee River or in other natural riparian areas.
- d. **Tree Well Plantings in Sidewalks and Plazas<sup>379</sup>**

<sup>376</sup> Limitation of 50% loose rock mulch added.

<sup>377</sup> Tree planting sizes modified to require two-inch deciduous and 6-foot evergreen trees for all required landscaping. Prior requirements for large trees and small trees wasn't effective. 10-foot evergreen trees (prior large tree standard) do not grow well. One-inch deciduous trees (prior small tree standard) are fragile and also have reduced survival rates.

<sup>378</sup> Require mix if tree types is relaxed to enhance design flexibility for different sites.

<sup>379</sup> Modified to include soil preparation standards.



1. Trees shall be placed in landscaped areas no less than five feet in width and length or in tree wells with a minimum five-foot diameter.
2. The planting hole shall be at least two times the size of the root ball, and deep enough to allow the root ball to be covered in accordance with ANSI A300 (American National Standards Institute) tree and shrub planting standards.
3. Except where natural soils are determined to be suitable for healthy tree growth, the entire tree well area or a 30 square foot minimum area in the parkway shall be excavated to a depth of three feet and backfilled with suitable planting material. Determinations of soil suitability shall be made by the landscape architect or other responsible party, as applicable.

Provisions shall be made for adequate drainage, depending on the soil type and related planting conditions.

**e. Tree Staking**

All trees shall be staked by an approved method.

**(4) Other Landscape Materials**

Plant materials used to meet landscape plan requirements shall comply with the following minimum size standards at the time of installation:

**a. Shrubs**

**1. Large Shrubs**

Large shrubs shall be a minimum of a five-gallon container in size.

**2. Small Shrubs**

Small shrubs shall be a minimum of a one-gallon container in size.

**3. Size Requirements**

At least 25 percent of the required shrubs shall be a minimum of five-gallon with the remaining 75 percent one gallon or larger.

**b. Ground Covers**

Ground covers shall be a minimum of four-inch pot container size.

**c. Vines**

Vines shall be a minimum of a five-gallon container in size.

**d. Grass**

Solid sod or grass seed applied with Hydro-Mulch may be used.

**e. Annuals and Perennials**

The use of annuals and perennials are encouraged but do not count toward minimum landscape requirements. There are no size limits.

**(5) Mulch**

Under all trees and shrubs and anywhere in a required landscaped area not planted with live material or otherwise covered, mulch shall be provided. Mulch may be waived by the Administrator when the landowner has an approved maintenance program and/or has demonstrated acceptable maintenance on past projects. Where mulches are used, they shall be a minimum of four inches in depth to decrease water evaporation. Nonporous material, such as plastic sheets, shall not be placed under the mulch.

- (d) **Drainage**  
All trees and shrubs shall be planted with positive drainage.

#### 18.04.806 Water Conservation

To reduce water consumption, all landscaping plans approved under this section shall comply with the following:

- (a) The minimum dimension of each lawn or turf area shall be five feet.
- (b) The maximum slope of lawn or turf areas shall be 3:1. Where a berm is wider than ten feet, one additional foot of level (7:1 or flatter) planted area is required for every three feet of bermed area to capture slope runoff at the toe of the berm.
- (c) In multi-family, mixed-use, or nonresidential districts, or model homes, lawn or turf areas shall not exceed 50 percent of the required landscape area.
- (d) An efficient water-conserving irrigation system including drip, low-arching and/or low-flow heads shall be used.
- (e) Soil in landscape area shall be improved by incorporating a minimum of two inches of organic soil amendment into the top six inches of soil, unless recommended otherwise by the soil report for the property.
- (f) Soil in landscape areas shall be tilled to a minimum depth of six inches for lawn areas, and to the depth of the root ball for shrubs and trees within the planting area to allow for sufficient aeration.
- (g) Non-turf areas shall emphasize low water consumptive plants.
- (h) All debris shall be removed from a planting site prior to soil preparation or planting. Debris includes cement, asphalt, wire, steel, scrap lumber, or other foreign matter.
- (i) Overspray onto impervious surfaces shall be prevented by placing turf areas a minimum of three feet away from impervious surface or designing the irrigation system to prevent overspray onto adjacent impervious surfaces.

#### 18.04.807 Maintenance

##### (a) **Irrigation**

###### (1) **Irrigation Required**<sup>380</sup>

All required landscaping shall be irrigated unless approved by the Administrator. Irrigation systems shall be designed for proper irrigation of the plants at maturity.

###### (2) **Irrigation Plans**

Irrigation plans that ensure adequate coverage of landscape material shall be submitted at the same scale as the landscape plans. Plans shall also include specifications which comply with the Uniform Plumbing Code, and include the following:

- a. Scale, north arrow, locations of adjacent streets, property lines, easements, sidewalks, drives, paved areas, buildings, street trees, and any other natural or manufactured site features influencing the use of the site.
- b. Identification and description of automatic irrigation components to ensure that vegetation is adequately serviced through water conserving features.

<sup>380</sup> Added language to require that irrigation plans design for plant sizes as maturity.

- c. Indication of the system point of connection and size, water pressure available, and maximum demand of the system in gallons per minute.
- d. Manufacturer's name and equipment identification number shall identify irrigation equipment specified.
- e. Reduced pressure backflow preventer (R. P. Device). Refer to water purveyors for requirements for backflow preventers.
- f. All locations of irrigation valves, controllers, hose bibs, quick coupler valves, sprinkler heads, and backflow preventers. Sprinkler location on plans shall also include pattern of sprays (i.e., full circle or half circle), psi, radius of throw, and gallons per minute.
- g. Irrigation details shall be used to clarify particular situations. Typical details should include backflow preventers, valves, irrigation heads, and irrigation controllers.
- h. Schedule 40 PVC with schedule 80 fittings is required on all piping up to three inches in size. For piping over three inches in size, class piping is required. Mainlines shall be a minimum of 24 inches deep with approved backfill. Mainlines shall have detectable tape one foot above line. Lateral lines shall be schedule 40 with a minimum of 18 inches in depth with approved backfill.

(b) **Maintenance**

(1) **Maintenance**

All landscape areas and plant materials shall be maintained in a vigorous and healthy condition, free of weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching, and other needed maintenance, in accordance with generally accepted horticultural practices. This shall include using pruning standards accepted by the International Society of Arboriculture and/or the National Arborist Association.

(2) **Repair and Replacement**

Any dead plant shall be replaced within 30 days. If the season of the year makes such repair or replacement impractical, the property owner shall schedule an appropriate time for the accomplishment of this work with the Administrator. Damaged plants shall be trimmed to remove dead or damaged material within 30 days.

(3) **Violation**

If the repair or replacement is not accomplished in a timely fashion as described in 18.04.807(b)(2), above, the Administrator may initiate proceedings to revoke the conditional use permit or business license for the subject property, or use the remedies and fines associated with violations under Title 1, *General Provisions*.

(4) **Public Maintenance of Landscaping and Irrigation**<sup>381</sup>

Unless otherwise approved by the City Engineer, landscaping and irrigation that is intended to be owned and/or maintained by the City of Reno shall be reviewed and approved by City Parks Department prior to issuance of building permit.

**18.04.808 Screening**<sup>382</sup>

<sup>381</sup> In most cases this provision will not apply, specifically to private development but, some circumstances: City Parks, Public Facilities, Regional Transportation facilities it could apply.

<sup>382</sup> Consolidation and refinement of several screening sections in current code.

- (a) **Conflicting Regulations**  
 In case of conflict between the screening standards in this Section and any screening standards stated in a different chapter, article, or section of this Title, the most restrictive screening standard shall apply.
- (b) **Screening Between Land Uses**
  - (1) **Required Screening**  
 Screening shall be required with new development where the new land use is different from the abutting zoning designation, as shown in Table 4-17, below.

Table 4-16 Minimum Required Land Use Screening					
New Land Use	Abutting Zoning District				
	LLR and SF	MF	Mixed-Use	Nonresidential	PF
LLR and SF	NA	NA	Solid	Solid	Semi-opaque/ Solid [2]
MF	Solid	NA	NA	Solid	Semi-opaque/ Solid [2]
Mixed-Use	Wall [1][3]	Semi-opaque [1]	NA	NA	Semi-opaque
Nonresidential	Wall [1][3]	Wall [1][3]	NA	NA	Semi-opaque/ Solid [2]
PF	Wall [1][3]	Semi-opaque/ Solid [3]	Semi-opaque/ Solid [3]	Semi-opaque/ Solid [3]	NA

**Notes:**

- [1] See *Chapter 18.04 Article 14, Residential Adjacency*, for additional standards.
- [2] It is the intent of screening to protect against new land uses being a nuisance onto adjoining properties. There are instances where open fencing such as tubular steel and wrought iron may be more appropriate for security and may be approved by the Administrator.
- [3] Alternative screening may be approved by the Administrator based on the nature and scale of the proposed use.

- a. **Installation**  
 Required screening shall be installed by new development that is adjacent to previously developed property.
  - b. **Substitution of Screening**  
 Where a semi-opaque screen is required, a solid screen may be installed. In no case, other than may be specified in particular PUD or SPD zones, may a semi-opaque screen be installed where a solid screen is required.
  - c. **Maintenance of Screening**  
 All screening between land uses installed according to this section shall be maintained for the life of the installing use in good repair and condition sufficient to remain effective for the intended screening purpose.
- (2) **Land Use Screening Types**  
 The following types of screening shall be used to screen between land uses:

a. **Solid**

A six-foot high solid masonry, metal, composite, or wood fence with five feet of landscaping adjacent to it with a minimum of one evergreen tree planted every 30 linear feet and a minimum three shrubs planted per tree. See Figure 4-11, below.

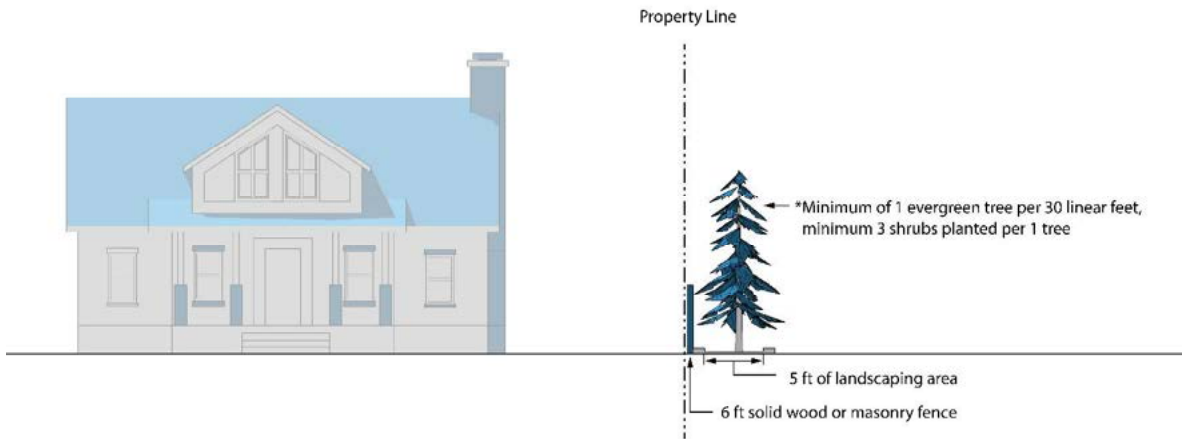


Figure 4-11: Solid Screening

b. **Semi-Opaque**

1. An eight-foot wide landscape area that consists of trees which achieve at least 20 feet in height at maturity and are planted at a rate of every 30 feet with a three-foot high masonry wall. See Figure 4-12, below.

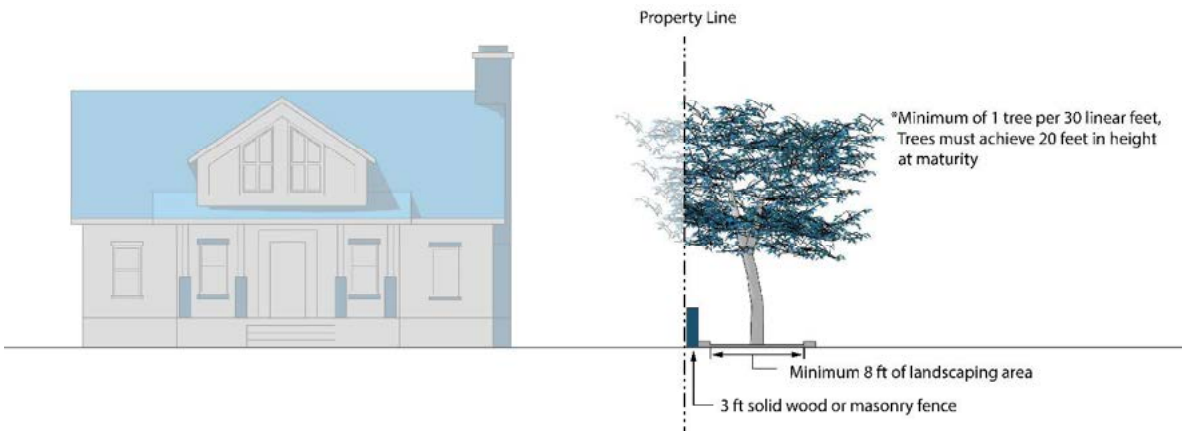


Figure 4-12: Semi-Opaque

2. A 15-foot wide landscape area that consists of trees that achieve at least 20 feet in height at maturity and are planted at a rate of one for every 30

feet on top of a two-foot high berm interspersed with shrubs to achieve a screening effect.

3. A 30-foot wide landscape area that consists of trees planted at a rate of one for every 30 feet.

c. **Wall<sup>383</sup>**

A six-foot high solid masonry wall with five feet of landscaping adjacent to it with a minimum of one evergreen tree planted every 30 linear feet and a minimum three shrubs planted per tree.

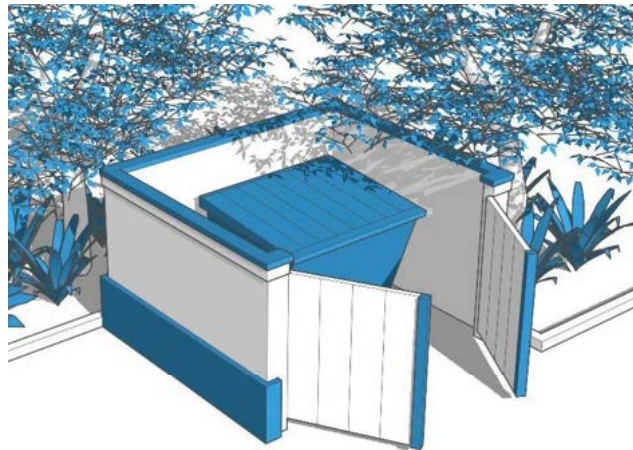
(c) **Screening of Outdoor Service Areas, Utilities, and Equipment**

(1) **Trash Receptacles**

a. **Applicability**

To screen trash and recycling receptacles, enclosures shall be constructed with any commercial, office, public building, multi-family building with more than four units, or industrial development, unless otherwise exempted by this section, to the minimum standards identified in Figure 4-13, below. Additional features may be required by the solid waste provider or environmental control standards.

b. **Additional/Oversized Enclosures**



**Figure 4-13: Trash and Recycling Receptable Screening**

Developments generating ten or more yards of trash per receptacle within any pickup cycle shall expand the size of the enclosure shown in Figure 4-13 to accommodate demand or shall construct an additional enclosure.

c. **Location of Trash Receptacles**

1. **Mixed-Use and Nonresidential Uses**

[a] **General**

Trash receptacles shall be located outside building setback lines and buffer yards, and to the side or rear of the principal building. Where the trash receptacle(s) are interior to the site and not visible from any public

<sup>383</sup> New.

right-of-way or adjacent property, enclosure may be waived. Trash receptacles may be located on a property line that is adjacent to an alley.

**[b] Adjacent to Residential Properties**

Trash receptacles shall be screened and odor-controlled. In addition, trash receptacles shall be located a minimum of 25 feet from any residential property line, or as far away from the residential property line as possible.

**2. Residential Uses**

Trash storage may be located on a property line that is immediately adjacent to an alley.

**3. Location on Plans**

Trash enclosure locations shall be indicated on the plans accompanying any application and the plans submitted for building permit approval.

**4. Recycling Containers<sup>384</sup>**

On-site recycling containers shall be provided for the construction or major renovation of an apartment complex or condominium pursuant to NRS Section 278.02315. On-site recycling containers shall be provided for the construction or major renovation of all non-residential development.

**(2) Mechanical Equipment and Alternative Utility Systems**

- a. All mechanical equipment, including, but not limited to, air conditioners, electric meters, heating units, and alternative utility systems (except for wind turbines), shall be screened from view of streets and residential areas. This shall apply to equipment and alternative utility systems located on rooftops, at ground level and at any other position upon the structure with the exception of single-family or duplex dwellings and window or wall mounted air conditioners in residential uses and the exceptions identified in Section 18.04.808(c)(2)d, below.
- b. Screening shall be architecturally compatible with the structure, and window mounted air conditioners/heaters in residential buildings shall be considered screened if such equipment consists of a color and material which blends with the rest of the structure, and if the equipment does not extend greater than six inches beyond the plane of the building.
- c. Backflow preventers shall be screened from view of public streets and adjoining properties by low vegetation, walls, covers, or fencing, or other means acceptable to the Administrator.
- d. Every effort shall be made to adequately screen alternative utility systems according to the terms of this Section or to integrate them into the design of the primary structure consistent with City design policies; unless it can be proven to the satisfaction of the Administrator that adherence would significantly decrease the efficiency or performance of the system.

**(3) Loading Areas**

Loading areas shall be located at the side or rear of the building, and screened from view of public rights-of-way, single-family or duplex zoned lots, parks, and other public areas by a screen that is tall enough to screen vehicles and service areas.

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<sup>384</sup> New per new state law.



(d) **Types of Screening**

The following types of screening shall be used to screen outdoor storage, ground mounted mechanical equipment including backflow preventers, and loading areas (see Figure 4-14 and Figure 4-15):

- (1) Dense evergreen hedge that will screen views from the ground up to the required height within two years.
- (2) Solid wall constructed of the building's primary surface material or masonry.
- (3) A combination of a berm with a maximum 3:1 slope with dense evergreen shrub planting that will provide a solid screen to the required height.
- (4) Ground-mounted mechanical equipment may be screened with a cover or box integrated into landscaping.

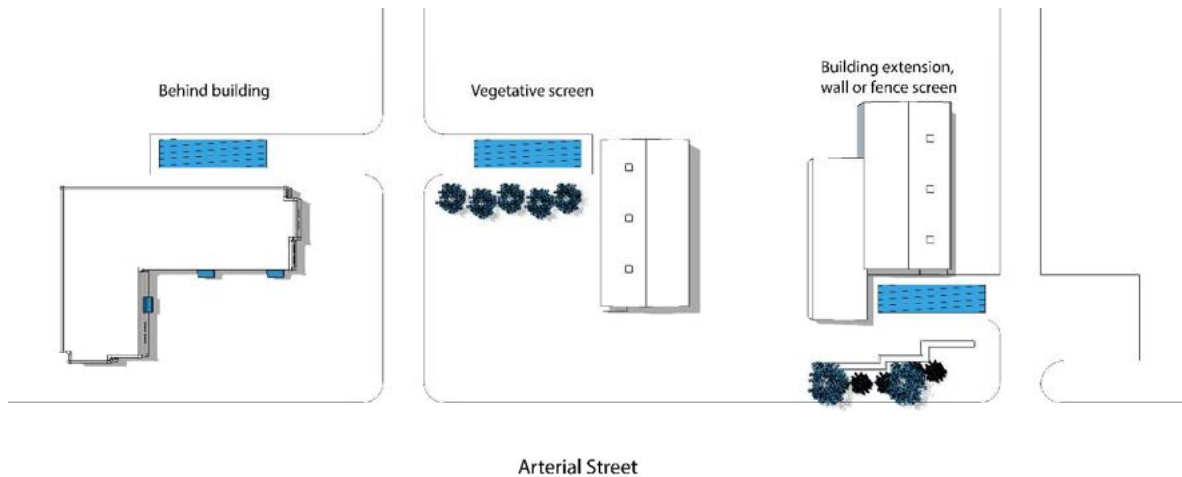


Figure 4-14: Location of Outdoor Storage, Mechanical Equipment, and Loading Areas

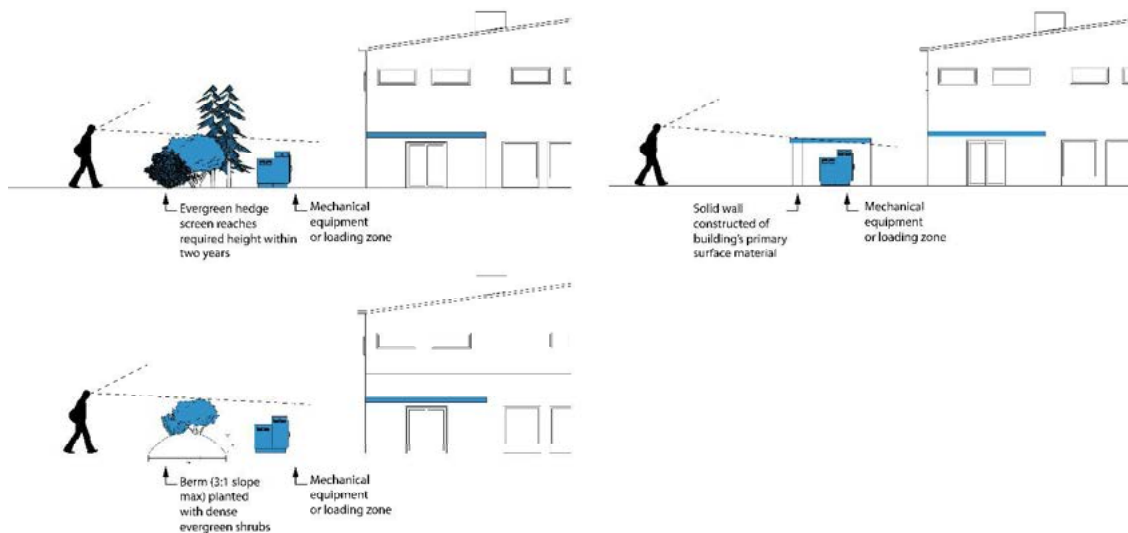


Figure 4-15: Mechanical Equipment Screening

### 18.04.809 Fences and Walls

(a) **Purpose**<sup>385</sup>

These standards regulate walls, fences, retaining walls, and vertical combinations of those items in order to:

- (1) Provide safety and security for private property;
- (2) Enhance the visual appearance the built environment in the city;
- (3) Establish an attractive streetscape;
- (4) Ensure visual compatibility with public spaces; and
- (5) Promote street and neighborhood character.

(b) **Permit Required**

Construction of fences and walls in the City of Reno shall require a permit in compliance with the provisions and standards stated in this Article and in Chapter 14.18, *Fences*.

(c) **General Standards**<sup>386</sup>

The following fence and wall standards shall apply in all zoning districts:

- (1) For purposes of this Article, on through lots, the front yard shall be the yard adjacent to the street on which the property is addressed and the rear yard shall be the yard opposite the front yard, and walls or fences six feet or less in height may be erected on the rear lot line, except as provided in Section 6.06.090, *Same – Designation of Crosswalks and Safety Zones*.
- (2) Except as provided in Section 6.06.090, *Same – Designation of Crosswalks and Safety Zones*, and in the residential street image standards in Chapter 18.04 Article

<sup>385</sup> New.

<sup>386</sup> Fences in front yards reduced from 4 ½ ft. to 4 ft. maximum height to reflect public feedback and codes in other communities.

9, *Site and Building Standards for Residential Districts*, on a lot where there are two or more required front yards, any wall or fence erected in the yard shall not exceed four feet.

- (3) Walls or fences shall not exceed four feet in height within 20 feet of each side of a primary driveway.
  - (4) Where a fence or wall is constructed on top of a retaining wall, the height of such fence or wall shall be measured from the top of the retaining wall.
  - (5) Barbed wire, razor ribbon, or razor tape fencing is prohibited, except in UT zoning districts, in conjunction with a public detention or correctional facility, or unless exempted by this Title.
  - (6) Public utilities in any zone may be enclosed by a fence six feet in height with barbed wire used above it if the total height thereof does not exceed nine feet. Arms carrying barbed wire shall extend inward or straight up.
  - (7) Projects shall be developed so all walls and fences are located on private property or common areas. Fences and walls shall not be placed in the City right-of-way or easements without written approval by the City Engineer. Fences and walls within City right-of-way or easements shall require written agreement with adjacent property owner or applicable maintenance organization.<sup>387</sup>
  - (8) Walls or fences adjacent to major drainageways and open space areas shall incorporate open fencing for any portion of a fence or wall that is more than 4 feet above grade. Chain link is not allowed except where specified.<sup>388</sup>
  - (9) Fences that are not placed on lot lines or extending in a generally perpendicular direction from lot lines to a building are subject to the accessory structure standards of Section 18.03.402, *Accessory Buildings and Structures in Residential Zoning Districts*.
  - (10) The Administrator may approve electronic security systems (including low-voltage perimeter security wires) in conjunction with project fencing if determined not to have a significant impact on other properties.<sup>389</sup>
- (d) **All Zoning Districts Except Nonresidential Districts**  
In all zoning districts, except the nonresidential districts, the following fence and wall standards shall apply.
- (1) Walls or fences six feet or less in height may be erected on lot lines and extending in a generally perpendicular direction from lot lines to buildings in any zone except in required front yards.
  - (2) Walls or fences four feet or less in height may be erected in the required front yard area in any zone.
  - (3) A six-foot fence may be built on front yards not providing primary access with a minimum five-foot setback from the sidewalk or planned sidewalk. The fence setback area shall be landscaped and irrigated in accordance with the minimum landscaping requirements set forth in this Title. For purposes of this Subsection the primary access frontage is defined as the building address street.

<sup>387</sup> New standard per request by Public Works.

<sup>388</sup> New standard added to reflect existing practice. Definition for "Fencing, Open" has been included in definitions.

<sup>389</sup> New. Added to allow modern electronic security fencing citywide pending Administrator approval.

- (4) Notwithstanding Paragraph c., above, if primary access is provided from an alley, a minimum of one front yard setback shall be maintained without fencing over 4 feet in height.
  - (5) In residential zoning districts, fence posts may extend up to two feet higher than the fence itself, if the posts are at least six feet apart.
  - (6) Where residential uses abut an arterial, expressway, or freeway as classified in the Master Plan, or any part thereof, fences or walls exceeding six feet in height may be constructed on the property line between the residential use and the arterial, expressway or freeway, except as provided in Section 6.06.090, *Same – Designation of Crosswalks and Safety Zones*.
  - (7) Where side and rear yard outdoor spaces in Mixed-Use districts are not located adjacent to a street or residentially zoned property, the Administrator may approve taller fences with barbed wire in accordance with Subsection 18.04.809(e)(2), below.
- (e) **Nonresidential Zoning Districts**  
In nonresidential zoning districts only, the following standards shall apply:
- (1) Walls or fences six feet in height or less may be erected in the required front yard, except as provided in Section 6.06.090, *Same – Designation of Crosswalks and Safety Zones*.
  - (2) Barbed wire may be used above any conventional six-foot fence if the total height does not exceed nine feet. Arms carrying barb wire shall extend inward or straight up.
- (f) **Fencing Standards for Properties/Uses Abutting Water Supply Ditches**
- (1) **Property Abutting Water Supply Ditches**  
Property abutting or adjoining any water supply ditch shall have 4 ½ foot or taller fencing, approved by the Administrator as reasonably non-climbable and safe, such fencing to have tension wires along both top and bottom, or other adequate means of protection to the specifications of the Administrator, where any water supply ditch constitutes a hazard to the life, limb and safety of the people of the city, such installation to be completed and approved prior to any occupancy other than purely for the purpose of construction.
  - (2) **Park, Recreation, or Public Use Area Abutting Ditches**  
Where property abutting or adjoining any water supply ditch is a park, recreational area or is otherwise open to public use, the Administrator may, for good cause consistent with public health and safety, waive or modify the requirements in Section 18.04.809(f)(1), above.
- (g) **Permit Required**  
Construction of fences and walls in the City of Reno shall require a permit in compliance with the provisions and standards stated in this Title. Some fences may also require a building permit, as specified in Chapter 14.18, *Fences*, and Title 14.

## Article 9 Site and Building Standards for Residential Districts

### Commentary

This article consolidates and significantly updates existing residential site and building design standards that are contained in Chapter 18.12, Article III (includes Sections 18.12.301, 18.12.302, and 18.12.304) and Chapter 18.08, Article IV. (includes Sections 18.08.404 and 18.08.406). Standards are broadly organized by applicability:

--General Standards for All Residential Districts

--Additional Standards for Single-Family Districts

--Additional Standards for Multi-Family Districts

Articles 10 and 11 are organized similarly and apply to the mixed-use and nonresidential districts.

General standards address: Site Layout and Development Pattern, Circulation and Access, and Building Design. These sections contain expanded site development standards addressing Master Plan Design Principles and input received through the code update process.

Supplemental standards for single-family districts are largely retained from the current code. Supplemental standards for multi-family include some existing standards and a new section increasing allowed density for projects with smaller residential units.

Separate standards for Infill Development have been eliminated and replaced with the site design, circulation, and building design standards applicable throughout residential districts.

### 18.04.901 Purpose<sup>390</sup>

This purpose of this article is to support the implementation of the Neighborhood Design Principles and Neighborhood Corridor Design Principles contained in the City of Reno Master Plan. Principles generally promote high-quality residential development and construction that enhances the character and livability of Reno's neighborhoods, expands housing diversity, and enhances multimodal transportation options. Specifically, the standards in this article:

- (a) Protect public health and safety;
- (b) Promote variety and visual interest in the design of new residential developments;
- (c) Enhance connectivity within and between neighborhoods and to other destinations;
- (d) Expand access to neighborhood services and amenities; and
- (e) Enhance the compatibility of residential infill and redevelopment projects with surrounding neighborhoods.

### 18.04.902 Applicability<sup>391</sup>

#### (a) District Applicability

- (1) This article shall apply to all development in the following districts unless otherwise noted in the subsections below:
  - a. LLR2.5 Large-Lot Residential (2.5 acres)
  - b. LLR1.0 Large-Lot Residential (1.0 acres)
  - c. LLR.5: Large-Lot Residential (0.5 acres)
  - d. SF3: Single-Family Residential
  - e. SF5: Single-Family Residential
  - f. SF8: Single-Family Residential
  - g. SF14: Single-Family Residential
  - h. MF14: Multi-Family Residential
  - i. MF21: Multi-Family Residential
  - j. MF30: Multi-Family Residential

<sup>390</sup> New.

<sup>391</sup> New.

- (2) Nonresidential development within or adjacent to the above zone districts shall also meet the standards of Article 14, *Residential Adjacency*.
- (b) **Project-Specific Applicability**
- (1) Within the districts identified in Subsection (a), above, this article applies to the following types of development projects:
- a. Development of any new structure that requires a building permit; and
  - b. An addition or renovation to an existing structure where the total gross floor area following the addition or renovation is more than 500 square feet greater than the total gross floor area of the existing structure before addition or renovation.
- (2) In cases where additions or renovations are subject to these standards and full compliance with these standards is not feasible, the resulting project shall result in closer conformance with these standards, as determined by the Administrator.
- (3) For nonresidential and mixed-use development in residential districts, applicants may request that standards in Section 18.04.1003 for the Neighborhood Commercial (NC) District replace this Article. The Administrator may approve such a request if the project design is deemed to be compatible with the surrounding development pattern. If necessary to achieve compatibility, the Administrator may require additional design features or consistency with certain design requirements in this article.<sup>392</sup>

#### **18.04.903 General Standards for Residential Districts<sup>393</sup>**

- (a) **Site Layout and Development Pattern**
- (1) **Relationship to Major Roadways**
- a. **Freeway Frontage**  
Developments located along a freeway corridor shall be set back a minimum of 30 feet from the edge of the freeway right-of-way or sound wall and buffered with landscaping. Landscaping within the buffer shall be provided in accordance with *Chapter 18.04 Article 8, Landscaping, Buffering, and Screening*.
  - b. **Arterial Streets**
    1. Lots and buildings shall be oriented to minimize the impact of arterial streets on neighborhood character, livability, and safety.
    2. Future phases of development and street connections shall be considered when orienting lots and buildings along arterial streets to minimize access limitations.
- (2) **Streetscape Design**  
In addition to the standards contained in Article 5, *Streets, Utilities, and Services*, the following shall apply:

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<sup>392</sup> This allows mixed use development standards to be applied where appropriate.

<sup>393</sup> Unless otherwise noted, standards in this Section are proposed new standards to address “gaps” in the current code that are addressed by the Neighborhood Design Principles and Neighborhood Corridor Design Principles in the Master Plan. Topical groupings and subtopics used in the design principles have been consolidated/modified where appropriate. Section title updated to apply based on district instead of development type.

a. **Sidewalks**

Sidewalks, generally five feet in width, shall be provided in accordance with Section 18.04.502, *Sidewalks, Curbs, and Gutters*, Section 18.04.602, *Pedestrian and Bicycle Connectivity*, and the Public Works Design Standards Manual.

b. **Landscape Parkways<sup>394</sup>**

A minimum five-foot wide landscaped parkway shall be provided between the back of curb and the sidewalk. Landscaping shall be provided in accordance with Article 8, *Landscaping, Buffering, Screening, and Fencing*. The decision-making body may waive or modify the parkway standard if adjacent properties do not have parkways between the sidewalk and street, in hillside developments, for low impact development designs, or other situations where landscaped parkways are deemed unfeasible or are not desired based on site characteristics or location.<sup>395</sup>

c. **Street Trees and Landscaping**

Street trees and landscaping shall be provided in accordance with Section 18.04.804(f), *Street Tree Requirements*.

(3) **Parking and Garage Location<sup>396</sup>**

- a. Parking shall be provided in accordance with Article 7, *Off-Street Parking and Loading*.
- b. Off-street parking is prohibited within the front yard setback unless located on driveways for single-family, duplex, or triplex residences.
- c. Where an alley exists, garages and off-street parking areas shall be oriented towards and accessed from the alley unless the Administrator finds that alley access is not feasible or desired based on the site characteristics and location.
- d. Driveways and parking for single-family, attached; single-family, detached; duplex; and triplex uses shall be limited to a single driveway not exceeding 30 feet in width, which may transition to a wider garage or parking area width when not located in a front yard setback or between ground-floor residential living areas and street frontages. Circular or looped driveways are permitted only on lots with more than 90 feet of lot width along the street frontage.
- e. For all other uses, parking between residential living areas and street frontages shall be limited to no more than 50 percent of the street frontage.

(4) **Building Orientation**

- a. New buildings on sites less than two acres in size shall be oriented towards the primary street frontage, or to the side if direct pedestrian access is provided from the primary street frontage.
- b. New buildings on sites greater than two acres in size, and expansions to existing development on sites of any size, shall be oriented towards the primary street frontage, or have direct pedestrian access from the primary street frontage to all buildings and enhanced landscaping along the street frontage.

<sup>394</sup> Existing standard applicable for SF4, SF6, SF9, and MF14 Districts only. Expanded to apply to all residential districts. New language for site-specific waivers.

<sup>395</sup> Updated to clarify measuring and provide decision-maker direction of considerations for exceptions.

<sup>396</sup> Relocated and updated standards for driveways and parking areas.



(5) **Setbacks and Building Location**<sup>397</sup>

a. **Front Yard Setbacks**

1. **Calculation**

In addition to the requirements of Chapter 18.02 *Zoning Districts*, front yard setbacks in areas where the predominant development pattern includes single-family and duplex uses, shall meet the following standards:

- [a] Where a consistent setback (no greater than three feet of deviation) exists along the block face, infill development shall be consistent with the established setback.
- [b] Where a varied setback exists along the block face, infill development shall provide a front yard setback that is within the range of other setbacks provided along the block face.
- [c] When comparing setbacks on a block face, comparison shall be made to a principal structure frontage and shall exclude front porches and similar subordinate features.
- [d] Corner lots shall address these front yard setback standards on the principal street frontage.
- [e] In areas of new development, the developer may determine front setbacks within the limitations of this Title.
- [f] The addition of front porches to existing residences is exempt from these front yard setback standards.
- [g] The Administrator may approve exceptions in areas with unique situations where strict compliance is not feasible or desired.

2. **Allowed Modifications**

Variances shall not be required for modification of principal front building setbacks if necessary to achieve compliance with these standards.

b. **Accessory Structures in Front Setback**

On lots with a principal single-family, attached; single-family, detached; or duplex use; accessory structures are prohibited in the area between a front property line and a principal structure unless specifically allowed in Section 18.03.402, *Accessory Buildings and Structures in Residential Zoning Districts*.

(6) **Cluster Development**<sup>398</sup>

Cluster development is encouraged to support the protection of sensitive natural resources, viewsheds, or other unique site features; promote fire safety within the wildland interface; provide opportunities for shared common open space; protect documented wildlife corridors; and provide a more gradual transition to the unincorporated county and public lands.

a. **When Allowed**

Minimum lot size may be reduced through clustering of development if the applicable decision-making body finds that:

- 1. The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this article,

<sup>397</sup> This section refines and replaces certain provisions of the existing Residential Infill Standards.

<sup>398</sup> NEW. Intended to replace Section 18.08.202(a)(1) (Cluster Development) in accordance with note in Module 1 - see Section 18.02.703(c).

such as providing more open space, preserving existing trees and vegetation coverage, preserving view corridors, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes;

2. The clustering proposal will have no significant adverse impact on adjacent properties or development, or the applicant has agreed to adopt appropriate mitigation measures such as edge matching, landscaping, screening, illumination standards, and other design features to buffer and protect adjacent properties from the proposed clustered development; and
3. The clustering proposal meets all other applicable requirements set forth in this Article or in other applicable ordinances or regulations.

**b. Eligibility for Density Increase and Lot Modifications<sup>399</sup>**

1. Cluster development may be eligible for exceptions to minimum lot standards.
2. With approval of a major site plan review in accordance with subsection 18.08.603(e)(3), *Cluster Development*, cluster development may modify lot dimension standards to result in an increase of overall development density of no more than 15 percent over that which is otherwise permitted by the zoning district in which the lot or parcel is located. Properties subject to the Hillside Development standards in 18.04 Article 4 shall not be eligible for this density increase.

**c. Unincorporated Transition Designations**

Properties within the UT5, UT10, and UT40 zoning designations shall be allowed to use cluster development subject to the provisions above and in 18.08.603(e)(3), *Cluster Development*, with the following exceptions:

1. No density increases shall be allowed within these zoning designations.
2. The applicant shall demonstrate the appropriateness of utility provision.

**(7) Site Compatibility and Adjacency Standards<sup>400</sup>**

**a. Applicability**

New land divisions adjacent to lower density residential zoning districts shall comply with the following standards, as applicable.

**b. Density Transfers**

To the extent that land in such areas affected by this standard would be buildable under federal, state, or local regulations, the full eligible density may be utilized on other locations on the site, including in other zoning districts. The official zoning map shall be modified to reflect approved transfers.

**c. Large-lot Residential Adjacency Standards**

To provide adequate transition between varying sizes of single-family residential parcels designated one dwelling unit per five acres to one dwelling unit per acre, the minimum adjacent lot size shall be one acre or one-half the minimum adjacent lot size, whichever is smaller.

**d. Single-Family Residential Adjacency Standards**

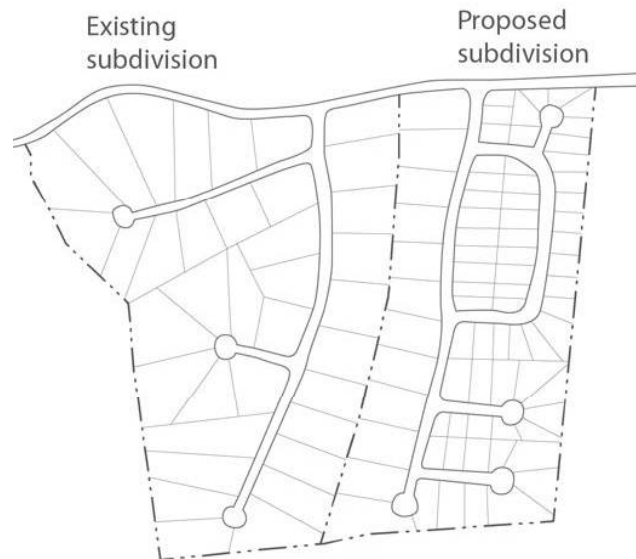
<sup>399</sup> Updated to include dimensional exception for density.

<sup>400</sup> Cooperative planning area edge matching standards are updated and applied city wide.

To provide adequate transition between varying sizes of single-family residential parcels designated for greater than one unit per acre density, one of the following methods shall be utilized:

**1. Parcel Size Matching**

The minimum lot sizes identified in the land use designation of the immediately adjacent property shall be maintained at the edge of the proposed subdivision as depicted in Figure 4-16; or



**Figure 4-16: Parcel Size Matching**

**2. Buffering**

A "buffer zone" shall be established. When the buffer remains natural vegetation, the buffer zone shall be equivalent to 100 feet or ½ of the average minimum lot depth of the adjoining developed property, whichever is greater (see Figure 4-17). The buffer zone may be common open space for the proposed subdivision and may include paths, trails, or other subdivision amenities. The buffer zone shall be a minimum of 30 feet wide when fully landscaped and maintained. An equivalent combination of natural and landscaped buffer area may be approved by the Administrator; or



Figure 4-17: Natural Vegetation Buffer Zone

3. Yard Matching

The rear yard widths of the proposed development shall match the rear yard widths of the existing development as depicted in Figure 4-18.

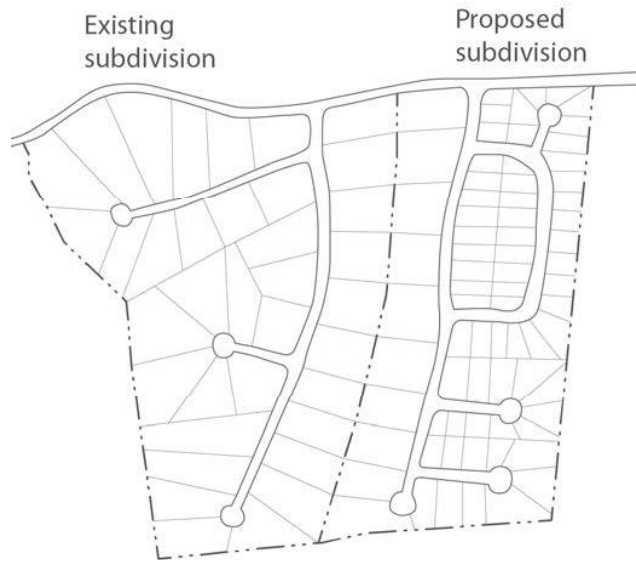


Figure 4-18: Yard Matching

e. **Height Matching**

Lots proposed within a new subdivision that share a common property line with an established subdivision shall not contain structures within 100 feet of the shared property line that exceed the maximum height of the adjacent equivalent zoning district or land use district.

(b) **Circulation and Access**

New neighborhoods shall be designed to include an interconnected network of local streets with walkable blocks. In addition to the standards contained in Article 6, *Access, Connectivity, and Circulation*, the following shall apply:

(1) **Pedestrian and Bicycle Connectivity**

Any wall, fencing or other barrier that hinders pedestrian and bicycle connectivity to adjacent areas shall be designed to provide access points to abutting streets, sidewalks, parks, and trails, including planned facilities. Exceptions may be approved where topography or other conditions make access infeasible.

(2) **Recreational Access**

Developments that abut public lands and open spaces at the urban/rural interface shall provide trailheads, connections, and public access from the development to existing or planned trails.

(c) **Building Design**<sup>401</sup>

(1) **Additional Setbacks and Stepbacks for Compatibility**<sup>402</sup>

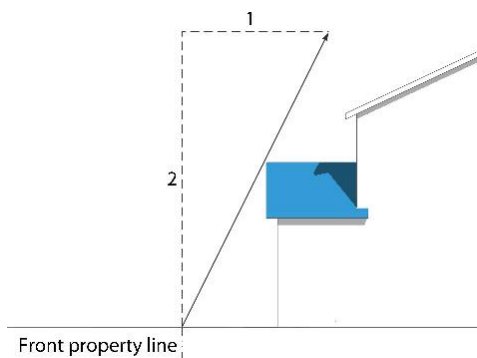
The following additional standards apply to any new building built within or adjacent to a property zoned LL (all districts), SF (all districts), MF-14, or MD-PD.

<sup>401</sup> Modified residential building design standards.

<sup>402</sup> Relocated here from Section 18.02.707.

a. **Front Setbacks**

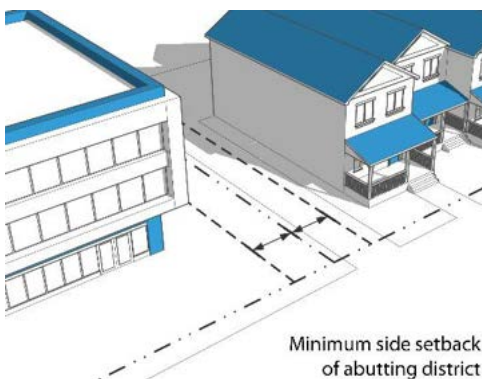
A 2:1 building height/setback ratio shall be maintained from all front property lines (applied to the portion of building fronting the property line, not the entire building)(see Figure 4-19, below).



**Figure 4-19: Front Setback**

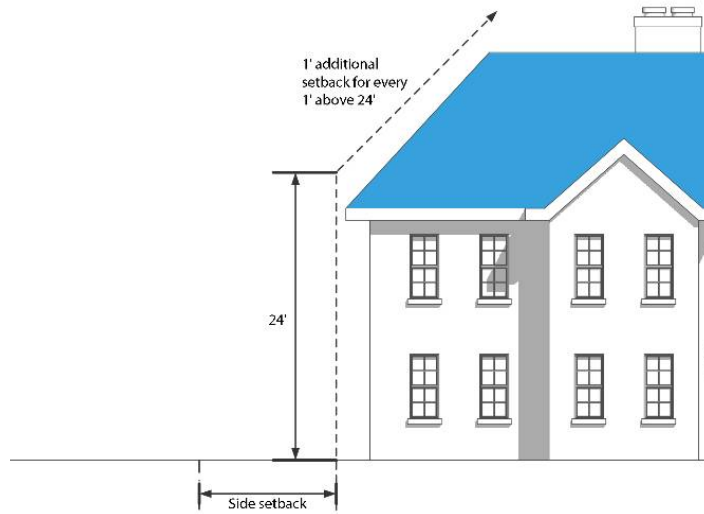
b. **Side Setbacks**

1. Any building abutting a property zoned LL (all districts), SF (all districts), MF-14, or MD-PD shall comply with the minimum side building setbacks of the abutting residential zoning district along the common property line (see Figure 4-20, below).



**Figure 4-20: Side Setback**

2. Any portion of any building that exceeds 24 feet in height shall maintain an additional one-foot side-yard setback for each foot of height over 24 feet (see, Figure 4-21 below).



3. Within the rear setback and the larger of the front setback or 15 feet from any front property line, portions of any building that exceed 12 feet in height shall maintain an additional one-foot side yard for each foot of height over 12 feet (see Figure 4-22, below).



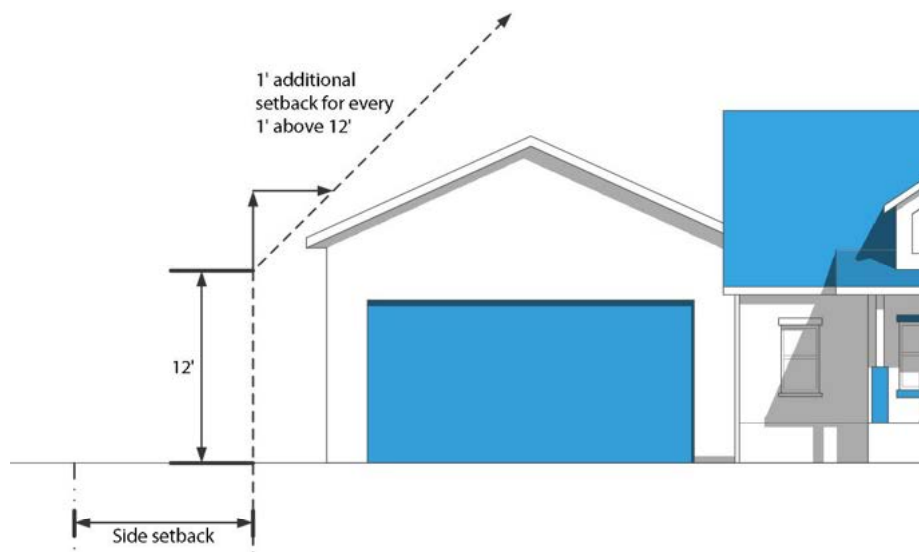


Figure 4-22: Side Yard Stepback in Rear Setback

4. The Administrator may reduce or eliminate the setbacks required by subsections 1. through 3., above, with written consent of the adjacent property owner.

(2) **Stepbacks and Height Limits**

1. Any portion of the building within a certain distance of a property zoned LL (all districts), SF (all districts), or MF-14 shall not exceed the following maximum height limits:
  - [a] Within 75 feet: shall not exceed 60 feet in height
  - [b] Within 75 feet to 150 feet: shall not exceed 100 feet in height (see Figure 4-23, below).



Figure 4-23: Residential Adjacency Stepback and Height Limit

2. Portions of buildings within 75 feet are not eligible for additional building height incentives that may be available under this Title.
3. Building features allowed as exceptions to maximum height requirements in 18.09.207(b), *Exclusions from Building Height Limits*, in are allowed on structures subject to this section, but shall be designed to minimize visibility from adjacent residential districts and fit within the allowed building height of the zoning district where the building is located to the maximum extent practicable.

**(3) Wall Articulation**

- a. Blank walls that are devoid of architectural details shall not be permitted. All exterior building façades shall be articulated using design elements as follows:
  1. Variations in roof form or parapet height;
  2. Variations in building height;
  3. Projected or recessed building mass;
  4. Wall plane off-sets;
  5. Window openings;
  6. Balconies;
  7. Distinct changes in texture and color of wall surfaces;
  8. Recessed entries; or
  9. A unique alternative design element as approved by the Administrator.
- b. For duplexes and single-family residences 2,000 square feet or greater, a minimum of four of the design elements listed above shall be incorporated along all street-facing façades. A minimum of two of the above design elements shall be incorporated on all other façades.
- c. For single family residences less than 2,000 square feet, a minimum of three of the design elements listed above shall be incorporated along all street-facing façades. A minimum of one of the above design elements shall be incorporated on all other façades.
- d. For all other development, a minimum of five of the design elements listed above shall be incorporated along all street-facing façades. A minimum of three of the above design elements shall be incorporated on all other façades.

**(4) Ground-Level Interest<sup>403</sup>**

Ground floors of street facing facades shall have transparent doors or windows no less than three feet in height along at least 20 percent of the façade's horizontal length.

**(5) Alternative Design Approaches**

The Administrator may approve alternative approaches to, or exceptions to, wall articulation, or ground level interest requirements for building façades that are constructed on side or rear property lines and designed to be attached to future buildings on adjoining parcels or to accommodate the adaptive reuse of:

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<sup>403</sup> New standard to implement master plan design principles.

- a. A vacant or functionally obsolete building;
- b. Historically significant or designated structures; and
- c. Other buildings that contribute to the unique character of the district.

(6) **Shading of Parks and Residences**

Buildings shall conform with shading requirements in subsection 18.04.101(c), *Shading of Parks and Residences*.

**18.04.904 Additional Standards in Single-Family Residential Districts**

**Commentary**

This material is mostly carried forward from the current code and applies to multiple districts.

(a) **Single-Family Residential Structures**

(1) **Applicability**

In addition to complying with the above standards that are generally applicable to all residential development, development in the Single-Family (SF-) and Large Lot (LL-) districts shall comply with the following standards.

(2) **Site Layout and Development Pattern**<sup>404</sup>

a. **Repetition of Residential Facades**

A detached single-family dwelling that has the same appearance or a mirrored reverse appearance as another detached single-family dwelling facing the same street may not be constructed adjacent to or across the street from that single-family dwelling. A different appearance for purposes of this Section involves a different roof line, number of above stories as viewed from the street frontage, and/or footprint. See Figure 4-24.

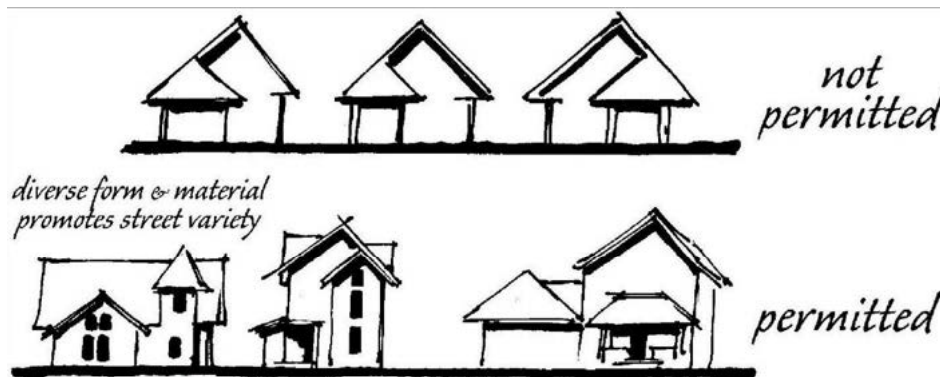


Figure 4-24: Diverse Residential Façades

b. **Standard Street Image Features**

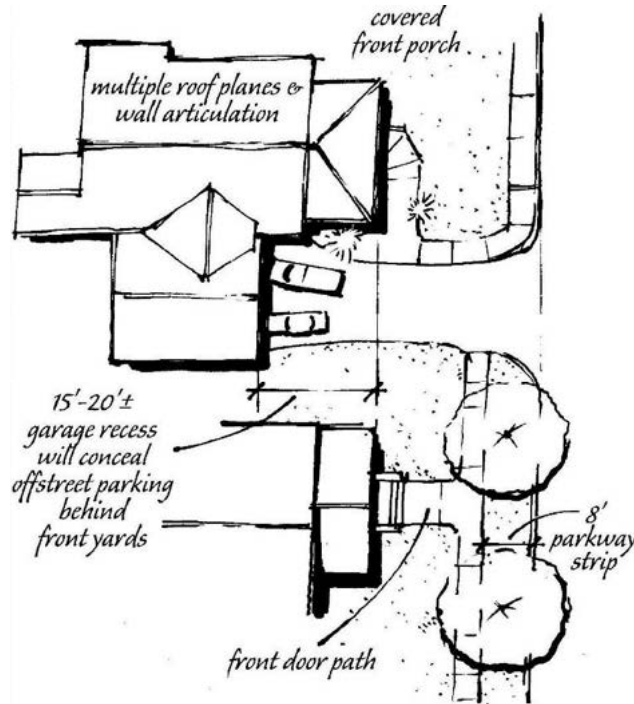
Unless alternative street image plans are approved in accordance with subsections c. or d. below, new single-family residential structures on lots 70 feet or wider shall utilize a minimum of three of the following techniques, and new

<sup>404</sup> From Section 18.12.302 – Residential Site and Building Design Standards. District-specific standards in this Section have been folded in under the General Standards for all Residential Development as noted.

single-family residential structures on lots narrower than 70 feet shall utilize a minimum of two of the following techniques to reduce the prominence of garages, promote pedestrian activity, and create visual diversity in single-family neighborhoods:

**1. House Forward**

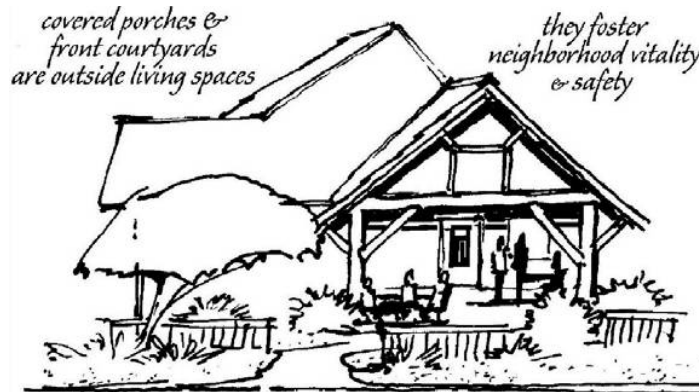
Living areas shall extend a minimum of three feet in front of the garage face. See Figure 4-25.



**Figure 4-25: House Forward**

**2. Front Porches**

A 60 square foot or larger covered front porch shall be provided and shall extend a minimum of three feet in front of the living area. See Figure 4-26.



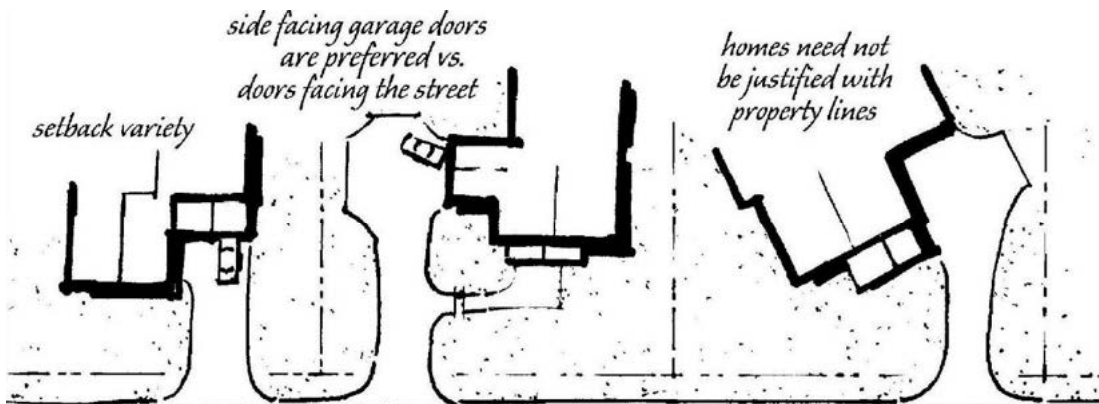
**Figure 4-26: Front Porches**

**3. Courtyards**

A 60 square foot or larger front yard courtyard with a hard finished floor surface (concrete, wood, brick, pavers, etc.) and walls not exceeding three feet in height shall be provided and shall extend a minimum of three feet in front of the garage face.

**4. Varied Front Setbacks**

Front setbacks of adjacent homes on the same side of the street shall vary by a minimum of three feet. See Figure 4-27.



**Figure 4-27: Setback Variety**

**5. Garage Orientation**

Garage doors shall not face the street (i.e., provide side loaded garages) and front elevations of garages shall be architecturally consistent with the living area front elevation.

**6. Reduced Garage Width**

Garages shall not exceed 40 percent of the front elevation.

### 7. Hillside Adaptive Architecture

Within hillside developments and on properties with an average slope exceeding ten percent, homes shall be built on existing grade. This option may be used if the development requires minor grading for driveways, rear yards and other features but may not be used in projects that mass grade sites to provide flat foundations and yards. See Figure 4-28.

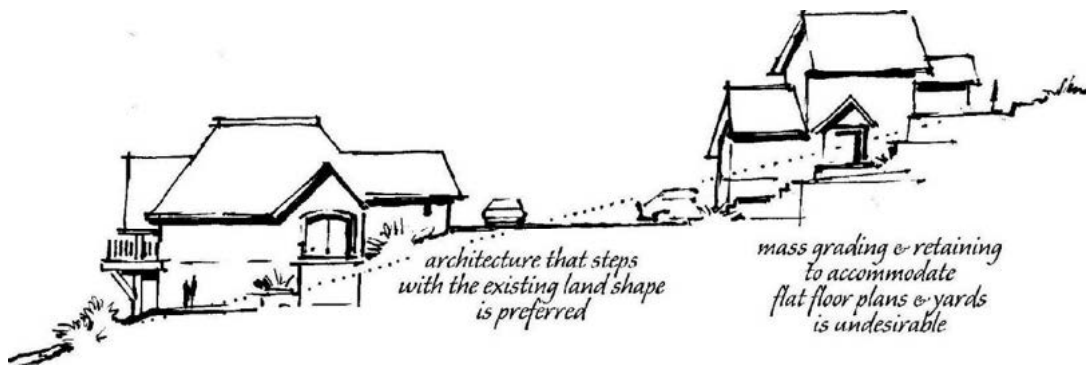


Figure 4-28: Hillside Adaptive Architecture

### 8. Enhanced Landscaping

On lots narrower than 70 feet, a minimum of one additional code size tree shall be provided in the front yard. On lots 70 feet or wider, a minimum of two additional code size tree shall be provided in the front yard. Where code provides tree size options, the larger option shall be required. In addition, the entire front yard area shall be landscaped and irrigated. A maximum of ten percent of the front yard landscaping may consist of empty shrub beds with landscape fabric and irrigation to provide homebuyers with landscaping options. Bare dirt shall be prohibited in front yards.

### 9. Wide Parkway Strips

Parkway strips between the street and sidewalk shall be increased to a minimum of eight feet in width.

### 10. Front Door Path

A three-foot or wider path that is physically separated from the driveway shall be provided from the sidewalk to the front door.

### 11. Structure Articulation

A minimum of four separate roof planes shall be incorporated within the front elevation and the front elevation shall contain a minimum of two wall planes that are offset by a minimum of three feet.

### 12. Architectural Modification

Custom-designed homes shall be utilized or a minimum of eight model homes shall be available to customers. Minor facade, material and roof style modifications shall not qualify as separate models.



**c. Neotraditional Design**

If vehicular access is provided exclusively from rear yard alleys, street image requirements shall be satisfied.<sup>405</sup>

**d. Custom Street Image Plans**

Custom street image plans may be approved by conditional use permit. In order to approve a conditional use permit for custom street image plans, the Planning Commission shall make the standard conditional use permit findings and an additional finding that the proposed street image plan meets the intent of reducing the prominence of garages, promoting pedestrian activity and creating visual diversity in single-family neighborhoods.

**(b) Large Vehicle Parking and Storage<sup>406</sup>**

Vehicles greater than nine feet in height shall not be parked in front of the front building line. Parking of vehicles greater than nine feet in height may only occur in the side yard if screened by a six-foot fence. Exceptions are allowed for temporary parking not exceeding 14 consecutive days in duration or 90 total days per year.

**(c) Alternative Setback Developments<sup>407</sup>**

(1) Subdivisions and parcel maps in the SF-11 and SF-8 districts may be developed with the rear yard setback reduced to ten feet if one side yard is at least 20 feet wide and contains a minimum of 400 square feet having a maximum slope of seven to one (7:1).

(2) Subdivisions and parcel maps in the SF-11 and SF-8 districts may be developed with buildings placed on one side property line and a ten-foot minimum setback from the other side property line.

(3) These alternative setbacks may not be used to reduce the required setback adjacent to property located outside the development site, unless the adjacent property owner provides written consent.

**(d) Setback Requirements for Nonresidential and Multi-Family Uses<sup>408</sup>**

Any principal nonresidential or multi-family use in a single-family residential zoning district, shall have a minimum 20-foot setback from any property line that adjoins a single-family dwelling use.

**18.04.905 Additional Standards for Multi-Family Districts<sup>409</sup>**

**(a) Reduced Setback Requirements with Conditional Use Permit**

Any project requiring a conditional use permit in a multi-family district shall have a minimum 20-foot setback from any property line abutting a single-family district.

**(b) Density Bonuses in Multi-Family Districts<sup>410</sup>**

Density increases are allowed for projects with small unit sizes in Multi-Family districts, as follows:

(1) 15 percent density increase when average unit size is less than 1,800 square feet.

<sup>405</sup> The second clause of this standard has been relocated to the lot standard exceptions in Section 18.02.703.

<sup>406</sup> Title and standards updated to improve consistency of application and enforcement.

<sup>407</sup> Updated to incorporate small lot development standards to allow this type of development in subdivisions or with consent of adjacent property owner(s).

<sup>408</sup> Updated to maintain existing standard but not apply to duplex, triplex, or fourplex.

<sup>409</sup> From current 18.12.103(b).

<sup>410</sup> New subsection to allow MF density bonuses for projects with small lot sizes. This does not change min. standards for building height, setbacks, etc. but supports housing affordability.



- (2) 30 percent density increase when average unit size is less than 1,400 square feet.
- (3) 45 percent density increase when average unit size is less than 1,000 square feet.
- (4) In no case may these density increases combine with other density increases to result in an overall density increase greater than 45 percent.

## Article 10 Site and Building Standards for Mixed-Use Districts

### Commentary

This article consolidates and updates existing mixed-use site and building design standards contained in Sections 18.12.301, 18.12.305, and 18.12.306 of Article III (Chapter 18.12), with district-specific and overlay zone district standards for mixed-use contained in Sections 18.08.404 and 18.08.406 of Article IV (Chapter 18.08).

Article 10 has the same organization as Articles 9 and 11. General standards address: Site Layout and Development Pattern, Circulation and Access, and Building Design. These sections contain expanded site development standards addressing Master Plan Design Principles and input received through the code update process.

Additional sections address supplemental standards for downtown districts, other mixed-use districts and large retail establishments. These standards are largely retained from the current code. Generally, district-specific standards have been carried forward, consolidated, and augmented where necessary to reflect the updated districts, processes and code organization. Some existing mixed-use overlay district standards have been replaced with new site and building standards for mixed-use districts.

The current Large Format Retail Standards have been relocated here to avoid applying them to Nonresidential Districts where they would not be appropriate.

### 18.04.1001 Purpose<sup>411</sup>

This article is intended is intended to:

- (a) Protect public health and safety;
- (b) Promote the development of unique mixed-use districts that increase access to services and amenities, expand housing options, and support multiple modes of transportation;
- (c) Encourage creative, high-quality, mixed-use development that is responsive to the unique characteristics and contexts found in different mixed-use districts; and
- (d) Encourage reinvestment in established areas of the City; and
- (e) Ensure compatibility between mixed-use districts and surrounding neighborhoods.

### 18.04.1002 Applicability

#### (a) District Applicability

This article shall apply to all development in the following districts unless otherwise noted in the subsections below:

- (1) MD-ED: Downtown - Entertainment District
- (2) MD-ID: Downtown - Innovation District
- (3) MD-NW: Downtown - Northwest Quadrant
- (4) MD-PD: Downtown - Powning District
- (5) MD-RD: Downtown - Riverwalk District
- (6) MD-UD: Downtown - University District
- (7) GC: General Commercial

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<sup>411</sup> New content.

- (8) NC: Neighborhood Center
  - (9) PO: Professional Office
  - (10) MS: Mixed-Use Suburban
  - (11) MU: Mixed-Use Urban
  - (12) MU-MC: Mixed-Use Midtown
  - (13) MU-RES: Mixed-Use Residential
- (b) **Project-Specific Applicability**
- (1) Within the districts identified in Subsection (a), above, this article applies to the following types of development projects:
    - a. Development of any new structure that requires a building permit; and
    - b. An addition or renovation to an existing structure where the total gross floor area following the addition or renovation is more than 500 square feet greater than the total gross floor area of the existing structure before addition or renovation.
  - (2) In cases where additions or renovations are subject to these standards and full compliance with these standards is not feasible, the resulting project shall result in closer conformance with these standards, as determined by the Administrator.
  - (3) For residential development in mixed-use districts, project applicants may request that standards in Sections [18.04.903](#) and 18.04.905 for multi-family development replace this Article. The Administrator may approve a request that standards in Sections [18.04.903](#) and 18.04.905 replace this Article if the project design is deemed to be compatible with the surrounding development pattern. If necessary to achieve compatibility, the Administrator may require additional design features or consistency with certain design requirements in this Article.<sup>412</sup>
- (c) Discretionary Review<sup>413</sup>
- (1) **Certain Development Exempt from Discretionary Review, with Exceptions**  
Development within the Mixed-Use Downtown (MD-) districts, Mixed-Use Urban (MU) District, and Mixed-Use Midtown Commercial (MU-MC) District, and projects within the Mixed-Use Airport (MA) District utilizing standards for the Mixed-Use Urban (MU) District, that meets the adopted standards set forth in this Section and the standards set forth in the district where the project is located are exempt from discretionary review and may proceed with a building permit application, with the following exceptions:
    - a. Large retail establishments as required to be approved by a conditional use permit in accordance with Section 18.04.1006, *Supplemental Standards for Large Retail Establishments*;
    - b. Hazardous waste or explosives are required to be approved by a conditional use permit in accordance with Subsection 18.08.605(b)(5), *Hazardous and Explosive Substances*; and

<sup>412</sup> New paragraph to provide some flexibility for residential development without automatically allowing residential development to use residential standards in mixed-use districts.

<sup>413</sup> From Section 18.08.301(a). Reframed to limit discretionary review option to areas identified as Priority Locations for Infill and Redevelopment in the Master Plan (page 26). Updates remove waivers from the MS District and makes many existing overlay standards for discretionary review redundant and able to be consolidated/removed.

- c. Skyways, skytrams, and skybuildings as specified in Article 16, *Skyways*;
- d. Gaming operations as specified in Subsection 18.08.605(b)(4), *Gaming*; and
- e. Where discretionary review is required per Chapter 18.03, *Use Regulations*.<sup>414</sup>

#### 18.04.1003 General Standards for Mixed-Use Districts<sup>415</sup>

##### (a) Site Layout and Development Pattern

###### (1) Relationship to Major Roadways<sup>416</sup>

- a. Development shall be oriented toward any adjoining arterial and collector street(s) as designated by the City.
- b. Development shall be designed to accommodate planned expansions to major roadways.

###### (2) Setbacks<sup>417</sup>

###### a. Measurement of Front Setbacks in Downtown, Mixed-Use Urban, and Mixed-Use Midtown Districts

Unless otherwise regulated by this article or a specific overlay, front setbacks in the Mixed-Use Downtown (MD-) districts, Mixed-Use Urban (MU) District, and Mixed-Use Midtown (MU-MC & MU-RES) districts shall be measured from the back of the curb or proposed curb.

- 1. If the Adopted RTP identifies a street-widening project, the front setback shall be measured from the back of the curb following the street expansion.
- 2. If existing buildings are located closer than the minimum required distance from the planned back of curb, then the maximum possible setback shall be provided without removing the building.

###### b. Measurement of Other Setbacks

- 1. In all other mixed-use districts, all setbacks shall be measured from the property line, unless otherwise regulated by this article or a specific overlay.
- 2. The Administrator may authorize setback reductions for individual lots when there is excess right-of-way and modifications would allow development to be consistent with the established development pattern.

###### (3) Minimum Lot Sizes<sup>418</sup>

There are no minimum lot sizes in the mixed-use districts. However, any divisions of parcels that abut alleys into lots smaller than 6,000 square feet shall maintain access to all resulting lots from an alley unless there is an existing driveway to that lot from the front yard or shared access from an existing driveway (with possible widening).

###### (4) Density

###### a. Minimum Density<sup>419</sup>

<sup>414</sup> Continuation of Uses is relocated to Section 18.01.403, *Nonconforming Uses*.

<sup>415</sup> From Sections 18.08.301(a), 18.12.305., and 18.12.301. Content has been consolidated and updated as noted.

<sup>416</sup> New.

<sup>417</sup> Carries forward and clarifies language from current Section 18.08.405.

<sup>418</sup> This is a new standard to reduce reliance on new curb cuts for subdivision of parcels currently accessed from alleys.

<sup>419</sup> New standard addresses Master Plan: DTRC-ED.1.

Minimum densities shall apply to vacant sites or to sites where existing structures would be demolished and a new structure or structures built. Where projects are partly new development and partly adaptive reuse, density standards shall be deemed satisfied if they are met by the new development portion of a project or by the project as a whole.

**b. Exception for Multi-Story Mixed-Use Building<sup>420</sup>**

If a development contains more than one story and a mix of land use types including residential and nonresidential, no minimum floor area ratio or density shall be required.

**c. Density Alternatives<sup>421</sup>**

Lower densities may be allowed to accommodate the preservation of historic structures, support the adaptive reuse of vacant or underutilized buildings, and/or accommodate transitions in intensity adjacent to the Downtown-Powning (MD-PD) District, or other less intensive districts.

**d. Phasing Plan<sup>422</sup>**

Residential densities and floor area ratios (FAR) required within mixed-use districts may be modified through a phasing plan to the approval of the Administrator. The phasing plan shall show how the project meets the streetscape requirements in the first phase to create the desired pedestrian environment as described in the Master Plan for each mixed-use area.

**(5) Sidewalks<sup>423</sup>**

In addition to standards of Section 18.04.502, *Sidewalks, Curbs, and Gutters*, sidewalks within mixed-use districts shall include the following components:

- a. Where applicable within the Mixed-Use Downtown (MD-) districts, the Downtown Streetscape Design Manual shall apply.
- b. In portions of the MD districts that are not addressed in the Downtown Streetscape Design Manual, and in the MU District and MU-MC District, an 18-foot front setback is required along Virginia Street and Fourth Street and a 12-foot front setback is required along all other street, as measured from the back of the curb. See Figure 4-29.

**1. Eighteen-foot front setbacks shall include:**

- [a] A minimum obstruction-free sidewalk width of six feet;
- [b] An additional eight-foot area located between the back of the curb and the sidewalk. Car door clearance for parallel parking, curb side bus stops, light poles, street furniture, traffic signal poles, street trees, planter boxes, bus benches, and/or bus shelters shall be in this area. The eight-foot area shall be landscaped or paved as part of the sidewalk; and

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<sup>420</sup> Current 18.08.301(a)(1)e.

<sup>421</sup> Intended to implement Master Plan policy for transitional areas and replace specific language included in many of the existing overlay districts.

<sup>422</sup> Current 18.08.301(a)(1)c.

<sup>423</sup> These are existing standards from 18.08.301(a)(4) with clarified language related to conditions warranting modifications.

- [c] An additional area from back of sidewalk to front of building of four feet. Window shopping and street furniture shall be located in this area. The four-foot area shall be paved as part of the sidewalk or landscaped.

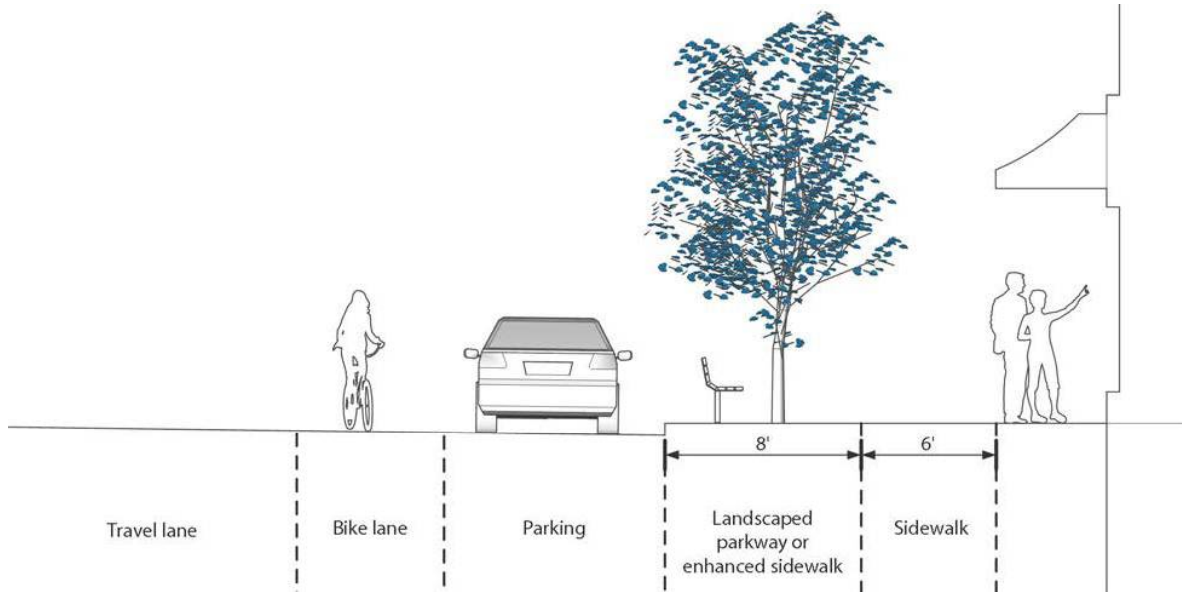


Figure 4-29: Sidewalk Design

2. Twelve-foot front setbacks shall include:
- [a] A minimum obstruction-free sidewalk width of six feet; and
  - [b] An additional six-foot area located between the back of the curb and the sidewalk to accommodate car door clearance for parallel parking, curb side bus stops, light poles, street furniture, traffic signal poles, street trees, planter boxes, bus benches, and/or bus shelters. The six-foot area shall be landscaped or paved as part of the sidewalk.
- c. In the MU-RES District, a ten-foot setback is required, as measured from the back of the curb. In these areas a minimum of five feet shall be provided for sidewalk and a minimum of five feet shall be provided for street trees or landscaped parkway strips. Where there is sufficient space between the curb and building, the building shall be setback 11 feet and sidewalk shall be expanded to six feet.
- d. In the MS, GC, NC, and PO districts, a 10-foot setback is required, as measured from the property line. In these areas, a minimum of six feet shall be provided for sidewalk and a minimum of five feet shall be provided for street trees or landscaped parkway strips.
- e. The Administrator may authorize modifications to these required sidewalk elements to accommodate public safety or access goals, parkways, street trees, utility infrastructure, or enhanced pedestrian amenities, and also for lot transitions

or consistency along the same block when adjoining sidewalks do not reflect these standards.<sup>424</sup>

- f. If existing structures are setback less than the minimum required distance from the planned face of curb, then the maximum possible setback shall be provided without removing the building, and the following shall be installed in the order listed as space permits:
  - 1. Obstruction-free sidewalk area; and
  - 2. Improvements in the area between the sidewalk and face of curb.

**(6) Pedestrian Amenities<sup>425</sup>**

Development in the Mixed-Use Downtown (MD-) districts and MU District shall meet the following standards for pedestrian amenities:

- a. Pedestrian amenities including walkways (outside of and through buildings), plazas, artwork, fountains, seating, landscaping, and recreational facilities in any combination shall be provided in an amount equal to one percent of the entire project's costs, exclusive of land and financing for buildings. Interior tenant improvements and infrastructure replacements (HVAC, communication equipment, electric transfer facilities, and the like) shall not be subject to this requirement. Pedestrian amenities may be located outside of or within buildings if the amenities are accessible to the public at no cost.
- b. Required public improvements such as minimum requirement for sidewalks and street trees shall not count toward meeting the minimum percentage requirements for pedestrian amenities in this Title. Amenities not required by this Title shall qualify toward the percentage requirement.
- c. The project may contribute to the pedestrian amenities fund in an amount equal to that required under this Title in lieu of on-site pedestrian amenities with the approval of the Administrator.

**(7) Building Orientation<sup>426</sup>**

- a. New buildings on sites less than two acres in size shall be oriented towards the primary street frontage, or to the side property line if direct pedestrian access is provided from the primary street frontage and the building is located at the front setback line.
- b. New buildings on sites greater than two acres in size, and expansions to existing development on sites of any size, may be oriented towards the primary street frontage, unless direct pedestrian access is provided from the primary street frontage to all buildings and enhanced landscaping is provided along the street frontage.
- c. Exterior play structures associated with commercial activities in all mixed-use zone districts shall not be placed between the primary building and any adjacent road right-of-way. Childcare centers shall be exempt from this standard.

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<sup>424</sup> Clarified language consistent with code interpretations related to case-by-case flexibility.

<sup>425</sup> Existing standards with MS District removed from applicability in conjunction with removal of development incentives.

<sup>426</sup> Refined language addressing building orientation in mixed-use districts.

**(8) Street Frontage Requirements<sup>427</sup>**

- a. To promote a compact, pedestrian-oriented pattern of development, the following street frontage requirements apply:
  1. Within the MD (except MD-PD) and the MU District a minimum of 60 percent of the primary street frontage shall be comprised of building wall or pedestrian amenity.
  2. Within the MS District and NC District a minimum of 30 percent of the primary street frontage shall be comprised of building wall or pedestrian amenity.
  3. In all other Mixed-Use districts a minimum of 20 percent of the primary street frontage shall be comprised of building wall or pedestrian amenity.
- b. For a corner lot this requirement pertains to the street with the higher street classification (e.g., arterial/collector). Instances where both streets have the same classification (e.g., collector) this requirement pertains to the street with the primary public access.

**(9) Loading and Service Areas<sup>428</sup>**

Trash and loading areas shall be centralized wherever possible, and screened in accordance with Section 18.04.808(c), *Screening of Outdoor Service Areas, Utilities, and Equipment*. Sites along the Truckee River shall not have outdoor trash or loading facilities on the river side of any property. Screening shall match the building in colors and materials.

**(b) Circulation and Access<sup>429</sup>**

New development in mixed-use districts shall be designed to include an interconnected access and circulation network. In addition to the standards contained in Article 6, *Access, Connectivity, and Circulation*, the following shall apply:

**(1) Site Connectivity**

Development along major roadways shall provide off-street vehicular connections to adjoining mixed-use parcels to the extent feasible. Where connections are not feasible, the Administrator may require design accommodations and easements to accommodate future off-street connections.

**(2) Pedestrian and Bicycle Connectivity**

Any wall, fencing or other barrier that hinders pedestrian and bicycle connectivity to adjacent areas shall be designed to provide access points to abutting streets, sidewalks, parks, and trails, including planned facilities.

**(3) Recreational Access**

Developments that abut public lands and open spaces at the urban/rural interface shall provide trailheads, connections, and public access from the development to existing or planned trails.

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<sup>427</sup> Maintains current standard for buildings or pedestrian amenities to be located along street frontages and adds language clarifying measurements for the standard.

<sup>428</sup> Reference to the screening standard with an expanded prohibition against trash and loading areas along the river.

<sup>429</sup> New connectivity and access standards to address master plan design principles.



(c) **Building Design**

(1) **Additional Setbacks and Stepbacks for Compatibility**

Any new building built within 150 feet of a property zoned LL (all districts), SF (all districts), MF-14, or MD-PD shall meet the standards of subsection 18.04.903(c)(1), *Additional Setbacks and Stepbacks for Compatibility*.

(2) **Wall Articulation**<sup>430</sup>

- a. Blank walls that are devoid of architectural details shall not be permitted. Building facades shall be articulated using design elements such as, but not limited to:
  1. Variations in roof form or parapet height;
  2. Variations in building height;
  3. Projected or recessed building mass;
  4. Wall plane off-sets;
  5. Window openings;
  6. Balconies;
  7. Distinct changes in texture and color of wall surfaces;
  8. Recessed entries; or
  9. An alternative unique design element as approved by the Administrator.
- b. A minimum of five of the above design elements listed above shall be incorporated along all primary street facing façades. A minimum of three of the above design elements shall be incorporated on all façades facing secondary street frontages, public parks or plazas, or residentially zoned property.

(3) **Ground-Level Interest**<sup>431</sup>

Ground floors of street-facing facades shall have transparent doors or windows no less than four feet in height along at least 40 percent of the façade's horizontal length facing Fourth Street or Virginia Street, and at least 25 percent along all other street frontages. When buildings are not oriented toward a street frontage, the primary building frontage shall also have transparent windows or doors along at least 25 percent of the façade's horizontal length. The administrator may approve a reduction of transparency requirements to 20 percent for residential living areas with ground floor street-facing façades when alternative design provisions for ground level interest is provided. Also see Section 18.04.1004, *Supplemental Standards for Downtown Districts*.

(4) **Alternative Design Approaches**

The Administrator may approve alternative approaches or exceptions to the wall articulation, or ground level interest requirements for building façades that are constructed on side or rear property lines and designed to be attached to future buildings on adjoining parcels or to accommodate the adaptive reuse of:

- a. A vacant or functionally obsolete building;
- b. Historically significant or designated structures; and

<sup>430</sup> Current language for mixed-use and nonresidential articulation takes a one-size-fits all approach to building articulation. We are proposing a more refined alternative.

<sup>431</sup> New standard to implement master plan design principles.

- c. Other buildings that contribute to the unique character of the district.

**(5) Parking Structures<sup>432</sup>**

- a. Structured parking constructed within or adjacent to a primary structure shall be integrated with the overall design of the primary structure it is intended to serve through the use of visually similar architectural features and façade materials.
- b. Free-standing parking structures shall be designed to complement surrounding buildings in terms of their scale, design elements, building materials, and orientation on the site.
- c. Pedestrian-oriented design elements, such as, but not limited to the following, shall be incorporated into the ground-floor of parking structures to screen cars and provide visual interest:
  - 1. Decorative panels for window openings and/or garage entrance gates;
  - 2. Variations in materials;
  - 3. Public art; and
  - 4. Other design elements as approved by the Administrator.

**(6) Building Massing and Form**

Multi-building developments shall incorporate a variety of building heights and forms to create visual interest and reinforce distinguishing characteristics of the district. <sup>433</sup>

**(7) Shading of Parks and Residences**

Buildings shall conform with shading requirements in Subsection 18.04.101(c), *Shading of Parks and Residences*.

**(8) Pad Sites**

Structures constructed on pad sites within a shopping center development shall be architecturally compatible with the main structures within the shopping center.

**18.04.1004 Supplemental Standards for Downtown Districts<sup>434</sup>**

**(a) Applicability**

Standards in this section shall apply to all development in the Mixed-Use Downtown (MD-) Districts as noted in the subsections below.

**(b) Mixed-Use Downtown Entertainment (MD-ED) District**

**(1) Site Layout and Development Pattern**

**a. Landscaping and Screening**

Surface parking areas shall be planted with shade trees at a ratio of one tree for every five spaces.

**b. Streetscape Improvements<sup>435</sup>**

Prior to a certificate of occupancy, the applicant shall install streetscape improvements, including street lighting, in accordance with the Downtown Streetscape Standards Manual.

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<sup>432</sup> Carried forward basic concepts, but reworked language for clarity.

<sup>433</sup> From Master Plan (DTRC-ED6, GD4).

<sup>434</sup> Content retained from Section 18.08.405. Regional Center and Transit Corridor Overlay Districts, with revisions to reflect new districts while maintaining existing standards for each area with minor revisions as noted.

<sup>435</sup> Updated with correct (new) document to reference.

(c) **Mixed-Use Downtown Riverwalk (MD-RD) District<sup>436</sup>**

**(1) Modification of Standards**

- a. The Planning Commission or City Council, on appeal, may approve or deny a major site plan review to modify the standards in this subsection in according to the following findings and those contained in Section 18.08.602, *Major Site Plan Review*, as amended:<sup>437</sup>
1. The proposed project is consistent with the goals, objectives, and policies of the Master Plan;
  2. The proposed project will be compatible with the site and surrounding area both in scale and context; and
  3. The building has been appropriately designed, or the modification preserves the architectural character of the existing building relative to its scale, mass, building proportion, building height, fenestration, and articulation.

**(2) Setbacks**

Side setback areas must be screened from the street and sidewalk by a decorative gateway, grille, fence or wall unless designed for public use.

**(3) Active Ground Floor Retail**

Active ground-level commercial use is required on the frontages listed below. The interior area of the ground floor need not be an "active use"; lobbies and other ancillary uses supporting upper level uses are allowed. Areas where an active ground level commercial use is required include:

- a. North and South Esplanade frontages, between Arlington Avenue and the easterly frontage of Lake Street;
- b. Sierra Street, between the Truckee River and Second Street;
- c. Virginia Street, between Court Street and Second Street; and
- d. North and South sides of First Street, between Arlington Street and Lake Street.

**(4) Riverfront Esplanade<sup>438</sup>**

The riverfront esplanade standards listed in this subsection shall apply to all development west of Lake Street and north of State Street and east of Arlington Street and south of First Street.

- a. All buildings shall be setback a minimum of 25 feet from the existing face of the river flood wall or top of bank to create the north and south Esplanades (see Figure 4-30). The Administrator may require dedication of a 25-foot-wide minimum esplanade setback from the existing face of the river flood wall or top of

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<sup>436</sup> The Riverwalk District includes property previously included in the Truckee River District and the California Avenue District. This language generally maintains district-specific standards for these areas, while replacing the old design guidelines with the new Mixed-Use site and building design standards in this article. Text includes applicable Truckee River District Standards from DRRC (Downtown Reno Regional Center Overlay Zoning District). 18.08.405(a)(3)(d). Also includes the building height review standard from the old California Avenue District. 18.08.405(a)(3)(a). Location criteria are added to maintain these standards where they currently exist.

<sup>437</sup> Updated to process applications through site plan review as opposed to SUP (now CUP).

<sup>438</sup> Carries forward existing Riverfront Esplanade standards with clarifications to resolve existing inconsistencies. Riverfront design guidelines are no longer referenced because they are confusing and address topics that are also addressed in these standards and in master plan design principles.

bank when the location of the development must provide safe and adequate passage and facilitate police and fire protection.

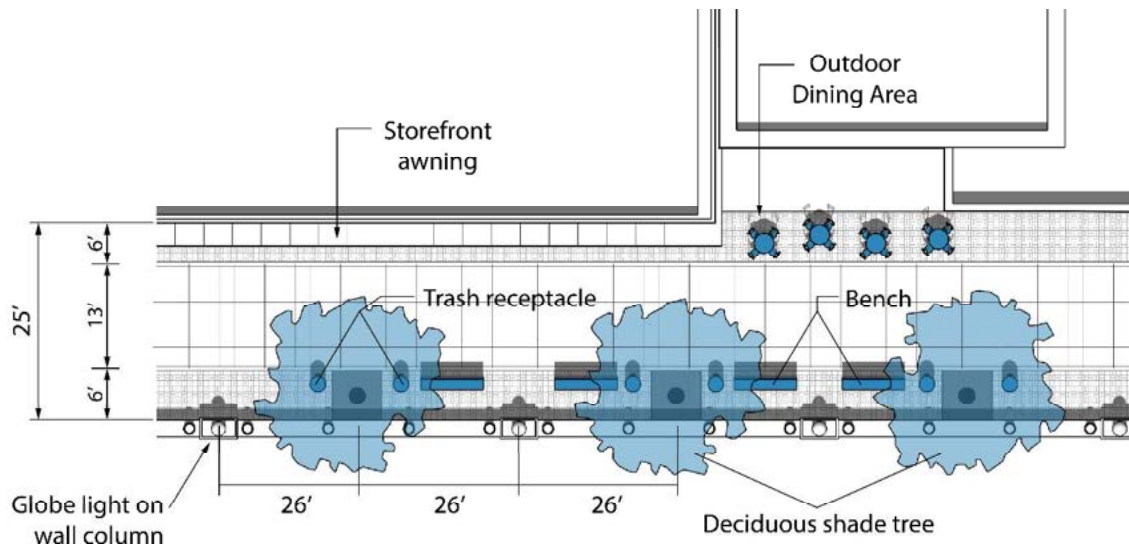


Figure 4-30: Riverfront Esplanade Setbacks

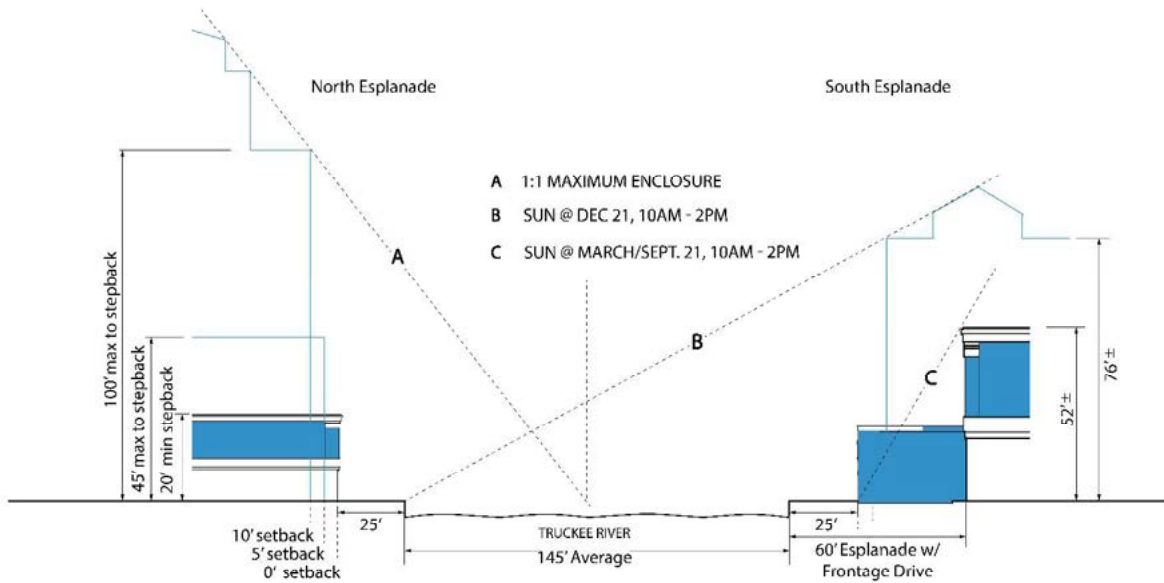
- b. Modifications to the required width of the Esplanade may be considered in situations where there are no alterations to existing footprints and the existing building is less than 25 feet to the face of the flood wall or top of bank. In that instance, the Administrator shall determine the appropriate development standard and amenities.
- c. A continuous building frontage is desired along the Esplanade. Side setback areas must be improved as pedestrian-oriented spaces (e.g., patios or courtyards) and may exceed the setbacks noted above.
- d. Setbacks from the Riverfront Esplanade shall be in accordance with Table 4-18 and Figure 4-31.

Table 4-17 Mixed-Use Downtown Riverwalk (MD-RD) District Setbacks

Esplanade	Setback (min.)
<b>North and South Esplanade</b>	
Building height: less than 20 ft.	0 ft.
Building height: 20-45 ft.	5 ft.
<b>North Esplanade</b>	
Building height: 45—100 ft.	10 ft.
Building height: more than 100 ft. [1]	1 ft.:1 ft. (measured from river centerline)
<b>South Esplanade</b>	
Building height: 45—75 ft.	10 ft.
Building height: more than 75 ft. [1]	2 ft.:1 ft. (measured from river centerline)

**Table 4-17 Mixed-Use Downtown Riverwalk (MD-RD) District Setbacks**

Esplanade	Setback (min.)
<b>Outside of Riverfront Esplanade</b>	
All buildings	0 ft. (max.)
Notes:	
[1] Minimum Standard Ratio = Building Height to Setback	



**Figure 4-31: Riverfront Esplanade Building Envelope**

e. Additional land use limitations are outlined in Table 4-19.

**Table 4-18 Additional Use Regulations**

Permitted Use	Additional Regulations
Sidewalk Café (along the Esplanade)	Must ensure that a minimum of 12 feet is left clear between the dining area and the Esplanade furnishings zone.
Private Club, Lodge, or Fraternal Organization	Not permitted as a ground floor use.
Parking	Not permitted as a ground floor use.

- (5) **Building Height in the California Avenue/Liberty Street Corridor**<sup>439</sup>  
 Building heights greater than 45 feet shall require approval of a major site plan review in the following locations:
- South of Court Street, between Arlington Avenue and Lake Street;
  - South of Mill Street, between Lake Street and Holcomb Avenue;

<sup>439</sup> Carries forward existing height limit for California Avenue Overlay District, that was combined with Riverwalk District.

- c. South of East Second Street, between a line extending north from the north terminus of Holcomb Avenue to High Street; and
- d. South of Kuenzli Street, from High Street to Wells Avenue.

**(6) Design Standards**

**a. Massing**

Building masses shall be broken at regular intervals to provide variety and scale. Masses shall be defined by a major notch in the building volume, or by a projecting mass. On average, wall planes shall not be longer than 100 feet, with no single plane exceeding 150 feet.

**b. Blank Walls Limitation**

- 1. Along the following frontages, at least 66 percent of the width of a new or reconstructed first-story building wall facing a street shall be devoted to pedestrian entrances, display windows or windows affording views into retail, office, restaurant or lobby space:
  - [a] North and South Esplanade frontage, between Arlington Avenue and Lake Street.
  - [b] Sierra Street, north of the Truckee River.
  - [c] Virginia Street, I-80 to California Avenue.
  - [d] Center Street, north of the Truckee River.
  - [e] Fourth Street, Keystone Avenue to Wells Avenue
  - [f] Exemption - Blank wall limitations shall not apply to historically designated buildings.
- 2. On other street frontages, at least 50 percent of the width of a new or reconstructed first-story building wall facing a street shall be devoted to pedestrian entrances, display windows or windows affording views into retail, office, restaurant, lobby space, public art, or other similar architectural features.

**c. Site Access**

- 1. Every building and/or first floor use shall have its main entrance on a public street and/or on the Esplanade.
- 2. Shared lanes, access drives, parking arrangements, and turnouts are encouraged to reduce the need for new curb cuts. Where new curb cuts are necessary:
  - [a] Width shall be 12 feet for a one-way driveway and 24 feet for a two-way driveway.
  - [b] Maximum number of curb cuts associated with a single parcel shall be one, two-way curb cut or two, one-way curb cuts.
  - [c] Driveways shall be a minimum of two feet from abutting properties.
  - [d] The maximum width of recessed entries shall be one-third the length of the building or tenant street frontage, whichever is smaller. Maximum depth shall be eight feet.

**d. Exception**

Flexibility in applying the design guidelines to existing structures shall be afforded in cases where the economic viability or function of the building is improved.

**18.04.1005 Supplemental Standards for Other Mixed-Use Districts**

**(a) Applicability**

This section shall apply to all development in mixed-use districts specified in the subsections below.

**(b) Professional Office (PO) District<sup>440</sup>**

**(1) Off-Street Parking**

On sites less than 15,000 square feet, off-street surface parking spaces shall not be located between the front of the primary office building and an adjacent primary access street.

**(2) Architectural Character**

New construction shall be consistent in scale and architecturally compatible with other principal structures in the area.

**(c) Mixed-Use Urban (MU) District**

**(1) Lighting<sup>441</sup>**

Street lighting installed along East 4th Street shall conform to the Downtown Streetscape Design Manual.

**(d) Mixed-Use Midtown Commercial and Mixed-Use Midtown Residential Districts<sup>442</sup>**

**(1) Applicability**

Except where noted below, the following standards apply to all development in the Mixed-Use Midtown Commercial (MU-MC) and Mixed-Use Midtown Residential (MU-RES) districts.

**(2) Intent**

Standards are intended to promote a safe and active pedestrian-scale and bicycle friendly area that enhances the convenience, ease, and enjoyment within and around the neighborhood. The overarching goal is to encourage interesting and attractive new development that promotes pedestrian activity.

**(3) General Standards**

**a. Parking<sup>443</sup>**

Parking shall be accessed from the alley or side of the primary structure and shall be located behind the front façade of the primary structure.

**b. Building Orientation<sup>444</sup>**

Primary buildings shall be oriented to promote the pedestrian and bicycle experience and defining neighborhood character.

**c. Prohibited Materials**

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<sup>440</sup> Existing standards from Sections 18.08.301(b) and 18.12.305(b).

<sup>441</sup> Previously only applied in E4TC District. Updated reference document.

<sup>442</sup> We have carried standards for Midtown forward largely intact per earlier discussions.

<sup>443</sup> Duplicate standards removed. Addressed in citywide development standards.

<sup>444</sup> Moved here from Applicability subsection, above.



The following materials shall be prohibited as primary exterior building materials; however, the creative incorporation of these or similar materials in a non-traditional form is allowed.

1. Metal siding;
2. Concrete panels; and
3. Smooth-faced concrete block.

d. **Architectural Character**

Due to the wide range of architectural styles found in the neighborhood, use of more specific architectural styles is not mandated. However, infill development and major renovations to existing structures shall be designed to complement the established framework of the neighborhood in terms of its streetscape quality, block pattern, and overall urban neighborhood character. These general standards are not intended to promote the replication of historic styles found in the neighborhood, but rather to encourage a range of architectural styles that reflect the diversity of the neighborhood.

e. **Relationship to Surrounding Development**

1. Blocky, multi-story building forms devoid of articulation or architectural features shall be prohibited. Residential development over 21 units per acre shall incorporate all five of the following design criteria. All other development shall incorporate three of the following design criteria:
  - [a] Graduating building height and mass in the form of building step-backs a minimum of ten feet in depth, or other techniques, so that new structures have a comparable scale with existing structures;
  - [b] Orienting windows, porches, balconies, and other outdoor living spaces away from shared property line to protect the privacy of adjacent residents where applicable;
  - [c] Installing trees 20 feet on center within the side yard to help break up the appearance of the taller structure;
  - [d] Utilizing a roof pitch and overhang of similar to that of the adjacent structures; or
  - [e] Utilizing dormers and sloping roofs to accommodate upper stories for major renovations and new construction.
2. To satisfy the above standard, one of the following techniques for alley homes shall be provided:
  - [a] A graduated building height and mass in the form of building step-backs a minimum of ten feet in depth; or
  - [b] Similar techniques, so that the new structure has a comparable scale with the existing home located along the primary street frontage.

f. **Lighting**

1. **Lighting Standard**

Lighting from a nonresidential or mixed-use property shall not create greater than 0.50-foot candle of spillover light at an adjacent residentially zoned property line.

**2. Redirecting of Screening of Light Sources**

All sources of light, including security lighting, illuminated signs, vehicular headlights and other sources shall be directed away from adjacent residentially zoned properties or screened so that the light level stated in standard [a], above, is not exceeded.

**3. Height of Light Sources**

Light fixtures shall not exceed 20 feet in height.

**(4) Mixed-Use Midtown Commercial (MU-MC) District**

The following standards shall apply to all parcels located within the Mixed-Use Midtown Commercial (MU-MC) District.

**a. Building Orientation/Site Configuration**

**1. Purpose**

Clear, obvious, and publicly accessible connections between the primary street and primary uses within the neighborhood shall be provided. A clear, safe, and attractive pedestrian system should enhance the pedestrian experience and encourage walking, shopping, and public gathering, which will be accomplished through one of the following methods.

**2. Storefronts**

Storefronts must provide a clear, obvious, publicly accessible entrance from the primary street to the primary uses within the building. The entrance shall be in a:

- [a] Door in the front façade of the building;
- [b] An entrance recessed no more than 15 feet from the front façade of the building; or
- [c] A corner entrance located at the corner of the building at approximately 45 degrees, primarily on corner parcels.

**3. Entry Features**

An entry feature must signal the connection between the primary street and the primary uses within the building, and shall be located on the primary street or visible from the primary street. An entry feature shall be one of the following:

- [a] Door,
- [b] Gate,
- [c] Front Porch,
- [d] Front Stoop,
- [e] Front Terrace,
- [f] Canopy, or
- [g] Arcade.

**4. Pedestrian Connections**

A pedestrian connection must provide a clear, obvious, publicly accessible connection between the primary street and the primary uses within the building. The pedestrian connection shall comply with the following:

- [a] Fully paved and maintained surface not less than five feet in width;

- [b] Unit pavers or concrete distinct from the surrounding parking and drive lane surface;
- [c] Separated from parking or vehicle traffic to protect pedestrians; and
- [d] No more than a length of 25 feet of the pedestrian connection may cross drive lanes within parking areas.

**b. Building Transparency**

**1. General**

A minimum of 20 percent of the total street facing area of each ground floor shall be comprised of transparent window openings, to:

- [a] Activate the street for pedestrian use;
- [b] Enhance safety; and
- [c] Establish scale, variation, and patterns on building facades.

**2. Measuring Transparency**

- [a] For the purposes of the above standard, all percentages shall be measured using elevation views of the building plan and "ground floor" shall be measured from floor plate to floor plate (ground floor heights are assumed to be a minimum of ten feet).
- [b] The use of highly reflective glass should be minimized to avoid glare and reflections onto neighboring streets and properties.

**c. Hours of Operation**

1. Businesses fronting on South Virginia Street may operate 24 hours per day without approval of a conditional use permit.
2. Business within one block of Virginia Street but not fronting on South Virginia Street may operate between 5:00 a.m. to 1:00 a.m. Operating hours extending beyond these hours shall only be through the approval of a conditional use permit.
3. New businesses not adjacent to South Virginia Street or within one block of South Virginia Street may have operating hours between 6:00 a.m. and 11:00 p.m., operating hours beyond these shall only be allowed through the approval of a conditional use permit.

**(5) Mixed-Use Midtown Residential (MU-RES) District**

The following standards apply to all properties located within the Mixed-Use Midtown Residential (MU-RES) District.

**a. Intent**

The character of the district is currently defined by a mix of retail shops, offices, and residential properties. Single-family homes have been converted to nonresidential uses over time, contributing to the quaint, residential character of this area. Design standards are intended to reinforce the distinction between the residential and commercial sections of Midtown and encourage low-scale, small-lot development projects that reinforce and enhance the eclectic, urban character, and pedestrian scale.

**b. Building Orientation**

Primary buildings shall give prominence to pedestrian activity, with primary entrances facing a primary street, and create human scale through the use of detail, form, window and door placement, color, and materials.

c. Signs

1. **General**

Signs shall be designed to reflect the residential scale and appearance of the Mixed-Use Midtown Residential (MU-RES) District.

2. **Materials**

Signs shall be constructed of durable materials that are compatible with the building that they serve. The use of cardboard, fabric, scrap wood, and other non-durable materials is prohibited. Letters and symbols on a sign may be internally lit.

3. **Prohibited Signs**

The following signs shall be prohibited:

- [a] Flashing or animated;
- [b] Temporary hand-painted or hand-written signs; and
- [c] Internally lit cabinet signs.

4. **Height**

No freestanding sign shall exceed four feet in height.

5. **Number of Signage Types**

No more than two distinct signage types (e.g., window sign and a hanging sign) shall be permitted per tenant. Only one monument sign is allowed per parcel/development. Monument signs shall be no more than four feet in height above finish grade and six feet in total length.

d. **Hours of Operation**

New businesses in the area shall be day-oriented operations with hours of operation between 7:00 a.m. and 7:00 p.m.

**18.04.1006 Supplemental Standards for Large Retail Establishments<sup>445</sup>**

(a) **Purpose**

The purpose of this section is to encourage large retail establishments and commercial center developments containing large retail establishments, to contribute to Reno as a unique place and to physically integrate with the community in a positive way. The standards of this section supplement Section 18.04.1003, *General Standards for all Mixed-Use Development*, by promoting a basic level of architectural variety and interest, a compatible appearance and scale, pedestrian and parking lot access, orientation of buildings and entrances in relation to surrounding streets, and mitigation of negative impacts from development of large retail establishments.

(b) **Applicability**

The standards of this section shall apply to the following:

- (1) New construction of a large retail establishment, defined as single tenant building with at least 50,000 square feet of gross floor area for the purpose of retailing; or

<sup>445</sup> From Section 18.12.306. Some streamlining done to reduce repetition; detailed intent statements for subsections could be further reduced/removed if desired.

(2) Expansion of or addition to an existing building that creates a large retail establishment.

(c) **Relationship to Other Standards**

The provisions of this section shall apply in addition to the generally applicable development and design standards found elsewhere in this chapter and Title. Where there is a conflict with generally applicable standards in this chapter or Title, the more specific standards of this section shall apply. Where there is a conflict with standards stated in an overlay zoning district the standards for large retail establishments stated in this section shall apply and control unless otherwise expressly stated.

(d) **Minimum Land Use Mix Required**

All new large retail establishments shall be located in a commercial center that includes more than four commercial sales and service uses. Such commercial center shall be planned, developed, and owned or managed as a single unit and shall provide off-street parking on the property.

(e) **Adaptability for Reuse and Prohibition of Restrictive Lease Agreements**

This subsection's standards are intended to mitigate some of the adverse community effects when large retail establishments vacate their buildings and commercial centers. Many national retailers often abandon older outlets for new formats in new locations, rather than reuse and redevelop existing buildings and centers. Vacant, large-format buildings tend to remain empty for many years, causing blight and eroding nearby property values. Retailers often hang on to these empty buildings or, in the case of leased sites, continue to pay rent, to prevent their competitors from occupying the locations. Accordingly, these standards require new large retail establishment structures to be built with adaptable interior configurations for future reuse by multiple, smaller tenants, and to prevent large retailers from blocking competition after vacating a building through restrictive lease terms or covenants.

(1) The design of all buildings housing a large retail establishment shall include specific elements for adaptation for future multi-tenant reuse. Such elements may include but are not limited to compartmentalized construction, including plumbing, electrical service, heating, ventilation, and air conditioning. The building design shall also allow for:

- a. The interior subdivision of the structure into separate tenancies;
- b. Facades that readily adapt to multiple entrances and adapt to entrances on all but one side of the building;
- c. Parking lot schemes that are shared by establishments or are linked by safe and functional pedestrian connections;
- d. Landscaping schemes that complement the multiple entrance design; and
- e. Other elements of design that facilitate the multi-tenant reuse of the building.

(2) All development applications subject to this subsection shall include a renewal plan that evidences specific compliance with this subsection's adaptability for reuse standards, and otherwise evidences the feasibility of the building's rehabilitation or redevelopment in the event of closure or relocation by the original occupant.

(3) When a commercial center development includes a large retail establishment, a property owner shall not enter into a lease agreement or other contract that prevents the landlord from marketing and renting to future lessees after a large retail

establishment has vacated the development. After a large retail establishment vacates a commercial center, the property owner shall be free to market to any person or company allowed by City of Reno codes.

(f) **Building Design and Architecture**

All development subject to this section shall comply with the following standards:

(1) **Facade Articulation and Features**

a. **Intent**

Facade articulations and detailed elements should be employed to reduce the apparent bulk, industrial look, and uniform appearances of large buildings, provide visual interest and variety, and respect and reinforce the human scale.

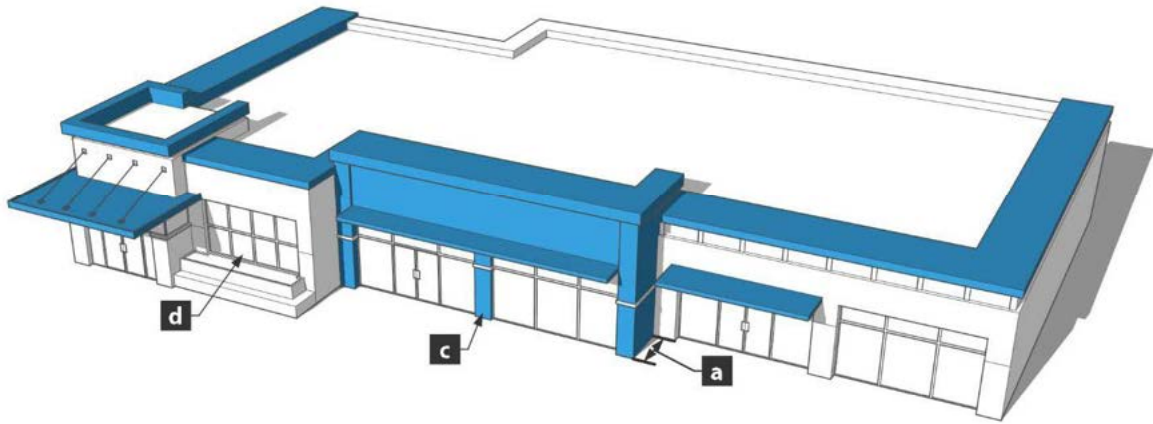
b. **Minimum Wall Articulation**

Any building wall greater than 100 feet in length shall include changes in wall plane, changes in texture, windows, trellises with vines, changes in color, or an equivalent element that subdivides the wall into human-scale proportions. See Figure 4-32.

1. Any building wall greater than 100 feet in length, measured horizontally, that faces a street or connecting pedestrian walkway shall include at least three of the following features within each successive 30-foot section or part thereof:
  - [a] Change in wall plane, such as projections or recesses, having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade;
  - [b] Change in texture or masonry pattern;
  - [c] Change in color;
  - [d] Windows;
  - [e] Trellises with vines; or
  - [f] An equivalent element that subdivides the wall into human scale proportions.

## Chapter 18.04 Development Standards

Article 10 Site and Building Standards for Mixed-Use Districts  
18.04.1006 Supplemental Standards for Large Retail Establishments444F



**Figure 4-32: Wall Articulation**

2. Ground floor building facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along at least 60 percent of their horizontal length.
  - [a] All sides of the building shall include articulation, materials, and design characteristics consistent with those on the primary front facade in terms of quality and detail, unless the public's view of a rear or side building elevation from a public street or from an adjacent residentially zoned property is blocked by intervening buildings, topography, or other similar feature. See Figure 4-33.





**Figure 4-33: Articulation, Materials, and Design of Side and Rear Façades**

[b] If actual doors and windows are not feasible on side or rear walls that face walkways because of the nature of the use of the building facade, then such walls shall include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly-proportioned modulations of the wall.

**(2) Transparency**

**a. Intent**

The use of transparent building materials (e.g., glass) is intended to provide a pedestrian-friendly environment at the ground floor level, and to enhance pedestrian safety wherever possible by allowing visibility of parking areas and on-site walkways from building interiors.

**b. Minimum Transparency Requirements**

All buildings subject to this Section shall comply with the following minimum transparency standards:

1. A minimum of 60 percent of any ground floor facade between two feet and ten feet above grade fronting on a public street or containing a principal customer entrance shall be comprised of windows for window shopping, with views into interior areas for merchandise display, shopping, and/or other customer services. A minimum of 25 percent of ground floor facades that face parking lots shall also be comprised of windows.
2. If actual doors and windows are not feasible on side or rear walls that face walkways because of the nature of the use of the building facade, such walls shall include false windows, either glazing or pattern, and defined by frames, sills, and lintels, or similarly-proportioned modulations of the wall. See Figure 4-33.

**c. Small Retail Stores Located Inside or Attached to Large Retail Establishments**

When a building containing a large retail establishment also contains separately owned commercial establishments with separate customer entrances that occupy less than 25,000 square feet of gross floor area, the following minimum transparency standards shall apply instead of the general standards in subsection (2)b. above:

1. The street level facade of stores shall be transparent between the height of three feet and eight feet above walkway grade for no less than 60 percent of the horizontal length of the building facade.

**(3) Roof Form and Articulation**

**a. Intent**

To pronounce and vary roof lines and heights to present a distinctive profile, add interest to and reduce the massive scale of large buildings, and complement the character of adjoining neighborhoods.

**b. Screening of Roof-Top Equipment**

The building parapet shall be the primary means of screening roof-top equipment. All roof-top equipment shall be screened according to Section 18.04.706, *Screening*.

**c. Roof Design and Treatment**

Roofs shall have no less than two of the following features:

1. Three or more roof slope planes.
2. Parapets concealing flat roofs and roof-top equipment such as HVAC units from public view. The average height of such parapets shall not exceed 15 percent of the height of the supporting wall and such parapets shall not at any point exceed 1/3 of the height of the supporting wall. Such parapets shall feature three-dimensional cornice treatment;
3. Overhanging eaves, extending no less than three feet past the supporting walls; or
4. Sloping roofs that do not exceed the average height of the supporting walls, with an average slope greater than or equal to one foot of vertical rise for every three feet of horizontal run and less than or equal to one foot of vertical rise for every one foot of horizontal run.

d. **Consistent Roof Treatment**

Consistent roof treatment shall be provided on all sides of the building.

e. **Visible Back Sides Finished**

The back sides of all cornices, parapets, and rooflines that are visible from an adjacent residential zone district or from a public street shall be finished.

(4) **Customer Entrances**

a. **Intent**

To emphasize major entrances into buildings, to ensure that entryway design provides orientation and an attractive appearance to the building, to provide multiple entrances to reduce walking distances, facilitate pedestrian access, and to improve the relationship of the large retail establishments to the surrounding community.

b. **Number of Entrances Required**

1. Buildings containing large retail establishments with 100,000 square feet of gross floor area or more shall feature customer entrances on at least two sides of the building. The two required sides shall be those planned to have the highest level of public pedestrian activity.
2. When additional commercial establishments under separate ownership are located in the same primary building as a large retail establishment, each such establishment shall have an exterior customer entrance that complies with the visually prominent entrance requirement below, except that such entrance shall include a minimum of two visual prominence features listed in subsection (4)d. below. Restaurants containing less than 2,000 square feet of gross floor area are excluded from this requirement for an exterior customer entrance, except that if such an entrance is provided, the entrance shall comply with the visually prominent entrance requirements below.

c. **Orientation**

The primary entrance to a large retail establishment shall face the primary street adjacent to the site. The primary street will typically be the street with the highest level of vehicular and pedestrian activity.

d. **Visual Prominence**

In order to provide clearly defined and highly visible entrances, all building and store fronts subject to subsection (f)(4)'s building design and architecture standards shall have customer entrances featuring no less than three of the following (see Figure 4-34):

1. Canopies, arcades or porticos that, while satisfying weather protection requirements of Subsection (4)f., below, also lend visual prominence to the entrance;
2. Overhangs, recesses or projections;
3. Raised corniced parapets over the door;
4. Peaked roof forms;
5. Tower features integrated with the building design that extend above the building roof line;

6. Arches;
7. Outdoor patios;
8. Display windows;
9. Integral planters or wing walls; and
10. Entrance atriums with visual connections to outside.



**Figure 4-34: Building Entrances**

**e. Transparency and Light**

The principal customer entrance to any building shall feature at least two elements from the following:

1. Clerestory windows;
2. Windows flanking main entrance door;
3. Large entrance door(s)—Transparent, and double hung; and
4. Ornamental light fixtures.

**f. Weather Protection**

Canopies, arcades, or similar permanent sheltering roof structures shall provide weather protection along facades of buildings to pedestrians at customer entrances, taxi and drop off zones, valet parking, and bicycle parking. Weather protection means, for purposes of this provision, a permanent shelter or covering of sufficient length and width to provide protection to pedestrians from sun, wind, rain, or snow.

**(5) Building Materials and Colors**

**a. Intent**

To specify building materials that are durable, attractive, and have low maintenance requirements; and reduce the use of bright, intense colors.

**b. Building Materials**

1. All primary buildings shall be constructed or clad with materials that are durable and of a quality that will retain their appearance over time, including, but not limited to, natural or synthetic stone; brick; stucco; integrally-colored, textured, or glazed concrete masonry units; high-quality prestressed concrete systems; Exterior Installation Finish Systems (EIFS); or glass. See Figure 4-35.



**Figure 4-35: Building Materials**

2. The following exterior building materials are prohibited:
  - [a] Vinyl siding;
  - [b] Field-painted or pre-finished standard corrugated metal siding; or
  - [c] Smooth-faced gray concrete block, painted or stained concrete block, tilt-up concrete panels. These materials may be used as main framing materials with an exterior treatment or finish that replicates materials specified in subsection 1, above.
3. Exterior building material shall be continued down to within nine inches of finished grade on any elevation.

**c. Building Color**

1. Color schemes shall aesthetically integrate building elements together, relate separate (free-standing) buildings within the same commercial center development to each other, and shall be used to enhance the architectural form of a building.
2. All building projections, including, but not limited to, chimneys, flues, vents, and gutters, shall match or complement in color the permanent color of the surface from which they project.
3. Intense, bright, black, or fluorescent colors shall be used sparingly and only as accents; such colors shall not be used as the predominant color on



any wall or roof of any building. Permitted signs shall be excluded from this standard.

4. Building trim and accent areas may feature brighter colors, including primary colors; however, neon tubing shall only be an acceptable trim near customer entrances.

5. **Architectural Unity**

[a] **Intent**

To provide a unified, coherent, and aesthetically pleasing design and theme within a commercial center that contains multiple buildings.

[b] **Architectural Unity Required**

All buildings within the same commercial center shall be architecturally unified. Architectural unity means that buildings shall be related and compatible in style, color scheme, and quality and type of exterior building materials.

(6) **Site Design and Relationship to Surrounding Community**

a. **Location and Design of Parking Lots**

1. **Intent**

Large parking areas should be divided into smaller lots and distributed around buildings to provide safe and convenient access, shorten the distance between primary buildings and public streets, and break up the massive scale of large paved surfaces. If buildings containing large retail establishments are located closer to streets, then the scale is reduced, pedestrian traffic is encouraged, and architectural details of the building take on added importance.

2. **Defining the "Front Parking Quadrant" for Large Retail Establishments**

[a] These regulations encourage limiting the number of surface off-street parking spaces located between the front door of a large retail establishment and the primary, abutting street. This is achieved by controlling the amount of parking located within a building's "Front Parking Quadrant." The applicant must designate the "Front Parking Quadrant" on all proposed development and site plans.

[b] The "Front Parking Quadrant" is defined by connecting each of the four corners of the building containing a large retail establishment to the closest property line. This exercise will create four quadrants. The one quadrant located between the building's front door and the primary abutting street is the "Front Parking Quadrant." See Figure 4-36, below.

[c] Parking spaces in the Front Parking Quadrant shall be counted to include all parking spaces falling within the boundaries of the Front Parking Quadrant, including all partial parking spaces if the part inside the Front Parking Quadrant boundary lines constitutes more than ½ of such parking space.

3. **Location of Parking**

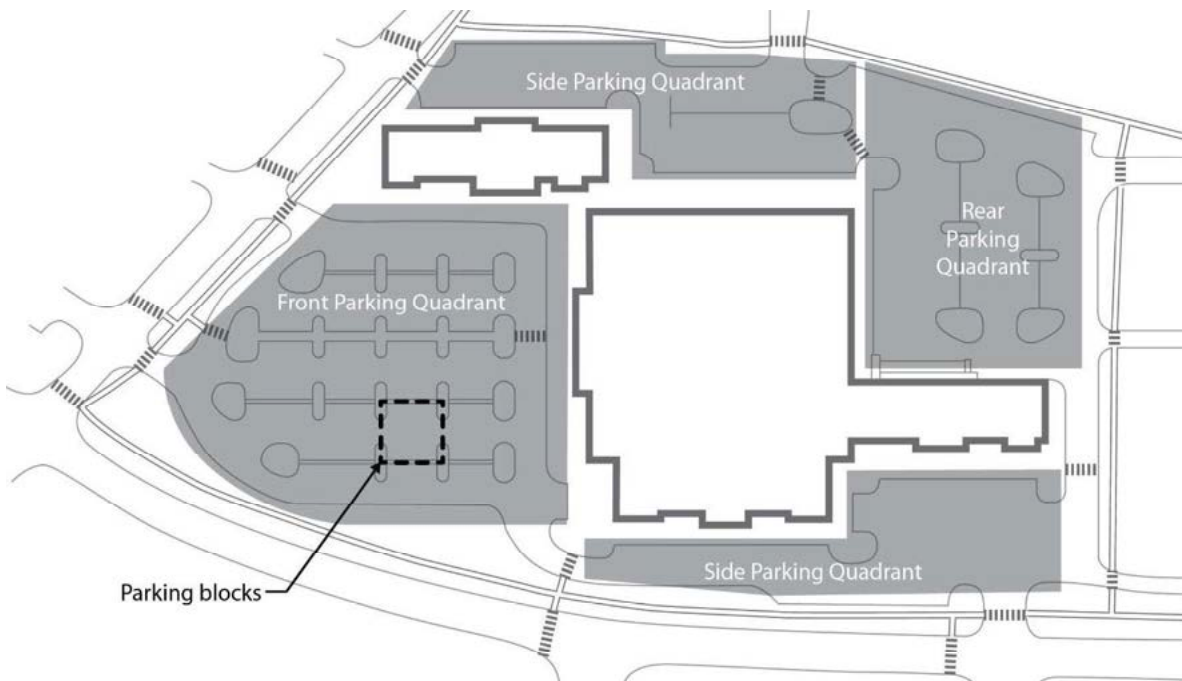
In order to reduce the scale of the paved surfaces and to shorten the walking distance between parked cars and a building containing a large retail

establishment, the Front Parking Quadrant shall contain no more than 50 percent of the off-street surface parking spaces provided for all uses located in the building containing a large retail establishment. See Figure 4-36. Note that in instances when the building housing a large retail establishment is sited on a side or rear setback line, it may be impossible to site any off-street parking spaces in the "quadrant" adjoining the side or rear setback line.

**4. Parking Blocks Required**

In order to reduce the scale of parking areas, all surface parking areas shall be broken up into smaller parking blocks containing no more than 40 spaces:

- [a] Parking blocks shall be separated from each other by a minimum five-foot wide landscaping strip, access drives or public streets, pedestrian walkways, or buildings.
- [b] Each parking block shall have consistent design angles for all parking within the block.
- [c] Parking blocks shall be oriented to buildings to allow pedestrian movement down and not across rows (typically with parking drive aisles perpendicular to customer entrances).



**Figure 4-36: Location and Design of Parking Lots**

**(g) Pedestrian Access and Circulation<sup>446</sup>**

All new large-scale retail establishments shall submit a detailed pedestrian circulation plan with all development applications and demonstrate compliance with the standards of this section.

<sup>446</sup> Subsection on "Areas to Connect" has been removed due to overlap with new Section 18.04.502, *Pedestrian and Bicycle Connectivity*, which addresses the same issues.



(1) **Public Sidewalks**

a. **Location**

Sidewalks shall be provided along all sides of the parcel or lot that abut a public street.

b. **Design**

1. Sidewalks shall be at least six feet wide.
2. Sidewalks shall be separated from the street curb by a landscaped parkway or enhanced sidewalk with street trees at least eight feet wide; or the required front yard setback, whichever is greater.
3. Parkway landscaping shall be in addition to the landscaping required around the perimeter of the parking lot (see Article 8 *Landscaping, Buffering, Screening, and Fencing*). See Subsection 18.04.804(f), *Street Tree Requirements*, for applicable street tree requirements.

(2) **Pedestrian Connection to Perimeter Public Sidewalks**

Connections between the internal pedestrian network and any public sidewalks shall be provided at a "regular interval" of every mid-block or one connection for every 400 feet of perimeter public sidewalk length, whichever distance is shorter (see Figure 4-37).

(3) **Walkways Along Primary Buildings**

Continuous pedestrian walkways shall be provided along the full length of any

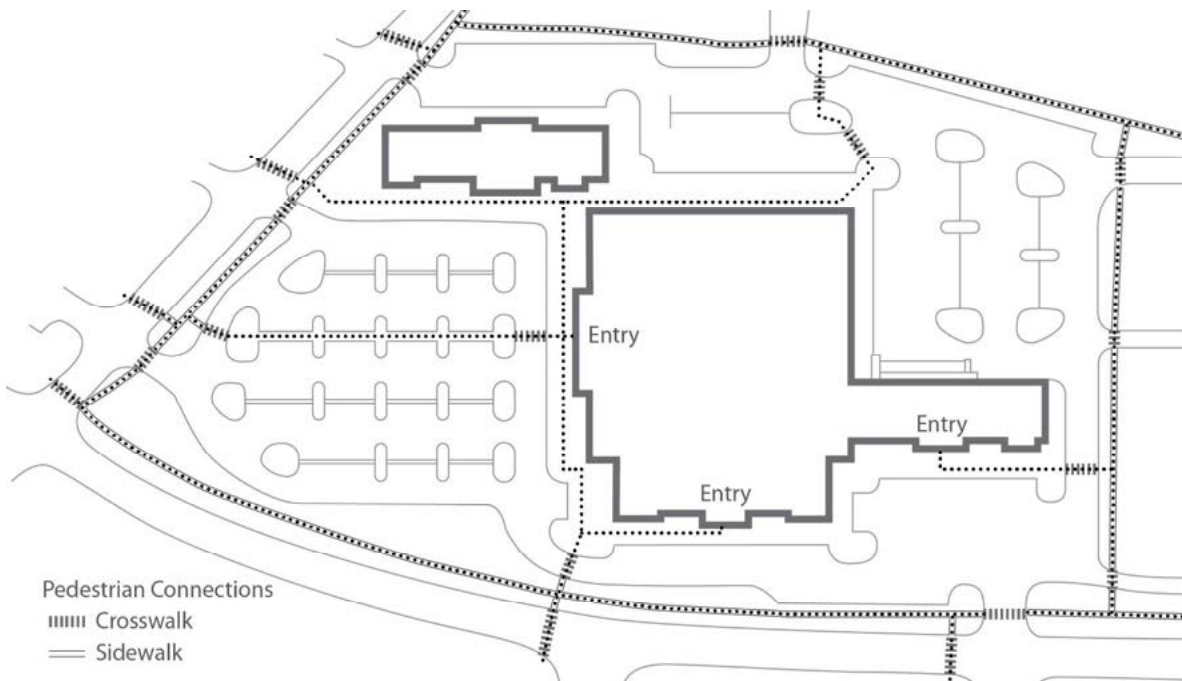


Figure 4-37: Pedestrian Connection to Perimeter Public Sidewalks

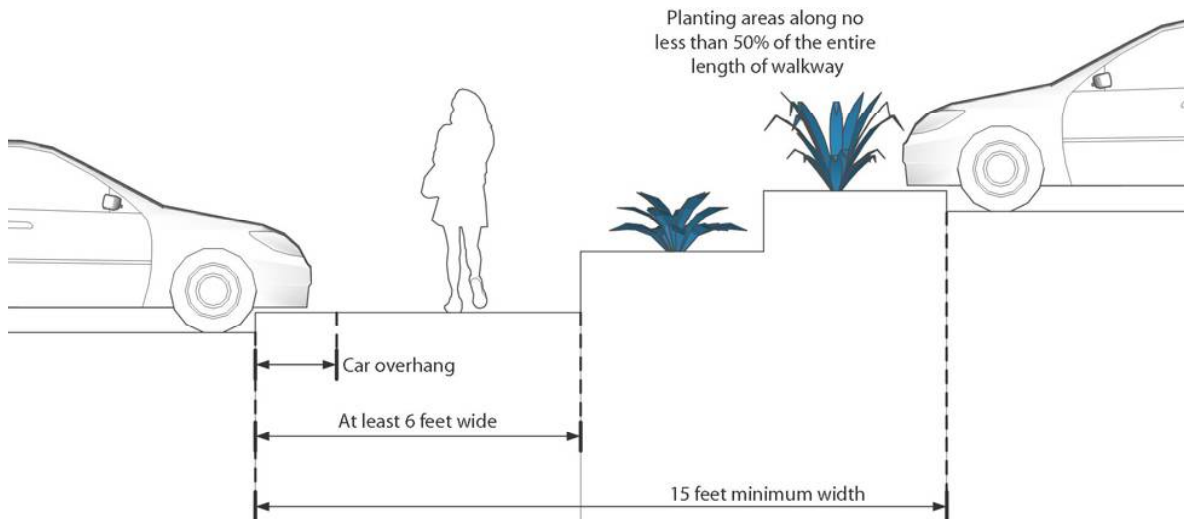
primary building façade featuring a customer entrance and along any facade abutting customer parking areas. Such walkways shall be located at least six feet from the

facade of the building to provide planting beds for foundation landscaping, except where features such as arcades or entryways are part of the facade. As an alternative to the six-foot planting bed, tree grates with decorative paving may be utilized along 50 percent of the facade. For all options, a minimum eight-foot unobstructed pathway shall be maintained on the pedestrian walkway.

**(4) Walkway Design**

**a. Width**

1. Sidewalks shall be at least six feet wide.
2. Planting areas, including trees, shrubs, benches, flower beds, ground cover, and other such materials, shall be installed along no less than 50 percent of the entire length of the walkway.
3. Where landscaping is provided along the walkway, the combined minimum width of the walkway plus the landscape area shall be 15 feet to accommodate car overhangs (see Figure 4-38).



**Figure 4-38: Walkway Design**

**b. Materials**

1. All internal pedestrian walkways shall be distinguished from driving surfaces through the use of durable, low maintenance surface materials such as pavers, bricks, or scored and tinted concrete to enhance pedestrian safety and comfort, as well as the attractiveness of the walkways. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in paving materials distinguished by their color, texture, or height. Surface striping with paint shall not be considered "a change in paving materials."
2. The total surface area of all on-site pedestrian walkways that incorporate quality paving materials such as pavers, bricks, or scored and tinted

concrete may be credited toward the minimum 25 percent hardscape limit for on-site landscaping stated in Section 18.04.804 *Minimum Landscaping Required*.

(h) **Site Amenities**

(1) **Intent**

Site amenities and pedestrian-scale features (e.g., outdoor plazas, street furniture, playgrounds, statuary, sidewalk cafes) in commercial center developments offer attractive spaces for customer and visitor interaction and create an inviting image for both customers and employees. Site amenities and gathering places can vary widely in size, type, and location. The use of site amenities can provide pedestrian spaces at the entry to buildings, can break up expanses of parking, enhance the overall development quality, and contribute to the character of an area. Buildings, trees, walls, topography, and other site features within a commercial center that includes a large retail establishment should be oriented and arranged to enclose such gathering places and lend a human scale.

(2) **Standards for Site Amenities**

a. **Minimum Area Devoted to Site Amenities**

All development subject to this Section's design standards shall provide a minimum of ten square feet of site amenities, open areas, and public gathering places for each ten parking spaces provided.

b. **Allowed Site Amenities**

Site amenities shall consist of at least two of the following:

1. Patio or plaza with seating area;
2. Mini-parks, squares, or greens;
3. Bus stops in coordination with the regional transit agency;
4. Customer walkways or pass-throughs containing window displays;
5. Water feature;
6. Clock tower; and/or
7. Public art;
8. Any other similar, deliberately shaped area and/or focal feature that, in the City's judgment, adequately enhances such development and serves as a gathering place.

c. **Aggregation Allowed**

In commercial center developments containing more than one building, the required area may be aggregated into one larger space, provided such space is within easy walking distance of the large retail establishment and other major tenants in the center.

1. **Design Requirements**

All site amenities within a commercial development shall be an integral part of the overall design and within easy walking distance of major buildings, major tenants, and any transit stops.

- [a] Any such amenity/area shall have direct access to the public sidewalk network.

- [b] The amenity/area shall be constructed of materials that are similar in quality to the principal materials of the primary buildings and landscape.

**(3) Side and Rear Setbacks/Screening**

**a. Intent**

The setback and screening standards are intended to mitigate the potential adverse noise, light/glare, and visual impacts associated with large retail establishments and other large-scale commercial development.

**b. Minimum Setback and Screening Standards**

The minimum rear or side yard setback for any building containing a large-scale retail establishment shall be 35 feet from the nearest property line. Where such building facade also faces an abutting residentially zoned property, either a six-foot high decorative masonry wall or an earthen berm no less than six feet high shall be provided, in addition to a 20-foot wide landscape buffer containing at a minimum evergreen trees planted at intervals of 20 feet on center or in clusters.

## Article 11 Site and Building Standards for Nonresidential Districts<sup>447</sup>

### Commentary

This article consolidates existing nonresidential site and building design standards contained in Sections 18.12.301, 18.12.305, and 18.12.306 of Article III (Chapter 18.12), with district-specific and overlay zone district standards for nonresidential districts contained in Sections 18.08.404 and 18.08.406 of Article IV (Chapter 18.08).

Site and building standards have been reorganized into those that apply to all Nonresidential Districts, and those that are district specific.

Generally, district-specific standards have been carried forward, consolidated, and augmented where necessary to support Master Plan Design Principles.

### 18.04.1101 Purpose

This article is intended is intended to:

- (a) Protect public health and safety;
- (b) Protect and enhance the visual interest, character, and quality of Nonresidential Districts;
- (c) Ensure compatibility between residential neighborhoods and varying intensities of nonresidential areas;
- (d) Reinforce distinctions in scale, character, and intensity between Nonresidential Districts; and
- (e) Protect and enhance property values and encourage further investment and reinvestment.

### 18.04.1102 Applicability

**(a) District Applicability**

This article shall apply to all development in the following districts unless otherwise noted in the subsections below:

- (1) I: Industrial
- (2) IC: Industrial Commercial

<sup>447</sup> Unless otherwise noted, content is from Section 18.12.305. Nonresidential and Mixed-Use Site and Building Design Standards

- (3) MA: Mixed-Use Airport
- (4) ME: Mixed Employment
- (b) **Project-Specific Applicability**
  - (1) Within the districts identified in Subsection (a), above, this article shall apply to the following types of development projects:
    - a. Development of any new structure that requires a building permit; and
    - b. An addition or renovation to an existing structure where the total gross floor area following the addition or renovation is more than 500 square feet greater than the total gross floor area of the existing structure before addition or renovation.
  - (2) In cases where additions or renovations are subject to these standards and full compliance with these standards is not feasible, the resulting project shall result in closer conformance with these standards, as determined by the Administrator.

### **18.04.1103 General Standards for Nonresidential Districts**

- (a) **Site Layout and Building Orientation**
  - (1) **Building Orientation**<sup>448</sup>
    - a. **Customer Entrances**

The retail- and customer-based portions of nonresidential buildings shall be oriented toward the front setback. Buildings may be located along the front setback or separated from the street with parking lots, pedestrian walkways, outdoor gathering spaces, transit stops, and other site features. Alternative orientations may be approved to enhance residential compatibility.
    - b. **Large Truck Loading Areas**

Loading docks and large truck parking areas shall be oriented away from streets and residentially zoned property to the greatest extent feasible.
  - (2) **Cluster Development**<sup>449</sup>

Cluster development is encouraged in Nonresidential Districts to support the protection of sensitive natural resources, viewsheds, or other unique site features; promote fire safety within the wildland interface; provide opportunities for shared common open space; protect documented wildlife corridors; and provide a more gradual transition to lower intensity districts and public lands.
  - (3) **Loading and Unloading**

Buildings and structures shall be designed and placed upon the property so that the loading and unloading of materials or supplies shall be entirely within the property lines of the lot.
  - (4) **Trash and Loading Areas**

Trash and loading areas shall be centralized wherever possible, and screened in accordance with subsection 18.04.808(c), *Screening of Outdoor Service Areas, Utilities, and Equipment*. Sites along the Truckee River shall not have outdoor trash or loading facilities on the river side of any property. Screening shall match the building in colors and materials.

<sup>448</sup> New language addressing Master Plan (DPEA-G.2).

<sup>449</sup> New language addressing Master Plan (DPEA-G.1) and (DPEA-G.10)

- (5) **Integration of Utilities**  
Pad-mounted transformers and other utility services shall be integrated into the site plan wherever possible. The necessity for utility connections, meter boxes, or other such facilities, should be recognized and integrated within the architectural design of the buildings.
- (b) **Circulation and Access**
- (1) **Use of Public Streets**  
The use of the public street for parking and staging of trucks awaiting loading shall be prohibited. The site must accommodate all maneuvers necessary by trucks (no backing from street).
- (2) **Site Layout**  
At least one direct pedestrian entrance shall be provided from the public street and sidewalk to the building with a minimum five-foot wide walkway that is separated by curb and/or landscaping.
- (3) **Pedestrian and Bicycle Connectivity<sup>450</sup>**  
Any wall, fencing or other barrier that hinders pedestrian and bicycle connectivity to adjacent uses, services, and amenities shall be designed to provide access points to all abutting streets, sidewalks, parks and trails, including planned facilities.
- (4) **Recreational Access<sup>451</sup>**  
Developments that abut public lands and open spaces at the urban/rural interface shall provide connections and public access to existing or planned trails and trailheads from the development.
- (c) **Building Design**
- (1) **Additional Setbacks and Stepbacks for Compatibility**  
Any new building built within 150 feet of a property zoned LL (all districts), SF (all districts), MF-14, or MD-PD shall meet the standards of subsection 18.04.903(c)(1), *Additional Setbacks and Stepbacks for Compatibility*.
- (2) **Building Articulation**  
All street facing facades and facades that are located within 300 feet of and clearly visible from a major arterial or freeway shall meet the minimum standards of subsections (c)(1-3), below, as illustrated in Figure 4-39, below.

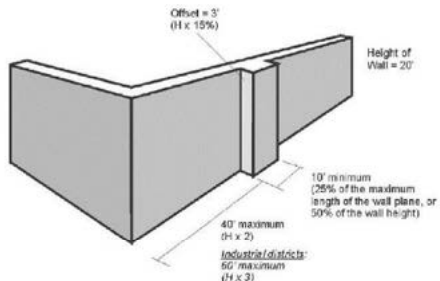
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<sup>450</sup>From Master Plan (DPEA-G.8).

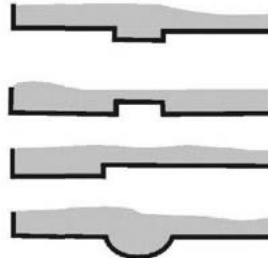
<sup>451</sup> From Master Plan (DPEA-G.9)

**Horizontal Articulation**

Example:

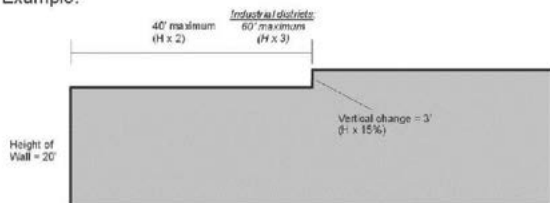


Possible Plans of Buildings:

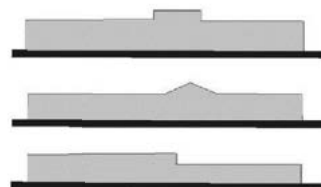


**Vertical Articulation:**

Example:



Possible Elevations of Buildings:



**Examples of Articulation:**



Figure 4-39: Building Façade Articulation



**a. Horizontal Articulation**

Horizontal features shall include one of the following:

1. No plane of a building wall shall extend for a horizontal distance greater than two times the height of the wall, or three times the height of the wall in the I and IC districts, without having an offset of 15 percent of the wall's height, and that new wall plane shall extend for a distance equal to at least 25 percent of the maximum length of the first plane.
2. Alternative methods to provide equal or greater architectural interest may be approved by the decision-making body. Alternative methods may include but are not limited to entry features, canopies, covered porches, architectural details, and/or additional landscaping with shade trees and screening vegetation.

**b. Vertical Articulation**

Vertical features shall include one of the following:

1. A pitched roofline with subordinate rooflines at prominent entryways; or
2. No wall shall extend for a horizontal distance greater than two times the height of the wall, or three times the height of the wall in the I and IC districts, without changing height by a minimum of 15 percent of the wall's height.
3. An alternative method of vertical articulation providing the level of vertical articulation specified in subsection 2., above, but through alternative designs.

**(3) Integration of Architecture, Signage, and Lighting**

Exterior interest shall be provided on all façades by breaking the architectural plane or by using material textures, colors, or shadow elements.

**(4) Materials and Colors<sup>452</sup>**

- a. The use of color shall be limited to tones, shades and hues that generally blend with the surrounding development pattern or the surrounding on-site soil and vegetation.
- b. Shiny metal roofs shall be prohibited.
- c. Roofs shall be made from fire-resistant materials.

**(5) Parking Structures<sup>453</sup>**

- a. Structured parking constructed within or adjacent to a primary structure shall be integrated with the overall design of the primary structure it is intended to serve through the use of visually similar architectural features and façade materials.
- b. Free-standing parking structures shall be designed to complement surrounding buildings in terms of their scale, design elements, building materials, and orientation on the site.

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<sup>452</sup> From Master Plan (DPEA-G.11)

<sup>453</sup> Carried forward basic concepts, but reworked language for clarity. This is repeated in General Mixed-Use section; may be able to relocate to use-specific standards and apply citywide.

- c. Pedestrian-oriented design elements, such as, but not limited to the following, shall be incorporated into the ground-floor of parking structures to screen cars and provide visual interest:
  - 1. Decorative panels for window openings and/or garage entrance gates;
  - 2. Variations in materials;
  - 3. Public art; and
  - 4. Other design elements as approved by the administrator.

**(6) Shading of Parks and Residences**

Buildings shall conform with shading requirements in subsection 18.04.101(c), *Shading of Parks and Residences*.

**(d) Additional Standards for Compatibility Between Nonresidential and Residential Districts<sup>454</sup>**

When development in nonresidential districts occurs in an area subject to Article 14, *Residential Adjacency*, the following additional standards shall apply:

- (1) Loading docks and semi-truck staging areas shall be designed to minimize noise and odor impacts on residential properties and shall not be located between non-residential buildings and residentially zoned property unless one of the following conditions exist:
  - a. The loading docks are screened by another non-residential building on the site; or
  - b. The loading docks are screened by a masonry wall at least ten feet in height; or
  - c. The loading docks are screened by an enhanced 30-foot-wide landscaped area with a three-foot berm, six-foot-tall masonry wall and landscaping designed to screen the loading docks from the residential areas.
- (2) Developments shall provide landscaping and screening adjacent to all residentially zoned property:
  - a. The landscaped area shall be a minimum of 10 feet wide for all developments;
  - b. The landscaped area shall increase to a minimum of 15 feet wide for developments containing more than 150,000 square feet of gross floor area or located on a 10 acre or larger site;
  - c. The landscaped area shall increase to a minimum of 20 feet wide for developments containing more than 300,000 square feet of gross floor area or located on a 20 acre or larger site; and
  - d. Additional landscaping required in some districts for buildings over 35 feet in height shall be in addition to the landscaping required by this Section.
- (3) In combination, the maximum landscaped buffer required by these standards and Article 8*Landscaping, Buffering, Screening, and Fencing*, standards shall be 30 feet in width.
- (4) Applications for developments containing more than 300,000 square feet of gross floor area or located on a 20 acre or larger site shall:

<sup>454</sup> New. Updated to supplement Article 14 and enhance compatibility at the interface of nonresidential and residential districts.

- a. Provide a site-specific assessment of potential impacts on adjacent residential zoned property and supplemental measures to minimize and mitigate project impacts.

#### **18.04.1104 District-Specific Standards**

(a) **Mixed-Use Airport (MA) District**<sup>455</sup>

(1) **Generally**

a. **Development Pattern**<sup>456</sup>

Uses should be organized so that aviation-related uses are closest to the airfield, and so that more intensive uses are buffered from adjacent uses.

(2) **Reno-Tahoe International Airport**

a. **Applicability**

The standards contained in this section shall apply to properties located within the Mixed-Use Airport (MA) District in the Reno-Tahoe International Airport area.

b. **Land Use**

1. All properties shall comply with the following:

- [a] In addition to uses allowed in the Mixed-Use Airport (MA) District, as detailed in Table 3-1, *Table of Allowed Uses*, applicants may follow the use permissions of the Mixed-Use Urban (MU) District at their discretion. However, once a district is selected by the applicant, the entire project shall be subject to the building and site design standards of that district.
- [b] Uses or buildings utilizing the standards of the Mixed-Use Airport (MA) District are not allowed within 100 feet of the Truckee River, as defined by Washoe County Record of Survey #1167.
- [c] All buildings located within 100 feet of an arterial street shall provide building articulation in accordance with Subsection 18.04.1103(c)(2), *Building Articulation*, on each building façade that faces the arterial street to the satisfaction of the administrator.
- [d] Temporary asphalt or concrete batch plants are allowed for airport construction for a period not to exceed four years. Temporary asphalt or concrete batch plants shall be located a minimum of 750 feet from residentially zoned property.
- [e] Communication facilities for purposes of air traffic control and airport operations are allowed without conditions.
- [f] Stables and farms are allowed by-right subject to all conditions required by Section 18.08.202 (Additional Regulations for Principal Uses) as amended.
- [g] All residential land uses, primary schools, churches, libraries, medical facilities, and childcare centers are prohibited. Lodging facilities (including hotels and motels without gaming) are only allowed within one-half mile of the airport terminal, subject to the standards of the Mixed-Use Urban (MU) District.

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<sup>455</sup> Existing standards for both the RTIARC Reno-Tahoe International Airport Regional Center Planning Area Overlay Zoning District and RSARC Reno-Stead Airport Regional Center Planning Area Overlay Zoning District are maintained in Use-Specific Standards for Mixed-Use Airport (MA) District. Minor changes are made to reflect updated district names.

<sup>456</sup> Modified from Master Plan policies.

[h] Operations of the Reno Tahoe International Airport Authority on the east side of Terminal Way are exempt from all standards of the Mixed-Use Urban (MU) District or the Mixed-Use Airport (MA) District except for this subsection (2) and standards related to sidewalk width and pedestrian connections.

**c. Density**

1. On all properties located north of the north bound U.S. Highway 395 on-ramp loop (Entrance 65, starting at the airport terminal) which front on Terminal Way, the minimum residential density shall be 14 dwelling units per acre. The minimum intensity shall be 0.25 FAR for nonresidential and mixed-use developments.
2. Operations of the Reno-Tahoe International Airport Authority on the east side of Terminal Way are exempt from the FAR and density standards.

**d. Landscaping**

In cases where required landscaping, such as trees, would interfere with safe airport operations, landscaping features that will not interfere with safe airport operations shall be substituted to the satisfaction of the Administrator.

**e. Residential Interface**

Properties adjacent to the Boynton Slough, which flows across the southeast portion of the Reno-Tahoe International Airport property, shall be separated from residentially zoned private property with the Boynton Slough (90 feet minimum width) and shall provide a six-foot tall solid masonry or wood fence. A five-foot wide landscape strip with trees planted at a rate of one tree every 30 feet and six shrubs per tree, shall be installed on the south side of the six-foot wall or fence.

**f. Discretionary Review**

Uses operating between the hours of 11:00 p.m. and 6:00 a.m. shall require a conditional use permit per Section 18.06.405(a)(4) if they are located north of the north bound U.S. Highway 395 on-ramp loop (Entrance 65, starting at the airport terminal) and front on Terminal Way.

**(3) Reno-Stead Airport**

**a. Applicability<sup>457</sup>**

The standards contained in this subsection shall apply to properties located within the Mixed-Use Airport (MA) District in the Reno-Stead International Airport area.

**b. Land Uses**

1. In addition to uses allowed in the Mixed-Use Airport (MA) District, as detailed in Table 3-1 Table of Allowed Uses, applicants may follow the use permissions of the Mixed-Use Suburban (MS) District at their discretion. However, once a district is selected by the applicant, the entire project shall be subject to the building and site design standards of that district.
2. All residential land uses, schools, churches, libraries, medical facilities, and childcare centers are prohibited. Lodging facilities (including hotels and motels without gaming) are only allowed within one-half mile of the

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<sup>457</sup> New.

airport terminal, subject to the standards of the Mixed-Use Suburban (MS) District.

**c. Landscaping**

1. Landscaping standards for the Mixed-Use Suburban (MS) District shall apply to properties adjacent to the Mixed-Use Suburban (MS) District.
2. Landscaping standards for the Mixed-Use Airport (MA) District shall apply to properties that do not qualify under subsection a., above, but which are located adjacent to a public street or the district boundary.
3. Landscaping shall not be required for properties that are not adjacent to a public road or residentially zoned property.
4. The Administrator may approve alternative landscaping features in cases where required landscaping would interfere with safe airport operations.

## Article 12 Improvement Standards for New Development

### Commentary

This article carries forward the standards for improvements required for new development, currently located in Chapter 18.14 of the code. Minor revisions are made to align with current practice.

### 18.04.1201 General Provisions

**(a) Statement of Purpose**

The purpose of this article is to protect the public by providing safe and orderly developments, by establishing minimum requirements for design, plans, testing, inspection, and supporting documents for improvements provided with new development in the city. This article applies to public and private improvements.

**(b) Authority**

NRS Section 278.326 provides for enactment of local ordinances governing improvements.

**(c) Applicability**

The requirements of this article shall apply to any public or other improvements wherein a building or grading permit is required. All development shall conform with City code and with the plans, reports and materials submitted with a project application. In the event of a conflict between the application and City code, City code shall prevail. Improvement plans shall be to the approval of the Administrator prior to final plat approval by or issuance of building permits; and improvements shall be constructed to City standards prior to release of security or issuance of certificates of occupancy. In the event of an error or omission in the accepted improvement plans, City code shall prevail.

**(d) General Compliance Requirement**

All designs shall conform to City standards, application reports and documents, and the requirements of this article and Chapter 18.06 *Land Division*, as applicable.

### 18.04.1202 Improvement Requirements and Timing of Completion

**(a) Applicant Responsibility for Improvements**

- (1) The subdivider or developer shall construct, at their own expense, and within a period as determined by the City, all improvements required by the conditions of approval, the improvement drawings of record, and City Code. Any changes to the

improvement plans of record, other than those minor in nature, shall be approved by the Administrator prior to construction. All private improvements within each construction phase of a subdivision, except for recreational facilities, shall be constructed in accordance with the improvement drawings of record.

- (2) An excavation permit is required for excavation within the City's right-of-way. A grading permit and/or building permit shall be obtained prior to any grading.
- (3) Subdivision improvements inspection, testing verification, and acceptance shall be in accordance with City Code.

(b) **Improvement Plans Required**

(1) **General**

Improvement plans shall be to the approval of the Administrator prior to final plat approval or issuance of building permits; and improvements shall be constructed to City standards prior to release of security or issuance of certificates of occupancy.

(2) **Improvement Plan Submittals**

- a. Prior to the installation of any improvements, the subdivider or developer shall file all appropriate documents as determined by the Administrator.
- b. All plans and documents submitted shall meet the requirements of NRS Chapter 625, Chapter 18.06 *Land Division*, and this article. The first sheet of the improvement plans shall contain the statement "These plans, sheets 1 through \_\_\_\_\_, have been prepared in accordance with the approved tentative map, conditions of approval, and Reno Municipal Code."
- c. Within 30 days, the Administrator shall complete its review of the plans and documents and advise the subdivider's engineer or surveyor of any revisions or corrections.

(c) **Timing of Completion**

The timing for completion of required improvements shall be according to following standards:

(1) **Completion of Public Improvements**

All improvements shown on the plans of record, including primary and secondary or emergency access, shall be constructed and completed within and to serve the subdivision or development prior to the issuance of any certificate of occupancy for the subdivision or development, unless otherwise stated in the terms of an improvement agreement pursuant to Section 18.04.1203, below. For phased subdivision or development projects, please see Section 18.04.1202(c)(4), below.

(2) **Completion of Private Improvements**

- a. All private improvements within each construction phase of a subdivision or development, with the exception of recreational facilities, shall be constructed in accordance with the improvement drawings of record and shall be verified by the engineer of record prior to the issuance of any certificate of occupancy for each phase.
- b. Private recreational facilities shall be installed and operational by the time certificates of occupancy have been issued for 75 percent of the dwelling or commercial units within each construction phase of the subdivision.

(3) **Completion of Off-Site Improvements**

All required improvements located outside the subdivision, development boundary, or phase that are necessary to support the specific subdivision, whether public or private, shall be installed and/or completed and operational prior to the issuance of any certificate of occupancy for any structure within the subdivision phase.

**(4) Completion of Improvements in Phased Projects**

When the subdivision or development is to be constructed in more than one phase, a phasing plan for all improvements within each construction phase is required according to Section 18.04.1202(b), above. Each construction phase as developed, shall stand on its own and meet the requirements of the total subdivision. All improvements shown on the plans of record, including primary and secondary or emergency access, shall be constructed and completed within the designated construction phase prior to the issuance of any certificate of occupancy for that phase.

**18.04.1203 Improvement Agreements and Security**

**(a) Requirement for Improvement Agreement**

An improvement agreement for construction of public improvements is required prior to final subdivision plat approval, and prior to all other final development plan approvals.

**(b) Contents of Agreement**

The improvement agreement for construction of public improvements shall be on the document provided by the City, as approved by the City Attorney, and shall include the following exhibits:

**(1) Exhibit "A"**

An estimate of the quantities and costs of public improvements and on-site improvements. The engineer shall provide an engineer's estimate of the improvement quantities and costs. The city will determine the final estimate of quantities and costs based on the engineer's estimate and the improvement plans of record, and will provide the subdivider/developer with Exhibit A.

**(2) Exhibit "B"**

A statement of the proposed build-out of the subdivision to be recorded; or when the subdivision to be recorded is to be constructed in more than one phase, a phasing plan for all improvements within each construction phase.

**(3) Exhibit "C"**

A document, provided by the developer, conforming to the format furnished by the city guaranteeing proper inspection and testing of improvements in accordance with the Public Works Design Manual, latest edition.

**(c) Security for Public Improvements**

**(1) Security Required**

The security for public improvements shall be on a format approved by the City Attorney, shall accompany the improvement agreement, and shall be in such amount as set by the Administrator, corresponding to the improvement agreement, to ensure that all public improvements required by this chapter will be provided and installed by the subdivider or developer within a period as set forth in the improvement agreement.

**(2) Reductions in Security**



- a. A reduction of the security for public improvements may be considered once each calendar year or upon completion of 25 percent, 50 percent, or 80 percent of the secured items. The dollar amount of no single item, as set forth in Exhibit "A" to the improvement agreement, shall be reduced below ten percent of the original item amount and the security shall at no time be reduced below 20 percent of the original security amount or as stipulated in the improvement agreement until all improvements have been completed and accepted by the City. The following procedure is to be followed when requesting a reduction in security:
  - 1. The subdivider or developer shall make a formal request in writing to the City that the security be renegotiated.
  - 2. The project engineer shall provide the City with an estimate of the work remaining in the format as provided by the City.
  - 3. The City will determine the total amount of security reduction allowed based on the estimated amount of work remaining as provided by the project engineer and verified by the City, and shall provide the subdivider/developer with a revised Exhibit "A".
  - 4. The subdivider/developer shall submit to the City new security, in the format as provided by the City with revised Exhibit "A" attached, for the improvements remaining.
  - 5. Upon approval as to legal form of the new security by the City Attorney, the new security will be filed with the City Clerk and the old security document returned.
- b. When a reduction in security is requested, service charges are required in accordance with City requirements.
- c. In no case shall a reduction in security be construed as constituting a final acceptance of improvements by the City, either in whole or in part.

**(d) Improvement Agreement Extension**

- (1) In the event that all improvements shown on Exhibit "A" to the improvement agreement cannot be completed and the public improvements accepted by the City within the time period of the improvement agreement, the developer may make application to the City for an improvement agreement extension, not to exceed two years, which requires new security for the public improvements in an amount determined by the City. Granting of such extension will require approval by the Administrator. In the event that the Administrator denies a request for an extension, or an extension is granted by the City Manager or their designee and at the end of a two-year period following such extension, substantial improvements as shown on Exhibit "A" to the improvement agreement have not been completed, the City Council may cause any or all lands within the recorded plat to be reverted to acreage.
- (2) The subdivider/developer shall file with the City at least 30 days prior to the date for which approval of an improvement agreement extension is sought, the following, including the service charge:
  - a. Improvement agreement extension on the form provided by the City, with copies of exhibits attached.
  - b. New security to cover the public improvements listed in Exhibit "A."

- c. Estimate of the percent of completion of the bonded improvements.
- d. Written justification for an extension of the original agreement.
- e. Copy of the appropriate water purveyor's letter of commitment to supply water.

(e) **Default and Remedies**

In the event that the subdivision improvements are not completed within the time period of the improvement agreement and the improvement agreement is not otherwise extended, the subdivision, and specifically the improvement agreement shall be deemed in default. Issuance of building permits and certificates of occupancy will be terminated immediately upon default of the subdivision improvement agreement, and the security for public improvements may be called on as set forth in Section 18.04.1203. "Stop-work" orders will be immediately issued and remain in effect until a subdivision improvement agreement extension has been granted by the City; or the City resorts to the security and causes completion of the public subdivision improvements or causes reversion to acreage. In the event of the reversion of the land to acreage, the land shall be restored to a condition that does not pose a threat to the health, safety and welfare of the community, and any public improvements which are determined by the City to be necessary for the wellbeing of the community shall be provided. The City Council may determine and cause some or all of the public improvements to be installed by the City and expenses thereof assessed against the lots or parcels within the subdivision in accordance with the charter provisions of the City.

**18.04.1204 Residential Construction Tax for Parks, Playground, and Recreational Facility Improvements<sup>458</sup>**

(a) **Purpose and General Provisions**

- (1) This article is enacted pursuant to the authority of Chapter 726 of the 1973 Statutes of Nevada, as amended, adopted by the legislature of the state on April 30, 1973, to provide for the acquisition, improvement and expansion of public park, playground, and recreational facilities.
- (2) The public interest, convenience, health, welfare, and safety require that certain amounts of land in the city be devoted to park, playground, and recreational purposes, which include neighborhood, district, and regional facilities serving various recreational needs of the residents of the city and the neighborhoods located therein. The geographical areas of the city are, by this article, divided into various park districts, taking into account in such division the uneven population distribution throughout the geographical areas of the city. It is the intent of the City Council that park districts created herein shall periodically be revised, both in number and location, to take account of future population distribution within the different geographical areas of the city and to ensure on a continuing basis that all monies collected are expended, as nearly as practicable and feasible, in the immediate area from which they are collected.

(b) **Definitions**

- (1) "Park" or "park facilities" means a tract of land that is dedicated to, and set aside and maintained for, outdoor recreational purposes and includes, without limitation, areas of turf and trees, playgrounds, fitness equipment, picnic facilities, skate parks, sport

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<sup>458</sup> This section will be updated to reflect the updated RCT ordinance currently under review.

courts, playing fields for recreational sports, restrooms, parking lots and other recreational appurtenances for the benefit of the general public.

- (2) "Neighborhood park" means a park the size of which is not less than three acres and not more than twenty-five acres and which is designed to serve natural persons, families and small groups in the park district that is created for the benefit of the neighborhood from which any residential construction tax is derived.
- (3) "Residential dwelling unit" means living units intended for human habitation and which is not subject to a transient lodging tax imposed pursuant to Section 2.10.200 including, without limitation, duplexes, apartments, condominiums, townhouses, detached houses, accessory dwelling units as defined by Section 18.09.301, lots for mobile homes, or for any remodeling of a nonresidential structure for the purpose of converting to a residential dwelling unit(s) as defined herein.
- (4) "Developed open space" means a common open space within a residential subdivision or development that is developed with active recreational appurtenances, which may include any park facilities as defined herein.
- (5) "Trail or Trail System" means a non-motorized trail or network of trails developed to Class 3, Class 4 or Class 5 standards as defined by the US National Forest Service. For the purposes of this section, the following types of trails may be eligible for funding through residential construction tax subject to approval by the Director of Parks and Recreation:
  - a. A Class 5 multi-use recreational trail with a hardened surface physically separated from a road or street, contains additional recreational amenities along the trail, and which connects parks within a planned unit development.
  - b. A Class 3 or Class 4 single-use or multi-use recreational trail contained entirely within a neighborhood park and designed for one or more specific recreational purposes, such as mountain biking, trail running, walking or hiking.
- (6) "Residential Construction Tax" means the tax imposed by this chapter for the privilege of constructing residential dwelling units.

(c) **Imposition and Rate of Residential Construction Tax**

- (1) Prior to the issuance of any building permit for the construction of any residential dwelling unit, the development of any mobile home lot or the remodeling of any nonresidential structure within the incorporated limits of the city for the purpose of residential use, the applicant shall pay to the City a residential construction tax fee which shall be equal to one percent to the nearest dollar of the value or valuation, or \$1,000.00, whichever is less, of the residential dwelling unit, mobile home lot or converted residential structure as reflected on the building permit. The value or valuation of the building permit shall reflect actual costs of residential construction in the area as determined by the community development department in accordance

with the building code in effect in the city and Marshall-Swift formulas utilized by the Washoe County Assessor's Office.

- (2) In the case of remodeling a nonresidential structure into residential dwelling unit(s), the value or valuation of the building permit shall reflect the actual cost of remodeling the structure for use as a residential dwelling unit(s).
- (3) For the purposes of this chapter, the following types of development shall not be required to pay a residential construction tax: reconstruction of any building damaged by fire or other natural causes; rehabilitation, remodeling or expansion of an existing dwelling unit; replacement of a structure used as a dwelling unit on which a residential construction tax was previously paid; or construction of a structure for student housing by the State of Nevada or political subdivision thereof and located on land owned by the governmental agency constructing the student housing complex.

(d) **Creation of Neighborhood Park and Park Facilities Districts**

- (1) Five neighborhood park and park facilities districts are hereby created by the City. Residential construction taxes collected within a particular district will be expended for the acquisition, improvement, and/or expansion of neighborhood parks and facilities for parks within that district.
- (2) The Parks and Recreation Department shall conduct a continuing study of population trends and concentrations as well as of neighborhood development throughout the city. At least once every five years, the Parks and Recreation Department shall submit recommendations to the City Council, based on the study, suggesting any changes to the number of boundaries of the districts to insure that monies collected from the residential construction tax are expended for the benefit of the residents within the district from which they were collected.
- (3) The City Council shall consider the recommendations of the Parks and Recreation Department required by Section 18.04.1204(d)(2) in determining whether any amendment to 18.04.1204(d)(1) is required. If the City Council determines amendment to Section 18.04.1204(d)(2) is required, it shall consider the recommendations of the Parks and Recreation Department in adopting such amendment.

(e) **Creation of Neighborhood Park and Park Facilities Fund**

- (1) The Office of the Director of Finance shall establish a special fund known as the neighborhood park and park facilities fund.
- (2) The neighborhood park and park facilities fund shall be divided into separate accounts with one account for each neighborhood park and park facilities district.
- (3) All taxes collected pursuant to Section 18.04.1204(b) shall be placed in the account within the neighborhood park and park facilities fund for the district in which the tax was collected.
- (4) All interest derived from within the neighborhood park and park facilities fund shall accrue to the particular district account within the fund from which the interest was derived.
- (5) The neighborhood park and park facilities fund shall be used only for consultant fees and the acquisition, improvement, and expansion of neighborhood parks and park facilities in the city.

- (6) If a neighborhood park has not been developed or park facilities installed or improvements made to existing or neighborhood parks within the park district created to serve the neighborhood within three years after the date on which 75 percent of the residential dwelling units within an approved subdivision or development are first occupied, all money paid by the subdivider or developer, together with interest at the rate at which the City has invested the money in the fund, shall be refunded to the owners of the lots in the subdivision or development on a pro rata basis.

a.

(7) .

(f) **Refunds for Amenities**

A developer shall be entitled to a refund of all of the money that is paid with respect to a residential subdivision or development, together with interest thereon at the average rate at which the City has invested the money in the special revenue fund that is provided for in this chapter, if that developer, at any time prior to the date on which seventy-five percent of the residential dwelling units that are authorized within such subdivision or development first became occupied:

- (1) Provides for and establishes, in the recorded declaration of conditions, covenants and restrictions with respect to such subdivision or development, an association for the common ownership and maintenance of a developed park site or area that is designed for, and dedicated exclusively to, recreation in such subdivision or development, such developed park site or area continues to be owned and maintained by such organization for park and recreational use by the existing and future residents of such subdivision or development and such developed park site or area contains a minimum of two hundred fifty (250) square feet of developed open space per dwelling unit in such subdivision or development;
- (2) Constructs a public park, which satisfies the square-footage requirement and contains the amenities that are set forth in Subsection (1) of this Section; or
- (3) Constructs a combination of private park facilities that are established, owned and maintained in accordance with the recorded declaration of conditions, covenants and restrictions with respect to such subdivision or development, as the same is required by Subsection (1) of this Section, and public park facilities, which combination, in the aggregate, satisfies the square-footage requirement and contains the amenities that are set forth in Subsection (1) of this Section.

(g) **Application for Alternative Treatment**

- (1) A developer who seeks alternative treatment shall submit to the City a proposed development plan, project narrative and a construction timetable for the project. Developer may submit such plans and documents in conjunction with and as part of an application for a development agreement pursuant to RMC Section 18.08.805 Development Agreements.
- (2) The City Council, with input from appropriate staff, shall review the developer's submissions and shall approve or deny such application, or request such additional information as is deemed necessary. The process of review and approval shall

take into account and be based upon the City's park specifications and the intent of this chapter.

- (3) If an application is approved, the residential construction tax for the project may be credited, or refunded conditioned upon the developer's execution of an agreement with the City requiring the developer to construct and maintain the park facilities and submit security for their construction in an amount equal to the estimated cost of construction, as determined by the City, plus ten percent for contingency. The instruments of security or other agreements shall specify the duration of the security and its manner of release, and shall provide remedies in the event of default

(h) **Types of Construction Security**

The security submitted for the construction of the park facilities pursuant to Sections 18.04.1204(f) or (g) may be as follows:

- (1) A deposit of cash or approved government securities;
- (2) A surety bond issued by a surety company authorized to do business in the State and in a form approved by the City Attorney;
- (3) An agreement with a local financial institution which provides generally that out of the funds loaned to the developer for the construction of the subdivision or development, the lending institution will require that sufficient funds to complete the park facilities and the removal of all rubbish, trash, debris, surplus material and equipment from the area that is to be improved and the adjacent properties will be set aside and used for that purpose, that the lending institution will maintain a ten percent retention of the funds until the installation of the park facilities and the release of funds have been approved by the City;

### 18.04.1205 Regional Road Impact Fee

(a) **General Provisions**

(1) **Short Title, Authority and Application**

a. **Title**

This article shall be known and may be cited as the Regional Road Impact Fee (hereinafter "RRIF") article.

b. **Authority**

The City Council has the authority to adopt this article pursuant to the Nevada Constitution, NRS Chapter 278, NRS Sections 278B.010—278B.320, NRS Section 244.155, NRS Section 244.195, and NRS Sections 277.080—277.180.

c. **Application**

This article shall apply to all lands within the boundaries of the City of Reno and pursuant to the Regional Road Impact Fee Ordinance Interlocal Cooperative Agreement (hereinafter "RRIF Interlocal Cooperative Agreement").

d. **Effective Date**

The RRIF article shall become effective 30 days after this article and similar ordinances are adopted by Washoe County and the City of Sparks.

(2) **Intent and Purpose**



a. **Intent**

Intent is to implement regional CIP, local road CIPs and local master plans. This article is intended to implement and be consistent with the Regional Road Impact Fee System Capital Improvements Plan (hereinafter "RRIF CIP"), the City of Reno Capital Improvements Plan (hereinafter "Local CIP") and Master Plan, and the Local CIPs and master plans of the other two participating local governments.

b. **Purpose**

Purpose is to establish a region wide impact fee program. The purpose of this article is to establish a region wide impact fee program by the establishment of a comprehensive and region wide system for the imposition of road impact fees to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, the road capital improvements identified as needed to be built in the RRIF CIP which has been adopted as the City of Reno's CIP, and the local CIP of the other two participating local governments.

(3) **Liberal Construction, Severability and Penalty Provisions**

a. **Liberal Construction**

The provisions of this article shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

b. **Severability**

If any subsection, phrase, sentence or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

(b) **Adoption and Amendment of RRIF Manual**

The latest edition of the regional road impact fee system general administrative manual (hereinafter "RRIF manual") approved by the Regional Transportation Commission of Washoe County is hereby adopted by reference. The RRIF Manual shall contain appropriate definitions, an independent fee calculation study, exemptions, credits, appeals and review sections for the effective administration of the program. It may subsequently be amended by a resolution approved by the regional transportation commission board and the governing bodies of each participating local government.

(c) **Adoption of RRIF Capital Improvement Plan**

The latest edition of the regional road impact fee capital improvement program (RRIF CIP) adopted by the Regional Transportation Commission of Washoe County is hereby adopted by reference. It may be amended only by subsequent ordinance.

(d) **Service Areas**

There are hereby established two service areas for the imposition of regional road impact fees and the collection and expenditure of funds under the provisions of this article. The service areas are identified in Figure 3 of the RRIF CIP and are defined as:

(1) **North Service Area**

Starting at the southwest corner of the district at the California-Nevada state line and Interstate 80, follow the state line north to the northern boundary of the Washoe County North Valleys planning area (i.e., northern boundary of the Red Rock Hydrographic Basin boundary), then east along the northern boundary of the North Valleys planning area (i.e., northern boundary of the Red Rock and Bedell Flat



Hydrographic Basin boundary), then north to the northwest corner of the Warm Springs planning area, then north and east along the northern boundary of the Warm Springs planning area, then southeast and south along the boundary of the Warm Springs planning area, then west along the southern boundary of the Warm Springs planning area to the eastern edge of the Washoe County Spanish Springs planning area and the Washoe County Truckee Canyon planning area, then southwest along the western edge of the Truckee Canyon planning area to Interstate 80, then west along Interstate 80 to the California-Nevada state line.

(2) **South Service Area**

Starting at the northwest corner of the district at the California-Nevada state line and Interstate 80, follow Interstate 80 east to the western edge of the Washoe County Truckee Canyon planning area, then south along the Washoe County-Storey County line to the Washoe County-Carson City line, then west along the Washoe County-Carson City line to the southern jurisdictional line of the Tahoe Regional Planning Agency and the Washoe County Tahoe planning area, then north along the California-Nevada state line to Interstate 80.

(e) **Amount of Impact Fees to be Imposed**

- (1) The amount of the impact fees shall be determined by the local RRIF Administrator in accordance with the applicable provisions of the RRIF Manual Adopted by the Regional Transportation Commission of Washoe County on September 19, 2014 or by resolution as provided in Subsection 18.04.1205(b), *Adoption and Amendment of RRIF Manual*, and in conjunction with the fee schedule identified as Appendix B of the RRIF CIP. Appendix B may be amended by ordinance or in accordance with subsection (b) as authorized by NRS Section 278B.225.
- (2) Except as provided in subsection (d), the current amount of the impact fee set forth in the column designed "Fees" in Exhibit D of the RRIF Manual shall be automatically increased to off-set inflation each year in which the City does not:
  - a. Adopt any revisions to the land use assumptions regarding the Regional Road Impact Fee; or
  - b. Adopt any revisions to the capital improvement plan; or
  - c. Otherwise increase the impact fee.
- (3) In years of an automatic increase, the current amount of the impact fee may be increased:
  - a. By a percentage equal to the average annual percentage of increase in the Consumer Price Index for West Urban Consumers for the preceding five calendar years; or
  - b. By 4.5 percent, whichever is less.
- (4) Each increase authorized in subsection (b) shall be cumulative and become effective one year after:
  - a. The date upon which the impact fee initially becomes effective; or
  - b. The date the City Council adopts a revised capital improvements plan; or
  - c. The effective date of any previous increase in the impact fee pursuant to subsection (b), whichever occurs last.

- (5) The amount of the fee for a traffic generating land development activity paying the fee shall be determined by the date the building permit application or certificate of occupancy is issued by the Community Development Department, City of Reno.

(f) **Use of Funds**

(1) **Establishment of Trust Fund**

There is hereby established the City of Reno Regional Road Impact Fee Trust Fund (hereinafter "City of Reno RRIF Trust Fund") and the RTC Regional Road Impact Fee Trust Fund (hereinafter "RTC RRIF Trust Fund") for the purpose of ensuring that fee payers receive sufficient benefit for regional road impact fees paid.

(2) **Deposit in Trust Fund/General Requirements for Trust Fund**

- a. All regional road impact fees collected by the City of Reno's RRIF Administrator pursuant to this article shall be immediately deposited in the City of Reno RRIF Trust Fund.
- b. Any proceeds in the City of Reno RRIF Trust Fund not immediately necessary for expenditure shall be invested in an interest bearing account. All income derived from these investments shall be retained in the City of Reno RRIF Trust Fund until transferred to the RTC RRIF Trust Fund. Record of the City of Reno RRIF Trust Fund accounts shall be available for public inspection in the Local Government RRIF Administrator's Office, during normal business hours.
- c. No less frequently than quarterly, and pursuant to the RRIF Interlocal Cooperative Agreement, the City of Reno RRIF Administrator shall transfer the impact fee funds in the City of Reno RRIF Trust Fund to the RTC RRIF Administrator, who shall deposit these funds in the RTC RRIF Trust Fund. All proceeds in the RTC RRIF Trust Fund not immediately necessary for expenditure shall be invested in an interest bearing account. Records of the RTC RRIF Trust Fund accounts shall be available for public inspection in the RTC RRIF Administrator's office, during normal business hours.

(3) **Limitations on Expenditures**

- a. Impact fee monies shall only be expended from funds drawn from the RTC RRIF Trust Fund.
- b. Funds shall only be expended on those projects selected by the RTC Board and approved by the RTC board and the participating local governments in the RRIF interlocal cooperative agreement.
- c. The expenditure of impact fee funds shall be limited to those road capital improvement projects included in the RRIF CIP.
- d. For the purposes of determining whether impact fee funds have been spent or encumbered, the first fees collected shall be considered the first monies spent or encumbered.
- e. If impact fee funds transferred to the RTC RRIF Trust Fund are required to be refunded pursuant to Section VIII of the RRIF Manual, they shall be returned by the RTC RRIF Administrator to the Local RRIF Administrator for refund.

(4) **Service Areas**

The two service areas within which impact fees are collected are described in the RRIF CIP. Impact fee funds shall be spent within the service area from which the traffic generating land development activity paying the fee is located, except that:

- a. Where a road on the RRIF Network as identified in the RRIF CIP is used to define service area boundaries, the road demarcating the boundary shall be considered as part of both service areas that it bounds, the impact fees from both service areas may be used to fund road capital improvements for that road, including regionally significant freeway ramps that provide access to a boundary road; or
- b. Impact fee funds may be used to fund a road capital improvement on the RRIF CIP outside the service area from which the fees are collected if it is demonstrated by competent substantial evidence that the fee payers from the service area from which the fees come will receive sufficient benefit from the road capital improvement, as provided in the RRIF Manual.

### 18.04.1206 Police Facility Impact Fee<sup>459</sup>

#### Commentary

This section includes the ordinance language adopted by the Reno City Council on May 27, 2020.

#### (a) General Provisions

##### (1) Short Title, Authority, and Application

- a. **Title**  
This article shall be known and may be cited as the "police facility impact fee" (hereinafter "PFIF") article.
- b. **Authority**  
City Council has the authority to adopt this article pursuant to the Nevada Constitution, Sec. 278, et seq., NRS, Sec. 278B.010—278B.320, NRS, Sec. 244.155 and 244.195, NRS, and Sec. 277.080—277.180, NRS.
- c. **Application**  
This article shall apply to all lands within the boundaries of the City of Reno.

##### (2) Intent and Purpose

- a. **Intent**  
Intent is to implement the police facility capital improvements plan and the Master Plan. This article is intended to implement and be consistent with the City of Reno Police Facility Impact Fee Capital Improvements Plan (hereinafter "PFIF CIP") and the Master Plan.
- b. **Purpose**  
Purpose is to establish a police facility impact fee program. The purpose of this article is to establish an impact fee program for the imposition of police facility impact fees to assure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, the police facility capital improvements identified as needed to be built in the adopted PFIF CIP.

<sup>459</sup> Language reflects the ordinance adopted by the Reno City Council on May 27, 2020.

**(3) Liberal Construction, Severability, and Penalty Provisions**

**a. Liberal Construction**

The provisions of this article shall be literally construed to effectively carry out its purposes in the interest of the public health, safety, welfare, and convenience.

**b. Severability**

If any subsection, phrase, sentence, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions.

**(b) Adoption and Amendment of PFIF Manual**

The latest edition of the Police Facility Impact Fee System General Administrative Manual (hereinafter "PFIF Manual") approved by City Council is hereby adopted by reference. The PFIF Manual shall contain appropriate definitions, an independent fee calculation study, exemptions, credits, appeals, and review sections for the effective administration of the program. It may subsequently be amended by a resolution approved by City Council.

**(c) Adoption of PFIF Capital Improvement Plan**

The latest edition of the PFIF CIP adopted by City Council is hereby adopted by reference. It may be amended only by subsequent ordinance.

**(d) Service Area**

There is a hereby established one service area for the imposition of police facility impact fees and the collection and expenditure of funds under the provisions of this article. The service area is identified in Appendix A of the PFIF CIP and is defined as all lands within the boundaries of the City of Reno except Nevada System of Higher Education, Reno-Tahoe Airport Authority, and tribal lands.

**(e) Amount of Impact Fees to be Imposed**

- (1) The amount of the impact fees shall be determined by the PFIF Administrator in accordance with the applicable provisions of the PFIF Manual Adopted by resolution as provided in Section 18.14.502 and in conjunction with the fee schedule identified as Appendix 2 of the PFIF CIP.
- (2) The amount of the fee for a land development activity paying the police facility impact fee shall be determined by the date the building permit application or certificate of occupancy is issued by the Community Development Department.

**(f) Use of Funds**

**(1) Establishment of Trust Fund**

There is hereby established the City of Reno Police Facility Impact Fee Trust Fund (hereinafter "City of Reno PFIF Trust Fund") for the purpose of ensuring that fee payers receive sufficient benefit for police facility impact fees paid.

**(2) Deposit in Trust Fund/General Requirements for Trust Fund**

- a. All police facility impact fees collected by the City of Reno's PFIF Administrator pursuant to this article shall be immediately deposited in the City of Reno PFIF Trust Fund.
- b. Any proceeds in the City of Reno PFIF Trust Fund not immediately necessary for expenditure shall be invested in an interest-bearing account. All income derived

from these investments shall be retained in the City of Reno PFIF Trust Fund until transferred to the RTC RRIF Trust Fund. Record of the City of Reno RRIF Trust Fund accounts shall be available for public inspection in the City of Reno Finance Department, during normal business hours.

(3) **Limitations on Expenditures**

- a. Impact fee monies shall only be expended from funds drawn from the PFIF Trust Fund.
- b. Funds shall only be expended on those projects selected by the and approved by City Council.
- c. The expenditure of impact fee funds shall be limited to those police capital improvement projects included in the PFIF CIP.
- d. For the purposes of determining whether impact fee funds have been spent or encumbered, the first fees collected shall be considered the first monies spent or encumbered.

(g) **Termination Date**

The PFIF article shall terminate 10 years after this article is adopted or when impact fee revenue collections reach the cost of the planned Public Safety Center at 455 East 2nd Street attributable to new development, whichever comes first.

## Article 13 Exterior Lighting

### Commentary

This article is substantially revised to provide more detailed lighting standards that address different types of lighting, spillover light, and dark sky lighting requirements. Current standards, mostly in Chapter 18.12, Article XIII, are general in nature and required major updates to achieve best practices and policy direction from the Master Plan.

#### 18.04.1301 Purpose<sup>460</sup>

The purpose of this article is to provide for exterior lighting that protects and promotes public health, safety, and welfare by permitting reasonable uses of exterior lighting for nighttime safety, utility, security, and enjoyment while minimizing light pollution, increasing energy efficiency, and promoting high quality lighting design that enhances the built environment.

#### 18.04.1302 Applicability<sup>461</sup>

(a) **New Development**

All exterior lighting shall be installed in conformance with this article and other applicable City codes.

(b) **Additions and Renovations**

For any proposed addition or renovation to an existing structure where the total gross floor area following the addition or renovation is more than 500 square feet greater than the total gross floor area of the existing structure before addition or renovation, all exterior lighting on the site shall be installed or retrofitted to be in conformance with this article and other applicable City codes.”

(c) **Exemptions**

(1) **Emergency Lighting**

<sup>460</sup> New.

<sup>461</sup> New. Except for cross-reference to residential adjacency standards.

Lighting used only under emergency conditions shall not be subject to this article.

(2) **Seasonal Lighting**

Temporary seasonal lighting between Thanksgiving and January 15 shall not be subject to this article, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties. This exemption shall not apply to the use of holiday-style lights outside the allowed season.

(3) **Lighting Required by FAA or FCC**

Lighting required by the Federal Aviation Administration or the Federal Communications Commission shall not be subject to this article.

(4) **Special Events**

Special events that have been issued a temporary use permit pursuant to Article 5 of Chapter 18.03, *Temporary Uses and Structures*, shall be allowed temporary lighting for the duration of the event, provided such lighting does not create glare to motorists or result in light trespass onto adjacent properties.

(5) **Lighting Required by Building Code**

Any lighting that is required by the building code for life safety purposes such as stairway lighting, walkways, and building entrances, shall not be prohibited by this article but shall be subject to the lighting standards.

(6) **Streetlights**

Streetlights designed in accordance with the Public Works Design Manual.

(7) **Outdoor Recreation and Entertainment Facilities**

Lighting for outdoor recreation and entertainment facilities may exceed the standards of Article 13, *Exterior Lighting*, as necessary to achieve usual and customary lighting levels for the proposed facility.

(d) **Related Regulations**

See Section Chapter 18.04 Article 1418.04.1407, *Spillover Lighting*, for additional exterior lighting standards applicable to development subject to residential adjacency standards.

**18.04.1303 Administration<sup>462</sup>**

(a) **Lighting Plan Submittal Required**

For all conditional use permits, minor conditional use permits, major site plan reviews, site plan reviews, and building permits, the applicant shall, as part of the application process, submit sufficient information to enable the Administrator or decision-making body to determine whether proposed lighting complies with this article. Except for single-family and duplex residences, the Administrator may require a photometric plan if necessary to demonstrate compliance with this article.

(b) **Plan Approval**

If the Administrator determines that any proposed lighting does not comply with this article, the associated permit shall not be issued or the application approved unless an alternative is approved pursuant to subsection (c), below.

(c) **Discretionary Approval of Lighting Alternatives**

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<sup>462</sup> New.

The Administrator may approve alternative lighting designs, materials, or methods of installation or operation not specifically prescribed by this article provided the proposed alternative:

- (1) Results in approximate equivalence to the applicable specific requirement of this article; and
- (2) Complies with the intent of this article.

#### 18.04.1304 General Exterior Lighting Standards<sup>463</sup>

The following standards for exterior lighting apply to all districts except the MD-ED, MD-UD, MD-ID, MD-RD, and MD-NWQ Districts:

##### (a) Prohibited Lighting Types

The following types of exterior lighting are prohibited unless allowed elsewhere in this Title:

- (1) Unshielded lights or any other light that produces glare and light trespass in excess of that allowed in Subsection 18.04.1304(c), *Lighting Output Levels*.
- (2) Upward-directed lighting that allows spillage into the sky;
- (3) Mercury vapor and low-pressure sodium lighting;
- (4) Lights affixed to the top of a roof, except where required by building code;
- (5) Lights that flash, move, revolve, blink, flicker, vary in intensity, change color, or use intermittent electrical pulsation;<sup>464</sup>
- (6) Lights directed toward areas where air traffic is engaged in an initial straight climb following takeoff or in a straight final approach toward a landing at an airport; and<sup>465</sup>
- (7) Searchlights, unless permitted by the Administrator for a period not to exceed three days. No more than three such permits may be issued for the same location within a one-year period.<sup>466</sup>

##### (b) Shielding and Light Trespass

- (1) All light fixtures are required to be fully shielded, unless approved by the Administrator pursuant to Section 18.04.1303(c), *Discretionary Approval of Lighting Alternatives*.

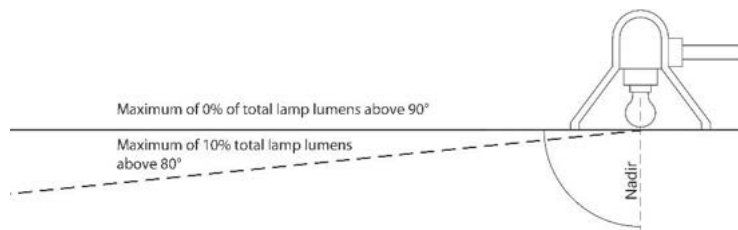


Figure 4-40: Light Fixture Shielding

<sup>463</sup> The standards, below, apply to all districts and uses unless otherwise noted (e.g., the Downtown Districts are exempt). All standards are new unless otherwise noted.

<sup>464</sup> Existing standard 18.12.1304(a) is modified here.

<sup>465</sup> Existing standard 18.12.1304(b) is modified here.

<sup>466</sup> Existing standard 18.12.1303 is modified here.



- (2) All light fixtures shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source or the adjoining public rights of way. Lighting shall not be aimed onto adjacent properties.
- (3) Light trespass onto adjacent public rights-of-way is allowed but may be limited by the Administrator to address a public safety concern or maintain lighting levels consistent with the surrounding area. See Figure 4-41.

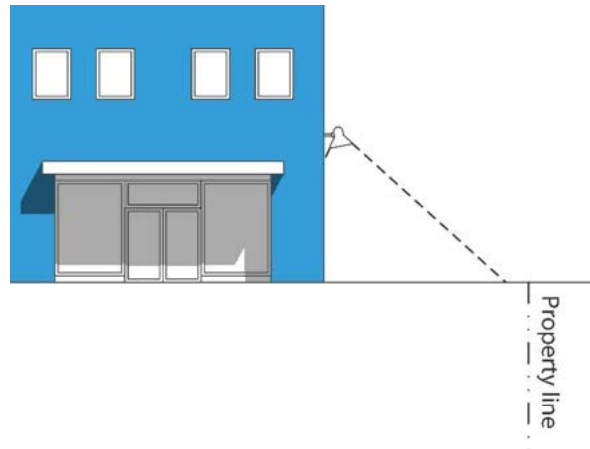


Figure 4-41: Light Trespass

- (c) **Lighting Output Levels**  
Lighting levels for a property shall not exceed 100,000 lumens per acre.
- (d) **Lighting Temperature**  
Lighting temperature shall not exceed 4,000 Kelvin.
- (e) **Lighting Controls**
  - (1) **Lighting Hours**  
All exterior lighting, except security lighting and flagpole lighting, shall be extinguished outside of business hours, or between the hours of 10:00 p.m. and 6:00 a.m., whichever is more permissive.
  - (2) **Motion Sensors**
    - a. Motion sensors may be used where the sensor is triggered by activity within the property lines only.
    - b. Motion sensing fixtures shall be adjusted to turn off when detected motion ceases and shall only be used with incandescent, fluorescent, LED lighting, or halogen lamps.
- (f) **Floodlights and Spotlights**
  - (1) Floodlights and spotlights shall be fully shielded so that the light element is not visible to an observer on any residentially zoned property or any public right-of-way.
  - (2) Stationary floodlighting of the structure is permissible if nothing else is floodlighted and the lighting is screened in a manner that is architecturally compatible with the structure.

(g) **Gaming Overlay District**

Exceptions to these standards may be approved as part of a conditional use permit for a nonrestricted gaming operation in the Gaming Overlay district.

**18.04.1305 Parking Area Lighting<sup>467</sup>**(a) **Generally**

- (1) All parking lot lighting shall use full cut-off fixtures.
- (2) Parking lot lighting poles shall not exceed 30 feet in height in nonresidential districts, 25 feet in height in mixed-use districts, and 18 feet in height in residential districts.
- (3) Additional lighting standards for projects subject to residential adjacency standards are outlined in Section 18.04.1407, *Spillover Lighting*.
- (4) Parking lot lighting shall be located to not have light blocked by the expected growth of parking lot trees.

(b) **Structured Parking**

Interior lighting within parking structures shall not count toward the total lumens allowed.

**18.04.1306 Lighting for Outdoor Recreation and Entertainment Facilities<sup>468</sup>**(a) **Hours of Operation**

Exterior lighting of recreation or entertainment event shall be turned off by 10:00 p.m. or no later than one hour after the end of the event, whichever is later.

(b) **Illumination Standards**

- (1) All lighting shall use full cut-off fixtures.
- (2) All lighting fixtures shall be mounted and directed no higher than 62 degrees up from vertical so that no direct illumination extends off the site.

**18.04.1307 Installation and Maintenance<sup>469</sup>**(a) **Maintenance**

Exterior lighting shall be maintained in good structural condition at all times.

(b) **Lamp or Fixture Substitution**

Any proposed change to the type of light source after a permit has been issued shall require submitting a change request to the Administrator for approval prior to substitution.

(c) **Underground Electrical Service Required**

New electrical service required for exterior lighting shall be located underground.

**Article 14 Residential Adjacency<sup>470</sup>****Commentary**

This article includes an enhanced set of residential adjacency standards, building on those in the current 18.12.304. These standards are intended to ensure compatible transitions between new intensive nonresidential development and residentially zoned property. They are structured as a freestanding article to give them prominence and to avoid

<sup>467</sup> New.

<sup>468</sup> New.

<sup>469</sup> New.

<sup>470</sup> Formerly Section 18.12.304 under Article III, *Site and Building Design Standards*.

repetition in other parts of the code (e.g., grading). For existing sections carried forward, we have broadened the scope from protecting single-family neighborhoods or districts to all residential districts.

#### 18.04.1401 Purpose<sup>471</sup>

The purpose of this article is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when mixed-use and nonresidential development is located near residential zoning districts.

#### 18.04.1402 Applicability

This article applies to all nonresidential development built on or within 150 feet of any property in a residential zoning district, exempting nonresidential developments that are no greater than three stories in height or 10 acres in size and are separated from residentially zoned property by a freeway or major arterial. For mixed-use development, this article applies to nonresidential project components, including access and circulation routes.

#### 18.04.1403 Use Limitations<sup>472</sup>

- (a) Where these residential adjacency standards apply, the following uses or features shall be prohibited as principal or accessory uses:
  - (1) Public address systems that exceed the limits established in Section 18.04.1408, *Noise*; and
  - (2) Outdoor storage located between a principal building and a residentially zoned property.
- (b) Drive-through lanes shall not be located within 100 feet of residentially zoned property unless separated by a principal building or a six-foot-tall solid screen fence, wall, or landscaped berm, in addition to at least ten feet of landscaping, or where all owners of residentially zoned property within 100 feet of the drive-through lane provide written consent.

(c)

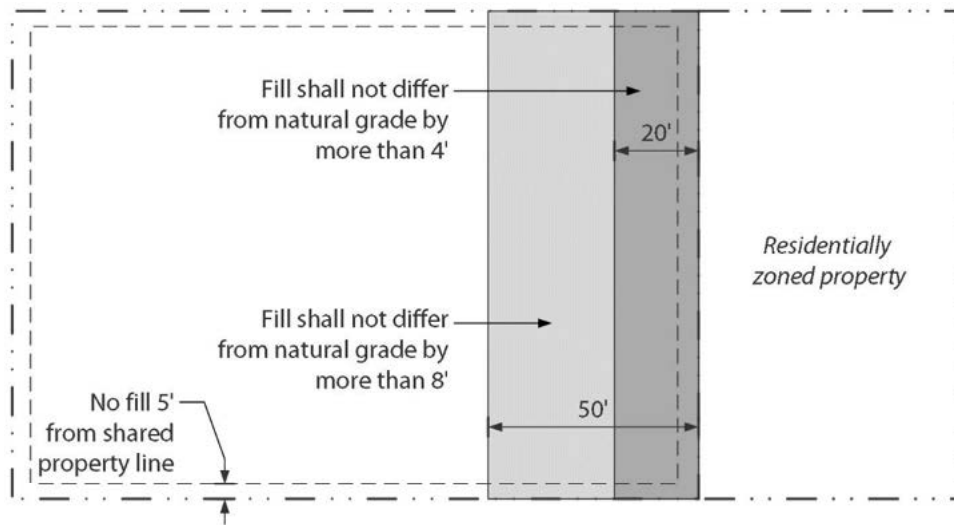
#### 18.04.1404

- (a) All grading for subdivision improvements, conditional use permits, or other discretionary or building permits shall:
  - (1) Not place any fill for a distance of 5 feet from the shared property line.
  - (2) For a distance of 20 feet from the shared property line with a residentially zoned property, fill depths shall not exceed the natural grade by more than 4 feet.
  - (3) For a distance of 50 feet from the shared property line with residentially zoned property, fills depths shall not exceed the natural grade by more than 8 feet. See Figure 4-42, below.

<sup>471</sup> New.

<sup>472</sup> New. Some standards have been relocated to more relevant sections.

<sup>474</sup> New content in subsection (a). Existing standards in subsection (b) relocated here from Article 2, *Grading*, to be with other residential adjacency standards.



**Figure 4-42: Grading Near Property Line**

- (b) Grading for nonresidential development adjacent to single-family zoned property shall not include fill slopes which exceed the pad grades of the adjoining single-family residences within 20 feet of the property line of the single-family residence.
- (c) Exceptions or variations from these standards may be approved with written consent of the adjoining residential property owner or when the decision making body determines that the proposed variation from the strict application of these standards is consistent with development patterns in the area and would not significantly impact the adjoining residence. Alternative features for compatibility may be required when approving exceptions.

#### 18.04.1405 Site and Building Orientation<sup>475</sup>

##### (a) **Site Orientation**

- (1) To the extent feasible, nonresidential developments shall be designed with higher activity areas, such as parking, circulation, loading, and delivery areas, oriented away from any abutting residential uses.
- (2) Where site limitations necessitate higher activity levels abutting residential uses, additional landscaping and/or screening may be required.

##### (b) **Building Configuration**

- (1) Multi-building developments shall be configured to locate the tallest and largest structures within the core of the site and provide a gradual decrease in building height and mass towards adjacent residential land uses.
- (2) Horizontally integrated mixed-use developments shall locate nonresidential uses away from the adjacent residential district.

<sup>475</sup> (a), (b), and (c) are new, (d) is existing.

- (c) **Building Facades**  
Developments shall be constructed such that the facade design, including roof lines and roof treatments, is consistent on all sides of the building that are visible from public streets or residential districts.
- (d) **Transitions**  
To reduce impacts on residentially zoned property, buildings constructed within 150 feet of a residentially zoned property shall comply with the standards outlined in subsection 18.04.903(c)(1), *Additional Setbacks and Stepbacks for Compatibility*.

#### 18.04.1406 Signage Adjacent to Residential

- (a) No advertising signage shall be permitted on a rear or side building façade that faces an abutting residentially zoned property.
- (b) All advertising signage adjacent to and visible from residential districts shall be carefully designed to minimize visibility from adjacent residential districts. Internally illuminated signs may not be oriented toward residential districts. Signs may only be illuminated during allowed hours of operation per subsection 18.04.1403, *Use Limitations*.

#### 18.04.1407 Spillover Lighting

In addition to complying with the general standards in Article 13, *Exterior Lighting*, development subject to the residential adjacency standards in this article shall comply with the following:

- (a) **Lighting Standard**  
Lighting from a nonresidential property shall not create greater than 0.5-foot candle of spillover light at a property line of any property zoned LL (all districts), SF (all districts), or MF-14.
- (b) **Redirecting/Screening of Light Sources**  
All sources of light, including security lighting, illuminated signs, vehicular headlights, and other sources, shall be directed away from residentially zoned property; or screened so that the light level stated in subsection 18.04.1407(a), above, is not exceeded.
- (c) **Lighting Near Residential Areas**  
Light fixtures and standards in or within 100 feet of any single-family residential zoning district shall not exceed 18 feet in height. The Administrator may permit additional height provided such lights are a sharp cut-off lighting system and shorter light fixtures are not feasible.
- (d) **Exclusions for Existing Higher Light Levels**  
Where existing light levels already exceed the standards of this article as of the effective date of this Title, the subject source may not increase existing levels.

#### 18.04.1408 Noise<sup>476</sup>

- (a) **Noise at Residential Property Lines**
  - (1) **Measurement**  
Measurement of noise shall be made at the residential property line with a sound level meter and octave band analyzer meeting the standards prescribed by the American Standards Association.

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<sup>476</sup> Existing standards.

**(2) Permissible Noise Level<sup>477</sup>****a. Nighttime Noise Level**

Noise levels shall not exceed 49 db leq or 49 db for a single event occurring on a re-occurring basis at a residentially zoned property line between 10:00 p.m. and 7:00 a.m.

**b. Daytime Noise Level**

Noise levels shall not exceed 65 db leq or 65 db for a single event on a reoccurring basis at a residentially zoned property line.

1. Noise associated with temporary construction activity is exempt from the standards from 6:00 a.m. to 7:00 p.m.
2. Airport airplane operations are exempt from these standards.

**(b) Exclusions for Existing Higher Ambient Noise Levels**

Where existing ambient noise levels already exceed the standards of this article as of the effective date of this Title, the subject source may not increase existing levels.

**18.04.1409 Odor<sup>478</sup>****(a) Generally**

- (1) Uses and activities that produce continuous, regular, or frequent odors and/or emissions, detectable beyond the boundary of the property from which the odor originates, may be prohibited, in whole or in part, if the odor or emission in question is a known health risk, danger, or if the Administrator judges such odor or emission to be harmful to the rights of others to enjoy their property.
- (2) All uses and activities shall be sufficiently insulated so no unreasonable odor can be detected off premises.

**(b) Service Areas**

Service areas containing outdoor garbage or recycling containers shall not be located within 25 feet of an adjacent residential district unless no other feasible options are available and the project is designed to mitigate impacts on adjacent properties.

**18.04.14010 Off-Street Parking<sup>479</sup>**

- (a) To minimize the impacts of off-street parking for nonresidential uses on residential areas, parking shall be established in one or more of the locations listed below. The locations are listed in priority order from highest to lowest; the applicant shall select the highest feasible location from this list and shall demonstrate why that application was selected over other alternative locations.
  - (1) Adjacent to off-street parking lots serving nonresidential uses on abutting lots;
  - (2) Adjacent to lot lines abutting nonresidential or mixed-use development;
  - (3) On the side of a corner lot not facing the primary street frontage;
  - (4) Behind the building; or
  - (5) Adjacent to lot lines abutting residential uses.

<sup>477</sup> Staff asked if Clarion has any example standards for differentiating between recurring versus single events. We have not drafted such a standard before and recommend using a clear maximum standard for all types of events.

<sup>478</sup> Existing standards clarified. Separation standard for service areas and garbage containers established

<sup>479</sup> New.

- (b) If nonresidential parking is located within 30 feet of residential districts and is not separated by a principal building, wall screening shall be provided in accordance with Subsection 18.04.808(b), *Screening Between Land Uses*, with the landscape area increased to 10 feet.

#### 18.04.14011 Cut-Through Traffic<sup>480</sup>

Sites shall avoid access locations that would encourage cut-through traffic through adjacent residentially zoned properties.

#### 18.04.14012 Use of Alleys

Commercial truck and automobile traffic shall be prohibited on alleys that are shared with residentially zoned properties between the hours of 10:00 p.m. and 7:00 a.m. This includes, but is not limited to, deliveries, and commercial parking lot access. Garbage collection is governed by a franchise agreement and is not subject to this standard.

#### 18.04.14013 Loading Activities<sup>481</sup>

- (a) Off-street loading areas shall not be located within 30 feet of an adjacent residential district unless no other feasible options are available, and the project is designed to mitigate impacts on adjacent properties.
- (b) Service and loading areas shall be screened from residential districts pursuant to subsection 18.04.808(c), *Screening of Outdoor Service Areas, Utilities, and Equipment*.
- (c) Loading facilities for large tractor trailers (not including package delivery services such as Federal Express or UPS) shall be designed to not directly face residentially zoned property. In the event that tractor trailer loading facilities are located adjacent to residentially zoned property, the loading bay(s) and truck loading space(s) shall be fully screened from adjacent residentially zoned property with a building or a solid wall not less than 14 feet in height matching the primary building materials and colors.

## Article 15 Housing

### Commentary

This article contains existing standards from current 18.12, Article II with edits to more strongly incentivize the creation of affordable housing. Future amendments related to housing may be considered following the code update and if approved would likely be added to this Article.

#### 18.04.1501 Purpose

The purpose of this this article is to promote the development and maintenance of affordable housing.

#### 18.04.1502 Applicability

All new residential and mixed-use development shall be constructed in conformance with this article and other applicable City codes.

<sup>480</sup> New.

<sup>481</sup> New.



**18.04.1503 Incentives for Affordable Housing<sup>482</sup>****(a) Minimum Affordability Guidelines**

The minimum requirements for rental and homeowner units to qualify as "affordable" are defined by the U.S. Department of Housing and Urban Development.

**(b) Density Bonus Incentives****(1) Density Bonus for Units Meeting Affordability Guidelines**

Projects may earn bonus density for including affordable housing if they comply with the following standards:

- a. Projects can receive a density bonus if the development includes affordable units meeting the standards in subsection b., below, and if the development complies with the following:
  1. Affordable and bonus units have to be comparable and representative of the overall complex; and
  2. Public transportation must be located within one-quarter mile of the project boundaries.
- b. The following density bonuses are available:
  1. Two and one-half additional units for each one unit offered to qualifying households earning no more than 30 percent of AMI (adjusted median income);
  2. Two additional units for each one unit offered to qualifying households earning no more than 40 percent of AMI;
  3. One and one-half additional units for each unit offered to qualifying households earning no more than 60 percent of AMI; or<sup>483</sup>
  4. One additional unit for each unit offered to qualifying households earning no more than 80 percent of AMI.<sup>484</sup>
- c. The maximum density bonus allowed is 45 percent over the zoning district maximum density stated in Article I of this Chapter.<sup>485</sup>
- d. Bonus units shall not be included in density calculations for purposes of determining compliance with the Master Plan.
- e. Projects must demonstrate that they will continue to meet affordability guidelines for a period of at least 20 years.<sup>486</sup>

**Article 16 Skyways****Commentary**

These are existing standards (Current 18.12, Article XX) carried forward with no substantive changes. An amendment to the Skyway Design Manual is currently in process.

**18.04.1601 Purpose**

<sup>482</sup> Current 18.12, Article II, with edits to more strongly incentivize the creation of affordable housing.

<sup>483</sup> Updated to 60% of AMI from 50%.

<sup>484</sup> Updated to 30% of AMI from 25%.

<sup>485</sup> Updated to 30% from 25% density reduction.

<sup>486</sup> Changed from 30 to 20 years.

The purpose of this article is to establish a process for the review of development proposals which include skyways, as defined in Chapter 18.09 *Rules of Construction and Definitions*, to ensure that proposed skyways:

- (a) Are consistent with the orderly development of the project;
- (b) Are architecturally compatible with the supporting buildings and the surrounding environment;
- (c) Will not have a significant detrimental effect on the volume of street level activity;
- (d) Have been designed to enhance the aesthetics of the community, lessen the "tunnel effect" of elevated structures, and include appropriate aesthetic treatment above and along the covered roadway; and
- (e) Preserve view corridors in Reno.

#### **18.04.1602 Applicability**

No building permit shall be issued to erect or construct any development proposal that includes a skyway unless the requirements of this article are met and a conditional use permit is obtained, subject to the requirements of this article and Section 18.08.605, *Conditional Use Permit*. All proposals under this article shall require a hearing by the City Council.

#### **18.04.1603 Prohibited Skyway Locations**

No skyway shall be permitted to bridge:

- (a) Virginia Street between Eighth Street on the north and Liberty Street on the south;
- (b) The Truckee River Corridor, a designated Scenic View Corridor, as further depicted in Figure 4-43, below;
- (c) Second Street between Evans Avenue on the east and the terminus of Keystone Street on the west;
- (d) The intersection of Virginia Street and Second Street;
- (e) Fourth Street between Evans Avenue on the west and Wells Avenue on the east;
- (f) Sierra Street between Eighth Street on the north and Elm Street on the south;
- (g) Center Street between Eighth Street on the north and Seventh Street on the south;
- (h) The south ramps of Interstate 80 between Ralston Avenue on the west and Valley Road on the east;
- (i) First Street between West Street on the west and Ralston Street on the east; and
- (j) Arlington Avenue between First Street on the south and Second Street on the north.

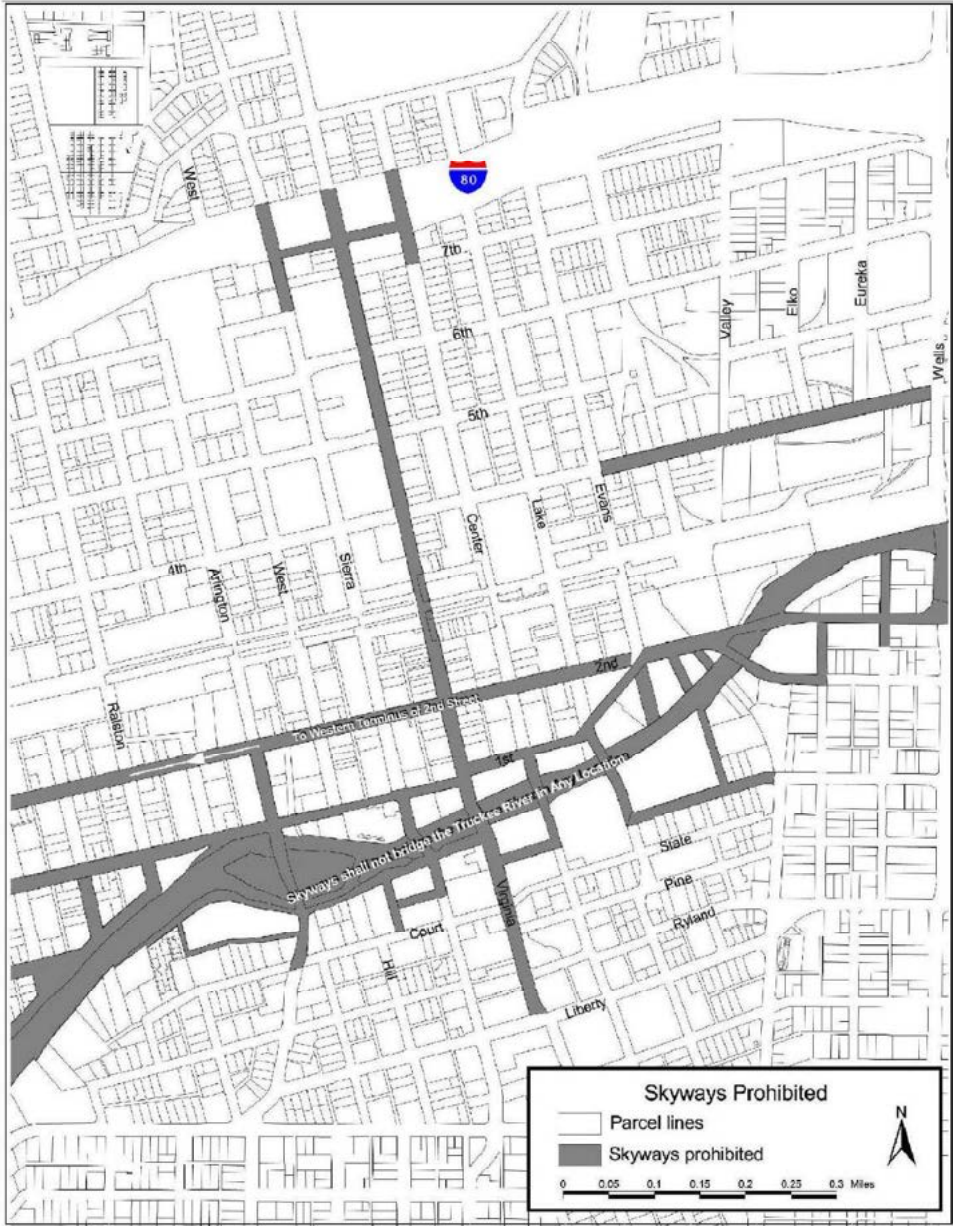


Figure 4-43: Map of Prohibited Skyway Locations

18.04.1604 Conditional Use Permit Required<sup>487</sup>

<sup>487</sup> Updated this section to remove redundant standards from Applicability, above, and include relocated findings from Section 18.08.603, Special Use Permit.

**(a) Findings**

In addition to the general conditional use permit findings in Section 18.08.605, *Conditional Use Permit*, the following findings shall be made prior to granting a special use permit:

- (1) The skyway design is consistent with the skyway design guidelines and lessens the "tunnel effect";
- (2) The skyway does not materially impair the view of scenic resources, such as significant mountains, significant natural resources, or significant historic resources, officially recognized by the City of Reno;
- (3) The applicant has demonstrated that the skyway is consistent with the orderly development of the project or area;
- (4) The applicant has demonstrated that the skyway will not negatively impact the number of pedestrians at street level by providing written consent of the owners of at least 75 percent of the frontage on both sides of the affected block of any street proposed for a skybuilding.

**18.04.1605 Skyway Design****(a) Skyway Design Guidelines<sup>488</sup>**

Skyway design guidelines set forth in Appendix B to this Title, and are hereby incorporated by reference. These guidelines may be amended only after a public hearing by the Planning Commission and adoption of a resolution by the City Council.

**(b) Compliance with Design Guidelines**

Skyways shall conform to the skyways design guidelines stated in Appendix B to this Title. To demonstrate that proposed skyways are in substantial conformance with the skyway design manual, photo renderings shall be required with a development application that includes a skyway. Photo renderings shall include all the following:

- (1) 80 inches by 11 inches color photographs of the existing street views in each direction, at the pedestrian and vehicular level, showing the views that exist for that roadway, including the structures abutting the street for a distance of not less than 100 feet, and including any other skyways within 660 feet of the proposed skyway in the Downtown Reno Regional Center Overlay District or within 1,320 feet of the proposed skyway in all other districts; and
- (2) 80 inches by 11 inches color renderings, which are an accurate representation of the proposed skyway added to the photographs; and
- (3) Photographs and photo renderings that are at least 24 inches by 36 inches in size for display purposes; and
- (4) 35 mm slides of the photographs/photo renderings; and
- (5) At the City's discretion, the applicant may be required to provide a scale model depicting the accurate colors and materials of the proposed skyway and terminus buildings.

**18.04.1606 Maintenance**

Skyways shall always be properly maintained by the skyway property owner. Ventilation and lighting of the public space covered by skyways shall be powered and metered independently in

<sup>488</sup> This appendix will be carried forward as an appendix with the new code. In process edits will be included upon adoption.

order to provide continuous service to the public. The property owner shall not terminate the lighting and ventilation without the consent of the City. The City, at its discretion and expense, may operate the lighting and ventilation systems for the public space. Any expenditure by the City under this provision will be reimbursed to the City by the property owners. If a skyway is closed to the public, a notation shall be placed at any ground-level entry point.

#### 18.04.1607 Public Safety

To ensure public safety prior to the issuance of a building permit, the applicant shall hire a qualified, licensed contractor to provide engineering specifications to ensure that public safety personnel will be able to transmit and receive information inside, underneath, and within all areas directly surrounding, connected to, or covered by skyways. This requirement includes radio transmissions, pager information, and wireless or cellular telephone. Prior to the issuance of a certificate of occupancy, the applicant shall install, test, and demonstrate adequacy of these engineering specifications for communication.

### Article 17 Safe Scape Regulations

#### Commentary

These existing standards (Current 18.12, Article XXI) are carried forward, but are proposed to be moved to Title 5 as part of a separate pending ordinance related to packaged alcohol sales. If that ordinance is adopted prior to the Code update, this Article will be removed.

#### 18.04.1701 Purpose

The purpose of this article is to:

- (a) Safeguard property and promote public health, safety, and welfare in and around the businesses;
- (b) Prevent crime, illegitimate behavior, and nuisance behavior in and around the businesses;
- (c) Protect the City's investment in the redevelopment of the downtown areas;
- (d) Maintain and revitalize downtown property values;
- (e) Preserve and improve the quality of the City's downtown neighborhoods and commercial districts; and
- (f) Preserve and improve the quality of urban life, by providing minimum standards for designated businesses subject to the limitations of Section 5.07.125.

#### 18.04.1702 Applicability

This article applies only to those commercial buildings and premises upon which businesses are conducted that are subject to the limitations of Section 5.07.125, with the following exceptions:

- (a) **Off-Site Sales as an Incidental Use**  
For incidental businesses defined as those having not less than 100 square feet but not more than 2,500 square feet of distinct floor space which are engaged in the sale of alcoholic beverages for off-site consumption within a primary business with a minimum of 20,000 additional square feet of floor space, if such distinct and incidental business is located entirely within the primary business and has neither an outdoor storefront nor a door leading immediately to the outdoors, the area of the business subject to this article shall be limited to the premises of the distinct and incidental business only and not with respect to the primary business as a whole.

- (b) **Gift Basket Delivery Businesses**  
Businesses previously qualifying under the former gift basket delivery exception in subsection 5.07.125(c)(3) shall not be subject to any provision of this article.
- (c) **Special Events Fine Wine Tasting and Sales**  
Businesses qualifying under the exception in subsection 5.07.125(4) shall not be subject to any provisions of this article.

#### 18.04.1703 Operating Hours and Conditions

- (a) **Hours of Operation**  
A business shall not sell any type or quantity of alcoholic beverages between the hours of 1:00 a.m. and 5:00 a.m. unless such business has complied with all provisions of this article.
- (b) **Height Marker**  
A height marker shall be placed at each exit to enable witnesses to a crime to estimate the height of the perpetrator.
- (c) **Storage**  
Outdoor storage of equipment, merchandise, materials, boxes, and other materials is prohibited.
- (d) **Telephones**  
A business shall be required to have a public telephone listing and an operational telephone that is easily accessible by and within direct line of sight of the salesclerk(s).

#### 18.04.1704 Products Offered for Sale

- (a) **Types of Containers**  
Malt beverages shall not be sold in glass containers in excess of 16 ounces in volume.
- (b) **Bags for Cans or Bottles**  
Alcoholic beverage containers shall not be placed in opaque bags or boxes at or after the time of sale except where the volume of alcohol purchased is in excess of three liters.

#### 18.04.1705 Surveillance

- (a) **Entry Detectors**  
A detector shall be placed at each entrance of the business open to the public to alert the salesclerk, other store personnel and customers of the entrance or exit of any person.
- (b) **ATMs and Calling Card Vending Machines**  
All automated teller machines and calling card vending machines shall be located inside the building, mounted securely to the floor and/or wall, located so as not to block required views of the cashier, within direct line of sight of the cashier, and not less than ten feet from the edge of any entrance or exit.
- (c) **Video Surveillance Cameras**
  - (1) Each business shall have video surveillance cameras that allow salesclerks or other employees to monitor interior and exterior on-premise activity. These cameras shall always be recording during business hours. The data collected by the cameras shall be stored for at least 24 hours.



- (2) Each business shall have a minimum of one sign in a conspicuous location stating that the premises is under active video surveillance.

#### 18.04.1706 Windows and Doors

(a) **Visibility**

- (1) The total area of opaque objects, including but not limited to items such as signs, displays, coolers, merchandise, automatic teller machines, and calling card vending machines, which are located on or within three horizontal feet of the window shall not exceed 25 percent of the area of any window or door glass.
- (2) Existing glass coverage on the storefront (including glass doors and windows) and other exterior glass coverage adjacent to and generally parallel to a public street or other public right-of-way shall not be reduced or eliminated.

(b) **Window and Facade Security**

- (1) Metal security bars or grates on windows, when used on a side of a building facing a public right-of-way, shall be located on the interior side of the window.
- (2) The style and shape of windows shall be consistent with the design of the facade, and with any design guidelines adopted by the city for the area in which the business is located.
- (3) The following guidelines shall apply to the windows and facade of a building facing a public right-of-way.
  - a. Businesses are encouraged to remove new facades or facade coverings that were placed on the original facade.
  - b. Transom and awning windows are encouraged if they are compatible with the original facade design.
  - c. Awnings are encouraged.

(c) **Door Security**

Metal accordion grate or grill-type doors, when located on the wall of a building facing a public right-of-way when such building is subject to this article, shall be located within the building interior. Metal accordion grate or grill-type doors shall be equipped with metal guide tracks at top and bottom, and a cylinder lock and/or padlock. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

#### 18.04.1707 Numbering of Buildings

(a) **Requirements**

The address number of buildings subject to this article shall be illuminated during the hours of darkness so that it shall be easily visible from the street or right-of-way. The numerals in these addresses shall be no less than six inches in height and of a color contrasting with the background. In addition, any business in a location that affords vehicular access to the rear through any driveway, alleyway, or parking lot shall also display the same numbers on the rear of the building.



**18.04.1708 Outside Areas****(a) Outdoor Merchandise**

Outdoor merchandise and outdoor displays and racks shall not be permitted between the front facade of the main building and the adjacent right-of-way.

**(b) Landscaping**

- (1) Landscaping shall not obstruct views required by this article, provide hiding places or areas for drug sales or other illegal or illegitimate activity, or interfere with natural surveillance of the exterior premises.
- (2) Tree canopies, shrubs, and groundcover shall be planted and maintained to uphold a visual clearance zone between 3 ½ feet (42 inches) and 6 ½ feet (78 inches) above the ground.
- (3) Landscaping shall be designed and installed to soften the appearance of buildings and parking lots.
- (4) Landscaping shall be designed and installed to aid in defining routes of pedestrian and vehicular ingress and egress.
- (5) Landscaping shall be designed and installed to provide shade for pedestrians and parked cars.

**(c) Fencing**

- (1) Fences or other permanent buildings shall enclose the portions of the exterior premises not within line of sight of cashier stationed at the primary point of sale.
- (2) Fences shall be constructed of a durable material, shall be a maximum of 25 percent opaque, shall be a minimum of five feet high, and shall not be of a chain-link type.
- (3) Signs shall not be posted on fences.

**(d) Refuse**

All refuse, except for temporary construction debris resulting from a project for which a valid building permit has been issued, shall be contained in refuse containers. Such containers shall comply with the following provisions:

- (1) They shall be designed and located to:
  - a. Avoid entrapment or hiding areas conducive to loitering, public drinking, drug dealing, urination, or defecation behind, at the side of, or within refuse containers.
  - b. Avoid a place for people to sleep in or quickly dispose of alcohol containers being consumed illegally on the premises.
- (2) Except for refuse containers located within enclosures constructed as an integrated part of a commercial building, each refuse container shall be subject to one of the following conditions:
  - a. Have a freestanding enclosure which is at most five feet in height, includes durable, self-closing and lockable doors or gates, is open at the bottom six to 12 inches except for necessary corner posts and is permanently attached to the ground; or

- b. Have a capacity of at least ten cubic yards, be shared by at least five separate but adjacent businesses and be operated pursuant to a city approved agreement; or
  - c. Be located in an alley with an approved dumpster permit issued by the city.
- (3) They shall not be located in the front area of the building unless within enclosures approved by the city.
- (4) They shall be illuminated from ½ hour after sunset to ½ hour before sunrise at an average horizontal illuminance level of between two and four foot-candles, measured three feet above the surface.

#### 18.04.1709 Compliance Review

(a) **Review Process**

Each time a business subject to this article seeks a new license or renewal of an existing license, the City may conduct a review of the business for compliance with this article. The City may enter and review each business for compliance with the provisions (including all guidelines) of this article. No review shall take place within the first six months after the effective date of this article. To the extent the time frame for such provision has passed, the City's inspection may include a compliance review of all such provisions.

(b) **Noncompliance**

If a business is in noncompliance with the provisions of this article, it shall serve as grounds for suspension, revocation, or non-renewal of the business's license for the sale of alcoholic beverages for off-site consumption pursuant to Section 4.04.190, with the following additional provisions:

- (1) A business subject to Section 5.07.125 shall not receive a new or renewed business license for the sale of alcoholic beverages for off-site consumption without first timely complying with the provisions of this article.
- (2) Two violations of any provision of this article within any 12-month period shall result in a mandatory 30-day suspension of the license for the sale of alcoholic beverages for off-site consumption.
- (3) Three violations of any provision of this article within any 12-month period shall result in a mandatory revocation of the license for the sale of alcoholic beverages for off-site consumption.
- (4) If a business seeks renewal of an existing license but is denied renewal for failure to comply with the provisions of this article, then so long as the business voluntarily ceases selling packaged liquor, it shall have six months to comply with the provisions of this article. If the business fails to comply with the provisions of this article within six months from the date it voluntarily ceases to sell packaged liquor, such failure shall result in the mandatory revocation of the license for the sale of alcoholic beverages for off-site consumption.

(c) **Other Penalties**

Any person operating, maintaining, or using any premises that is subject to this article or who causes the same to be done in violation of this article shall be guilty of a misdemeanor and shall be punished as provided in Title 1. This provision is in addition to any other remedy allowed by law.

(d) **Courtesy Inspection**

Prior to receiving a license for the sale of alcoholic beverages for off-site consumption under Chapter 5.07 for the first time, a business may request one courtesy inspection from the City in order to identify any non-compliance of such businesses with the provisions of this section. This inspection may occur within 30 days of such a request.

(e) **Nuisances**

Any premises subject to this article that is operated, maintained, or used contrary to the provisions of this article is declared to be unlawful and a nuisance. The City has cause to commence action or proceedings to seek remedy in the manner prescribed by law. The City shall take such steps and apply to such courts for relief to abate such nuisance, and restrain and enjoin any person, firm, or corporation operating, maintaining, or using any such premises contrary to the provisions of this article.

# Chapter 18.05 Signs

## Commentary

This chapter carries forward the existing sign regulations found in Chapter 18.16 of the current code. No major organizational or substantive changes are included as part of the current code update project. Changes were needed in section 18.05.204 to maintain the existing permitted and prohibited locations for off-premise advertising (billboards). The current standards reference old zoning districts that are not being maintained. In some cases, the code now references an official map for off-premise advertising locations. A supplemental memo is provided for the public can understand how this section was adjusted and how those changes maintain current locational standards.

Additional efforts focused on reformatting to match the new general format, plus identification and removal of any standards that regulate signage based on content. Temporary sign regulations have been made content-neutral to comply with recent federal case law.

## Article 1 On-Premises Signs

### 18.05.101 Purpose, Scope, and Authority

The purpose of this article is to promote the public health, safety, general welfare, and aesthetics by regulating and controlling the size, number, height, and location of on-premises signs. This article is intended to accomplish the following:

- (a) To promote and maintain healthy commercial centers by providing for effective communication of the nature of goods and services available, and eliminating wasteful and unsightly competition in signs;
- (b) To encourage sign design that is integrated with and harmonious to the building and sites occupied;
- (c) To add to the quality of life by minimizing visual pollution;
- (d) To attract and direct persons to various activities and enterprises, thereby providing for the maximum public convenience;
- (e) To notify or warn the public about the location or existence of hazardous or dangerous conditions;
- (f) To protect and enhance the residential neighborhoods by prohibiting obtrusive and incompatible signs; and
- (g) To allow noncommercial speech on any otherwise permissible sign.

### 18.05.102 On-Premises Allowable Sign Area

Where the allowable sign area is a function of business frontage, no more than two business frontages may be counted in calculating the allowable area for any building occupant.

### 18.05.103 Location of Permanent On-Premises Signs

Signs located on private property shall not extend across property lines into adjacent property or into a public right-of-way except as provided in this chapter. Freestanding or projecting signs may be located within, or project into, setbacks except that no sign shall be located in a manner that would create a hazard for pedestrian, bicycle, or automobile traffic.

### 18.05.104 Number of On-Premises Signs

The number of freestanding signs allowed is specified in Table 5-1, *Sign Regulations by Zoning District*, below. Wall signs are not specifically restricted by number, provided the maximum area

is not exceeded. In all zones, suspended signs located perpendicular to the front of the building and not exceeding six square feet in area will not be included in calculating the number of signs. Multiple signs on a single freestanding structure are allowed; provided, that all signs supported by a single structure are visually compatible with one another.

#### **18.05.105 Sign Area Computation for On-Premises Signs**

The allowable sign area shall apply to the maximum geometric area of all sign faces visible from any one point at eye level. Where a sign consists of individual letters, numbers or symbols, painted on or attached directly to a building, which are without an integrated background and are not enclosed in a frame or cabinet, the area of the display shall be the average height of the display times the average width or the sum of the surface area of individual letters, whichever is smaller. If such a display consists of more than one line or component, the area of each line or component may be calculated separately. Where a display is enclosed in a frame or cabinet, or has an integrated background, the entire area within the frame, cabinet, or background shall be included.

#### **18.05.106 Regulated On-Premises Signs**

All on-premises signs erected or located in the city, which are not exempted by federal or state law, or Title 14, *Buildings and Construction*, are subject to the provisions of this Chapter and Title 14, *Buildings and Construction*.

#### **18.05.107 Permit Required**

- (a) Except as otherwise provided, no person may erect, enlarge, alter (except for normal maintenance), or relocate within the city, any sign without first having obtained a sign permit.
- (b) On-premises signs greater than 150 square feet in size, and located within 150 feet of the centerline of the Truckee River, shall require review and approval under Section 18.08.602, *Site Plan Review*.

#### **18.05.108 Exempted On-Premises Permanent Signs**

The following types of signs are not subject to the permit or application requirements of this Chapter and need not be included in any aggregate area computations, however, they are otherwise subject to the standards and requirements of this Title:

- (a) Address number or plates and residential nameplates as required by NRS Section 278.0231.
- (b) Changes in copy or advertising display on an existing sign which do not alter the structure, size, or configuration of the sign.
- (c) On residentially zoned parcels, one or more signs not exceeding a combined total of 16 square feet and the top of the sign(s) is no greater than three feet above the ground located on parcels of one acre or less; one or more signs not exceeding a combined total of 32 square feet and the top of the sign(s) is no greater than six feet above the ground on parcels that are one to five acres; one or more signs not exceeding a combined total of 64 square feet and the top of the sign(s) is no greater than 12 feet above the ground on parcels greater than five acres.
- (d) Flags displayed from permanently located freestanding or wall-mounted flagpoles which are designed to allow raising and lowering of flags. The number of such flagpoles shall be limited in number to one per parcel and the maximum height shall be 30 feet.

- (e) Sign or tablets when cut into any masonry surface or constructed of bronze or other noncombustible surface not to exceed eight square feet in area when located within commercial zones.
- (f) Official traffic-control sign, signals, or devices, and street name signs.
- (g) Signs that notify the public of the location or access of emergency medical services.
- (h) Public safety signs that notify or warn the public about the location or existence of hazardous or dangerous conditions.
- (i) Signs that are located within a building.
- (j) Drive-through facility signs, subject to the following standards:
  - a. For each approved drive-through lane:
    - 1. Up to two signs per lane;
    - 2. Not to exceed a combined 64 square feet per lane, with a maximum height of seven feet.
  - b. Exempted drive-through facility sign copy area shall not be oriented to or visible from any public right of way. Signs may be changeable provided:
    - 1. Displays do not appear to be in motion, flashing or have video;
    - 2. Display does not create a glare or other condition that impairs the vision of drivers or obstructs or interferes with a driver's view of surrounding traffic situations;
    - 3. The sign does not exceed 150 nits between sunset and sunrise; and
    - 4. The sign automatically adjusts/dims to changes in ambient light.

#### **18.05.109 On-Premises Signs Prohibited**

The following types of signs are prohibited within the city:

- (a) Signs that constitute a hazard to traffic or pedestrians;
- (b) Signs located within any stream or drainage canal;
- (c) Mobile, A-framed, or portable signs except as provided in Section 18.05.1010;
- (d) Inflatable or other temporary or wind signs except as otherwise provided;
- (e) Signs which initiate or simulate official signs, or which use yellow or red blinking intermittent light resembling danger or warning signals;
- (f) Sign on public property or rights-of-way or signs attached to utility poles, street-light standards, fences, sheds, trees, hydrants, or similar structures except as otherwise provided in this Chapter;
- (g) Roof signs;
- (h) Wall signs extending above the top of the wall or beyond the ends of the wall to which the signs are attached unless the signs conform to the requirements for projecting signs, or ground signs;
- (i) Signs emitting and/or producing noise, odor, sound, smoke, fire, or other such emissions; and

- (j) Signs within 100 feet of the right-of-way of a freeway that exceed 20 square feet and have faces which are visible from the travel lanes of the freeway.

### 18.05.1010 Temporary On-Premises Signs

In addition to the permanent signage allowed, the following signs shall comply with all provisions and regulations of this chapter; however, no fee, permit, or application is required. Temporary signs are prohibited signs except as provided by this section.

#### (a) **Generally**

##### (1) **Illumination**

No temporary sign shall be internally or externally illuminated.

##### (2) **Location**

- a. Except as provided by this section, no temporary sign shall extend into or over the public right-of-way.
- b. No temporary sign shall extend into the vision triangle area as defined and set forth in Section 18.04.601(b), *Vision Triangles*.

##### (3) **Maintenance**

Temporary signs shall be kept neat, clean, and in good repair. Signs which are faded, torn, damaged, or otherwise unsightly or in a state of disrepair shall be immediately repaired or removed.

##### (4) **Placement**

Temporary signs shall not be attached to trees, shrubbery, utility poles, or traffic control signs or devices. They shall not obstruct or obscure signs on adjacent premises.

##### (5) **Sign Collection and Retrieval**

- a. The City may collect temporary signs placed in the public right-of-way in violation of Section 18.05.1010.
- b. Each sign collected will be stored for a minimum of 30 days excluding all handbills as defined in Chapter 18.09 *Rules of Construction and Definitions*.
- c. Notice will be mailed within five business days of the date of collection to the owner of each sign if the ownership is reasonably discernible.
- d. The owner of the sign may retrieve a sign collected by the City within 30 days of the collection date. The owners shall present proof of ownership of the sign.
- e. The owner of the sign may appeal the City's action as an administrative action by filing an appeal and paying the appeal to the City Council with the City of Reno Clerk's Office within ten days of the sign being removed. The City Clerk shall set the hearing before the City Council at the next City Council meeting at least 15 days in the future.

#### (b) **Allowed Signage**<sup>489</sup>

In the following districts, temporary signage shall be allowed for each parcel as follows. This signage shall not be restricted by content.

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<sup>489</sup> The current code includes content-based standards in this Section, distinguishing between election signs and real estate signs. This new draft text removes the content-based distinction and consolidates the standards, applying the largest sign size and longest time period from the current standards.



**(1) Residential Districts**

One temporary sign per street frontage not exceeding six square feet for up to 95 days total per calendar year. On tracts of land of more than two acres, the sign area may be increased to 32 square feet.

**(2) Nonresidential and Mixed-Use Districts**

One temporary sign per street frontage not exceeding 32 square feet for up to 95 days per calendar year. Square footage may be increased on parcels without established uses or structures by the square footage that would be allowed when calculating for permanent freestanding signs; in this situation street frontage would be used for business frontage.

**18.05.1011 Canopies**

Canopies over the building entrance shall be permitted in all districts and may extend into the public right of way with the permission of the owner of the right of way. Canopies may be embellished with copy that does not exceed 20 square feet. Canopies shall not count towards the sign area allowed or number of signs allowed. Permit required.

**18.05.1012 Removal of Abandoned of On-Premises Signs**

Any sign or sign structure which has been abandoned for a period of six months shall be removed or restored to use within 30 days after a notice of abandonment is issued by the Administrator to the owner of the sign. The Administrator may allow an abandoned sign or sign structure to remain in place, provided that the sign or sign structure is maintained in good condition, and that there is a reasonable possibility that the sign can be restored to use within a one-year period.

**18.05.1013 Permanent On-Premises Sign Regulations by Zoning District**

Sign regulations for each zoning district are established in Table 5-1, below:

<b>Table 5-1 Sign Regulations by Zoning District</b>					
<b>District</b>	<b>Height, freestanding (max.)</b>	<b>Area, freestanding (max.)</b>	<b>Area, Wall (max.)</b>	<b>Illumination</b>	<b>Flashing/ Animation</b>
<b>Residential</b>					
All	6' monument only	50 sq. ft. per access up to 150 sq. ft. max w/site plan review	20 sq. ft. [1][2]	Indirect [8]	Not allowed
<b>Mixed-Use</b>					
All districts not listed below [6] [11]	8' maximum  OR, if the parcel is ≥ one acre, freestanding sign maximum height is 25' (35' if parcel fronts street posted at 35 mph or greater)	125 sq. ft. maximum [5][7]	1 sq. ft. of sign area per lineal foot of business frontage  Sign length shall not exceed 75% of business frontage  All wall sign area shall not exceed 400 sq. ft. per parcel	All types	Not allowed [12]

**Table 5-1 Sign Regulations by Zoning District**

District	Height, freestanding (max.)	Area, freestanding (max.)	Area, Wall (max.)	Illumination	Flashing/ Animation
			5' maximum letter height  Notwithstanding above, each business shall be allowed a minimum 40 sq. ft.		
GC [6][9]	1' per 4' of linear street frontage  Not to exceed 35' for signs adjacent to a major arterial; over 35' adjacent to a major arterial with a conditional use permit <sup>490</sup>	60 sq. ft. up to 100 lineal street ft. frontage  125 sq. ft. for parcel between 100-400 lineal ft. frontage  250 sq. ft. for parcels with more than 400 lineal ft.  [5][7] artistic embellishment, no limit	1 sq. ft. of sign area per lineal foot of business frontage  6' maximum letter height for anchor tenants, 4' maximum letter height for line shops and pad sites  Notwithstanding above, each business shall be allowed a minimum 40 sq. ft.	All types	Allowed up to 35' in height if not facing residential zones
NC [6]	Monument only  8' if < 100' street frontage (12' if 100'+)	60 sq. ft. monument	1 sq. ft./100 GFA (all signs combined not to exceed 400 sq. ft. per parcel, 3' maximum letter height) [4]	Indirect	Not allowed [13]
PO	8' monument only [3]	1 sq. ft./100 sq. ft. of GFA, max 25% of business frontage on a building	20 sq. ft./parcel	Indirect [8]	Not allowed
<b>Nonresidential</b>					
I	25'	80 sq. ft. per frontage; For properties with 2 or more street frontages, maximum combined area of 160 sq. ft. per sign.	1/business/ street frontage 1 sq. ft./lineal foot of building frontage	All types	Not allowed [13]
IC					
ME	25' or bldg. height 1/ street frontage	3 sq. ft./100 GFA combined [10]	3 sq. ft./100 GFA combined [10]	All types; indirect facing residential zones [8]	Allowed up to 25' if not facing residential zones
<b>Special</b>					

<sup>490</sup> Standards changed to no longer list AC and CC districts (which are consolidated in this new draft) and instead refer to proximity to major arterial.

**Table 5-1 Sign Regulations by Zoning District**

District	Height, freestanding (max.)	Area, freestanding (max.)	Area, Wall (max.)	Illumination	Flashing/ Animation
PF	6' monument established by conditional use permit	15% of allowed wall sign area	10 sq. ft/acre	All types; none facing residential	Not allowed
<b>Overlay</b>					
Gaming	100' Conditional use permit required to exceed 100'	No limit	No limit	All types	No limit

Notes:

- [1] Established by conditional use permit for nonresidential use in residential zone.
- [2] Either a wall or monument sign is allowed per street frontage.
- [3] On multi-tenant building, may have one 12 feet center identification sign/frontage.
- [4] Gross floor area (GFA).
- [5] The allowable square footage may be doubled on arterial roadways with a posted speed limited of 35 mph or greater.
- [6] Number of freestanding allowed: one per frontage, 2nd or one additional sign allowed if over 10 acres. Gas stations may have one additional 16 sq. ft. sign.<sup>491</sup>
- [7] Copy area only.
- [8] Signs of light copy and dark backgrounds with internal illumination are permitted, provided the copy makes up less than 50 percent of the sign area.
- [9] As an alternative to specific square footage allowances for wall and freestanding signs in the GC zone, two square feet/lineal foot of building frontage may be utilized for all sign types combined.
- [10] Three sf/100 GFA is the maximum total sign area and may be provided on wall and/or freestanding signs.
- [11] Legally established Nonrestricted Gaming Operation, land uses may use Gaming Overlay district sign requirements.
- [12] Permitted on parcels fronting North Virginia Street, South Virginia Street, West 4th Street, East 4th Street, and Mill Street and shall not exceed 125 sq. ft. Any other street shall require a site plan review for flashing/animated signs.
- [13] Permitted subject to standards outlined in Section 18.05.1014(b)(6)

**18.05.1014 Additional Regulations for Animated Signs**

(a) **Applicability**

The following regulations only apply to fixed message electronic signs and computer controlled variable message electronic signs as defined in Chapter 18.09 *Rules of Construction and Definitions*.

(b) **Standards**

- (1) No animated sign shall exceed 1,500 nits between sunset and sunrise. No animated sign shall exceed 5,000 nits between sunrise and sunset. Signs shall automatically adjust/dim due to changes in ambient light, such as inclement weather.
- (2) Any animated sign constructed prior to December 2, 2015, shall be brought into conformance with the nit standards listed in Subsection 18.05.1014(b)(1), above, by December 2, 2017.

<sup>491</sup> Language regarding the content of the additional 16 sf sign (“...advertising gas prices.”) has been removed from this note to ensure content neutrality.

- (3) Animated signs shall only be allowed within 750 feet of residentially zoned property with the approval of a conditional use permit. The 750 feet shall be measured from the base of the sign to the property line of the residentially zoned parcel.
- (4) No animated signs shall be allowed within 300 feet of the outer boundary of the outer travel lane/white line of:
  - a. State Route 431 (Mount Rose Highway);
  - b. Interstate 80 west of Robb Drive, to the western most city limit;
  - c. U.S. 395 north of North McCarran Boulevard; and
  - d. Interstate 580 south of South McCarran Boulevard.
- (5) Any animated signs located within these areas which were in existence prior to December 2, 2015, may only be enlarged or relocated with the approval of a conditional use permit.
- (6) Notwithstanding Subsection (b)(5), above, only that portion of sign copy regulated by NRS Sections 590.160 – 590.330, *Advertisement of Motor Vehicle Fuel and Petroleum Products*, may be animated provided that:
  - a. The display brightness does not exceed 150 nits between sunset and sunrise;
  - b. Displays do not appear to be in motion, flashing, or have video;
  - c. Displays change no more than 24 times per day; and
  - d. All other sign regulations in this Title that are not specified in these NRS regulations (including zoning limitations, and limitations on number and size of signs) remain in effect.

#### **18.05.1015 Nonconforming On-Premises Signs**

A "nonconforming on-premise sign" is a sign that was lawfully erected prior to the adoption of the sign regulations codified in this chapter, or subsequent amendments thereto, which would not be permitted under the current provisions of such regulations. "Nonconforming signs" include signs that were erected without a conditional use permit and which would require a site plan review under the current provisions of this chapter or of Section 18.08.602, *Site Plan Review*.

#### **18.05.1016 Right to Maintain and Continue the Use of a Nonconforming On-Premises Sign**

A nonconforming on-premises sign may be maintained and continued in use, provided that:

- (a) It is not altered structurally, enlarged, or relocated without proper permits; and
- (b) It is maintained in a good and working condition.

#### **18.05.1017 Termination of Right to Nonconforming On-Premises Sign**

- (a) Any nonconforming on-premises sign that is declared a hazard by the Administrator shall be removed or repaired within ten days of notice to the owner of the sign.
- (b) Any nonconforming sign that requires repairs costing more than 50 percent of its replacement value shall be removed or made to comply with the provisions of this chapter and Title.

#### **18.05.1018 Alteration, Enlargement, or Relocation of On-Premises Sign**

Excluding Section 18.05.1014(b)(4), above, no permit shall be issued for the alteration, enlargement, or relocation of a nonconforming sign unless any changes decrease the amount of any nonconforming size by a minimum of 25 percent and any nonconforming height by a minimum of 25 percent. Methods of lighting shall not be changed until all other elements of the sign are brought into full conformance.

#### **18.05.1019 Time Limitations on Review of Applications for On-Premises Signs**

- (a) The Administrator shall review and make a decision or recommendation regarding an application for on-premises signs which are not a part of or accompanied by an application for any other development on the parcel within five working days of the date the completed application is accepted by the Community Development Department.
- (b) The Administrator shall review and make a decision regarding an application for a temporary or special events on-premises signs no later than three working days of the date the completed application is accepted by the community development department.
- (c) The Administrator shall review and make a decision or recommendation regarding an application for on-premises signs which are a part or accompanied by an application for any other development no later than the decision regarding the development is rendered.
- (d) If the Planning Commission reviews the application the Planning Commission shall hold a hearing promptly but in no event no later than 65 days from the date the completed application is file-stamped within the Community Development Department.
- (e) The Planning Commission shall make its decision promptly but in no event later than 30 days of the date of the opening of the hearing.
- (f) The City Council shall make its decision promptly but in no event later than 30 days of the date of the opening of the hearing.
- (g) If the applicant requests a continuance or a specified time or date for the matter to be hear, the timelines provided herein are deemed waived.

#### **18.05.1020 Appeal of Administrator's Decision**

- (a) Aggrieved persons may appeal the Administrator's decision to the City Council by filing a written appeal in the City's Clerk's office setting forth how they are aggrieved and the reasons for the appeal within five days of the Administrator's written decision.
- (b) The City Clerk shall schedule an appeal before the City Council no less than 14 days or more than 45 days following the last day of the appeal period following the administrative decision.

#### **18.05.1021 Judicial Review**

- (a) Judicial review may be sought in accordance with NRS Chapter 34.
- (b) Except as otherwise provided, if the City denies a "First Amendment" application, the City will institute legal proceedings within ten working days of its final action to determine in an adversarial proceeding the constitutionality of the denial on prior restraint grounds, unless otherwise waived by the applicant. For purposes of this Subsection, a "First Amendment" application is one in which the applicant has inserted the words, "First Amendment" in the caption of the application.

#### **18.05.1022 Decisions Regarding On-Premises Signs**

- (a) Decisions shall be in writing.
- (b) Decisions shall include an explanation setting forth the reasons for the decisions.

## **Article 2 Off-Premises Advertising Displays**<sup>492</sup>

### **Commentary**

This article intends to maintain existing standards and not change any provisions related to the allowable location or number of off-premise signs. The existing system to determine off-premise sign provisions is complex and nuanced. In some cases, research into prior zoning designations is required. Maintaining the current approach following the code update would be even more complex and could result in errors. To address this, existing off-premise sign provisions are converted to a system that utilizes maps to identify each area with unique regulations related to off-premise advertising. While language in code is changing, this approach will allow the City to maintain existing off-premise sign requirements in a way that is more understandable and more feasible to administer.

### **18.05.201 Purpose and Intent**

Recognizing that the City of Reno is a unique city in which public safety, maintenance, and enhancement of the city's esthetic qualities are important and effective in promoting quality of life for its inhabitants and the City of Reno's 24-hour gaming, entertainment, recreation, and tourism economy; recognizing that the promotion of tourism generates a commercial interest in the environmental attractiveness of the community; and recognizing that the visual landscape is more than a passive backdrop in that it shapes the character of our city, community, and region, the purpose of this article is to establish a comprehensive system for the regulation of the commercial use of off-premises advertising displays. It is intended that these regulations impose reasonable standards on the number, size, height, and location of off-premises advertising displays to prevent and alleviate needless distraction and clutter resulting from excessive and confusing off-premises advertising displays; to safeguard and enhance property values; and to promote the general welfare and public safety of the city's inhabitants and to promote the maintenance and enhancement of the city's esthetic qualities and improve the character of our city. It is further intended that these regulations provide one of the tools essential to the preservation and enhancement of the environment, thereby protecting an important aspect of the economy of the city that is instrumental in attracting those who come to visit, vacation, live, and trade on any otherwise permissible sign.

### **18.05.202 Restrictions on Permanent Off-Premises Advertising Displays**

Except as specifically provided in this chapter, or state or federal law, the City shall not issue any permits authorizing the construction of any new, permanent off-premises advertising displays.

### **18.05.203 Nonconforming Permanent Off-Premises Advertising Displays**

- (a) All legally established, permanent off-premises advertising displays existing within the city on the effective date of this Title or subsequently annexed into the city, thereafter, are deemed nonconforming. Nothing in this Chapter shall be construed to require the removal of any nonconforming permanent off-premises advertising display.
- (b) No later than 30 days after the effective date of this Title and by July 15<sup>th</sup> of each year thereafter:
  - (1) All owners of nonconforming permanent off-premises advertising displays shall submit a report to the Administrator detailing the size, height, location, and City of

<sup>492</sup> This article intends to maintain existing location standards and not change allowable locations of number of signs. Further staff and legal review of this article will be completed during the Code update process to ensure intent and adherence to any applicable agreements is adhered to.

Reno inventory number of their current inventory of nonconforming permanent off-premises advertising displays.

- (2) All holders of banked receipts shall submit a report to the Administrator detailing the size, height, location, demolition permit number, and City of Reno inventory number of the permanent off-premises advertising displays associated with holder's unexpired banked receipts.
- (c) All nonconforming permanent off-premises advertising displays may be continued and maintained at their current location until:
  - (1) Required to be removed because of termination of the lease that governs the placement of the nonconforming permanent off-premises advertising display on the real property pursuant to the terms of that lease; or
  - (2) Destroyed or damaged in excess of 50 percent of its material structural value because of a natural disaster, including, without limitation, a fire, flood, earthquake, windstorm, rainstorm, and/or snowstorm.

### 18.05.204 Permanent Off-Premises Advertising Displays: Permitted and Prohibited Locations

#### Commentary

This section outlines an official Off-Premise Advertising Map as a mechanism to maintain current geographic limitations for Off-Premise Advertising. This should make it easier to understand and administer the code, while not changing any of the current requirements.

The existing code section is challenging to administer. In some areas, users have to research prior zoning designations to determine if new advertising displays are allowed. Other sections reference various caps or other restrictions for certain geographic areas. Given changes to the underlying zoning districts, maintaining the current geographic limits without references to a map would be difficult and confusing.

Please note that the official map will be updated in accordance with changes to the underlying zoning district and roadway classifications, except where noted in the new code language.

- (a) **Mapped Locations**<sup>493</sup>  
The "Off-Premise Advertising Map" shall serve as the official map for Off-Premise Advertising locations. The map is adopted by reference and will be updated in accordance with changes to the referenced zoning and roadway designations, except where noted.
- (b) **Permitted Locations**
  - (1) Off-Premise advertising displays shall be permitted only in areas depicted as "Potential Off-Premise Advertising Locations" on the Off-Premise Advertising Map. These areas shall include:<sup>494</sup>
    - a. Areas in the Industrial (I), Industrial Commercial (IC), and General Commercial (GC) districts when within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway unless otherwise prohibited within this article.<sup>495</sup>
    - b. Specific areas depicted as "Permitted Location 1b" on the Off-Premise Advertising Map, when located within 100 feet of the edge of the right-of-way line

<sup>493</sup> New language referencing new map, which is available for review.

<sup>494</sup> Language updated to reference the official map.

<sup>495</sup> The General Commercial (GC) District will include areas currently zoned AC and CC. References to AC and CC are replaced with GC. The IB district and certain mixed-use areas are being combined into the new Mixed Employment (ME) District. To retain existing locations, IB has been deleted here and added in subsection (b)(1)b below.



of a major or minor arterial road or freeway unless otherwise prohibited by this section. These areas reflect areas within the prior Industrial Business (IB) District prior to adoption of this Title.<sup>496</sup>

- c. Specific areas depicted as “Permitted Location 1c” on the Off-Premise Advertising Map, when located within 100 feet of the edge of the right-of-way line of a major or minor arterial road or freeway unless otherwise prohibited by this section. These areas include properties identified by historic zoning districts (AC, CC, IC, IB or I) prior to being rezoned to MU prior to adoption of this Title. This is a fixed boundary.<sup>497</sup>

(c) **Prohibited Locations**

- (1) No permanent off-premises advertising display shall be erected closer to a street than the right-of-way line. No portion of any permanent off-premises advertising display may be placed on or extend over the right-of-way line of any street.
- (2) No permanent off-premises advertising display, or part thereof, shall be located on any property without the consent of the owner, holder, lessee, agent, or trustee.
- (3) No permanent off-premises advertising display shall be located within specific areas depicted as “Prohibited Location 3” on the Off-Premise Advertising Map. This area includes property within 300 feet of the centerline of the Truckee River or within 300 feet of the outer boundary of any areas designated in this Title as the Truckee River Corridor or its successor.<sup>498</sup>
- (4) No permanent off-premises advertising display shall be erected within 300 lineal feet of a residentially zoned parcel on the same side of the street.
- (5) The number of permanent off-premises advertising displays located within 300 feet of the centerline or within the boundaries of the following areas shall not exceed the number of legally existing permanent off-premises advertising displays in that location on July 1, 2012.<sup>499</sup>
  - a. Interstate 80 right-of-way from Robb Drive to the most western city limit.
  - b. U.S. 395 right-of-way from Panther Drive to the most northern city limit.
  - c. Specific areas depicted as Restricted Locations 5c.1 through 5c.7, inclusive on the Off-Premise Advertising Map. These areas reflect certain zoning districts that were in place prior to adoption of this Title, including: the Downtown Reno Regional Center Plan (5c.1), the East 4th Street TOD Corridor (5c.2), Mill Street TOD Corridor (5c.2), the Medical Regional Center (5c.2), the Wells Avenue Neighborhood Plan (5c.2), the northern section of the South Virginia Street TOD (5c.2), and the Midtown District (5c.2). These are fixed boundaries.<sup>500</sup>
  - d. If any off-premises advertising displays are removed from the areas identified in Sections 18.05.204(c)(5)a. – c., above, the maximum number of permanent off-

<sup>496</sup> Revised language establishes a fixed mapped boundary to maintain current allowed locations in the old IB district. Language also documents the basis for this map area.

<sup>497</sup> Revised language establishes a fixed mapped boundary to maintain current allowed locations portions of the old MU district. Language also documents the basis for this map area.

<sup>498</sup> Language updated to reference the official map. Language prohibiting billboards in Open Space along the Truckee river is also removed because billboards are already prohibited in the Parks, Recreation and Open Space district.

<sup>499</sup> The existing section reference (18.16.902(b)) does not exist in current Code. Staff has maintained data identifying the cap numbers and existing displays. The erroneous reference was removed.

<sup>500</sup> Revised language establishes a fixed mapped boundary to maintain current prohibited locations identified in the old code. Language also documents the basis for this map area.

premises advertising displays allowed in the identified area shall be reduced accordingly. The removed signs shall not be replaced or banked.

- e. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with this article.
- (6) No permanent off-premises advertising displays shall be located within 200 feet of the right-of-way of McCarran Boulevard except within the following locations:
- a. Talbot Lane east to Mill Street.
  - b. Northtowne Lane west to Sutro Street.
  - c. This subsection neither prohibits relocation of existing off-premises displays within the above locations nor reconstruction of existing off-premises advertising displays provided that the relocated and/or reconstructed permanent off-premises advertising display conforms with this article.
- (7) The number of permanent off-premises advertising displays within 300 feet of the centerline of U.S. 395 from Patriot Boulevard to Neil Road shall not exceed seven permanent off-premises advertising displays.
- (8) The number of permanent off-premises advertising displays located within annexation areas that are regulated by Washoe County specific plans shall not exceed the number of legally existing off-premises permanent advertising displays as of their respective effective dates of annexation,<sup>501 502</sup>
- a. If permanent off-premises advertising displays are not specifically listed as an allowed use in the pertinent specific plan, permanent off-premises advertising displays shall be prohibited.
  - b. Reconstruction of an existing off-premises advertising display is allowed provided that the reconstructed off-premises advertising display conforms with this article.
- (9) No permanent off-premises advertising display, or part thereof, shall be located within a Historic or Conservation District.
- (d) **Prohibited Digital Displays**  
No permanent off-premises digital advertising display, or part thereof, shall be located within City of Reno or the City of Reno Sphere of Influence.<sup>503</sup>

### 18.05.205 General Standards for Permanent Off-Premises Advertising Displays

- (a) The area of display surface shall be the total square feet of geometric area of display surfaces which comprise the total off-premises advertising display, except the structure. The computation of display surface of a back-to-back off-premises advertising display shall be limited to one display surface.
- (b) No off-premises advertising display shall have a primary display surface, not including allowed cut-outs, greater than 672 square feet.

<sup>501</sup> The existing section reference 18.16.920(b)) does not exist in the existing code. Staff will research appropriate reference and applicability prior to consolidated draft has maintained data identifying the cap numbers and existing displays. The erroneous reference was removed.

<sup>502</sup> There are no properties currently subject to this standard and Cooperative Planning Areas were eliminated with adoption of the 2019 Regional Plan. Language has been updated accordingly to apply to future annexation areas.

<sup>503</sup> Reorganized to be a separate subsection because this a prohibited sign type, not a prohibited location.

- (c) A cut-out shall not exceed ten percent of the primary surface area of the off-premises display.
- (d) No off-premises advertising display shall exceed 35 feet in height as measured from the surface of the road grade to which the sign is oriented to the highest point of the off-premises advertising display. If the off-premises advertising display is oriented to more than one road grade, the lowest road grade shall be the reference point.
- (e) No off-premises advertising display shall be located closer than 750 feet to the next off-premises advertising display on either side of the same street. No mechanically changeable off-premises advertising display shall be located closer than 1,000 feet to the next mechanically changeable off-premises advertising display on either side of the same street.
- (f) All off-premises advertising displays shall be maintained in a clean and well-functioning condition. Surface shall be neatly painted. Property immediately surrounding off-premises advertising displays shall be maintained and kept free of litter, rubbish, weeds, and debris. Any off-premises display deemed to be a nuisance as defined in Chapter 8.22, *Nuisances*, shall be enforced as provided for in Chapter 1.05, *Code Enforcement*.
- (g) The permit/inventory number, as assigned by the Administrator shall be displayed on every permanent off-premises advertising display.
- (h) The reverse side of a cut-out shall be dull and non-reflective.
- (i) The reverse side of a single-face off-premises advertising display shall be dull and non-reflective.
- (j) No tree may be removed for the purpose of erecting an off-premises advertising display. If an existing tree would impact the visibility of a site which otherwise meets the requirements of Sections 18.05.204 and 18.05.205, above, a variance to the spacing requirements may be requested. If the variance to the spacing requirements is denied as a final action, the tree may be removed. If the variance to spacing requirements is approved, the tree may not be removed.
- (k) Off-premises advertising displays shall be of monopole design.
- (l) All lighting shall be directed toward the off-premises advertising display.
- (m) An off-premises advertising display may not contain more than two faces and one face may not be angled from the other face by more than 20 degrees as measured from the back of the structure supporting the face.

### 18.05.206 Prohibited Types of Off-Premises Advertising Displays

The following off-premises advertising displays are prohibited:

- (a) Signs which emit noise via artificial devices;
- (b) Roof signs;
- (c) Signs which produce odor, sound, smoke, fire, or other such emissions;
- (d) Stacked signs;
- (e) Temporary signs except as otherwise provided in Sections 18.05.208 and 18.05.209;
- (f) Wall signs;
- (g) Signs with more than two faces;

- (h) Building wraps; and
- (i) Computer controlled variable message electronic signs.

### **18.05.207 Expiration and Redemption of Banked Receipts; Litigation Stay**

- (a) Nothing in this section shall be construed to require the removal of any existing, permanent off-premises advertising displays, or extinguish or impair the rights of any existing holders of banked receipt(s).
- (b) **Expiration of Banked Receipts**
  - (1) Banked receipts issued by the City prior to July 19, 2012 expire 15 years after the date of issuance.
  - (2) Banked receipts issued by the City after July 18, 2012 expire three years after the date of issuance.
  - (3) Banked receipts issued by the City in connection with any litigation expire in accordance with the terms and conditions of any applicable:
    - a. Court order; or
    - b. Settlement agreement.
- (c) **Application**

The holder of an unexpired and valid banked receipt may submit a sign permit application to the City to construct a permanent off-premises advertising display. At a minimum, the sign permit application shall include the following:

  - (1) The banked receipt which is being exchanged for the proposed off-premises advertising display. Such receipt shall include the inventory number assigned by the City of Reno and proof that a minimum ratio of one square foot of the display represented by the banked receipt is exchanged for one square foot of new display construction. Should the proposed construction exceed the size of the banked receipt display an additional banked receipt shall be redeemed.
  - (2) A description of the proposed site prepared by a land surveyor, licensed by the State of Nevada, demonstrating compliance with the applicable zoning and spacing criteria contained in this chapter;
  - (3) Dimensions of the proposed new permanent off-premises advertising display;
  - (4) Structural calculations and related engineering specifications;
  - (5) Signature of the holder of the banked receipt;
  - (6) Signature of the applicant; and
  - (7) Any other information requested by the City reasonably required to promote the health, safety, morals, or general welfare of the community, and control the location and soundness of the proposed permanent off-premises advertising display.
- (d) **Redemption of Banked Receipt**

Upon review and in accordance with the applicable zoning, spacing, and general standards contained in this chapter, the Administrator shall issue a permit authorizing the holder of a banked receipt to construct a new permanent off-premises advertising display on the proposed site. Upon completion of construction, the legally established, permanent off-premises advertising display shall be deemed nonconforming for the purposes of this chapter.

(e) **Litigation Stay**

Notwithstanding Sections 18.05.207(a)-(d), until the validity of banked receipts issued prior to October 24, 2012 is resolved in *Scenic Nevada v. City of Reno, et al.*, Case No CV17-00361, the City shall not accept any permit applications authorizing the construction of new, permanent off-premises advertising display based on banked receipts issued prior to October 24, 2012, not in connection with any prior litigation. Banked receipts created because of ReTRAC shall be accepted.

**18.05.208 Temporary Off-Premises Advertising Displays**

Off-premises temporary advertising displays are allowed without permit on private property in any zoning district with the permission of the owner(s), holder(s) lessee(s), agent(s), or trustee(s) as applicable, when the temporary off-premises advertising displays:

- (a) Are located in any zoning district within ½ radial mile of the site on which the activity will take place;
- (b) Shall be a maximum of six square feet;
- (c) Shall be designed to be stable under all weather conditions, including high winds;
- (d) Shall not obstruct the vision triangle as defined and set forth in Section 18.04.601(b) or traffic control device or impair access to a sidewalk, street, driveway, bus stop, or fire hydrant; and
- (e) Displayed for less than 12 hours each day, no earlier than 6:00 a.m. or later than 9:00 p.m.

**18.05.209 Temporary Off-Premises Advertising Displays for Special Events**

A holder of a special event's permit may apply for a building permit pursuant to Title 14, *Buildings and Construction*, to erect a temporary off-premises advertising display promoting the special event provided the temporary off-premises advertising display:

- (a) Complies with this article, as applicable;
- (b) The applicant has obtained a permit to hold a special event;
- (c) The proposal complies with City policies if the applicant seeks to use City-owned improvements such as poles designed for temporary signs or buildings;
- (d) Such off-premises advertising displays, when permitted, shall not be installed prior to 30 days before and shall be removed within ten after the special event advertised;
- (e) The temporary off-premises advertising display shall not exceed 100 square feet;
- (f) The temporary off-premises advertising display shall be designed to be stable under all weather conditions, including high winds; and
- (g) The temporary off-premises advertising display shall not obstruct the sight distance triangle as defined in Section 18.04.601(b) nor a traffic control device or impair access to a sidewalk, street, highway, driveway, bus stop or fire hydrant.

**18.05.2010 Abandoned Off-Premises Advertising Displays**

- (a) Abandonment is the cessation of the right to continue the existence of a permanent off-premise advertising display:
  - (1) Under existing law;

- (2) When a state of disrepair exists because of substantial tearing, chipping, or missing material 30 days after receipt of notice sent pursuant to Chapter 1.05, *Code Enforcement*;
  - (3) When there is no current business license in existence for the owner(s) of the off-premises advertising display; or
  - (4) When there has been no display for a period of one year with respect to a permanent off-premises advertising display.
- (b) Any off-premises advertising display determined to be abandoned shall reduce the number of off-premises advertising displays allowed under Section 18.05.203(b).

#### **18.05.2011 Time Limitations on Review of Applications for Off-Premises Advertising Displays**

The following are time limitations on the pertinent decision-maker to review applications for off-premises advertising displays as applicable:

- (a) The Administrator shall review and make a decision regarding an application for an off-premises display within five working days of the date the application is filed-stamped by the Community Development Department, on the appropriate form and with payment of the appropriate fee, if any.
- (b) The Administrator shall review and make a decision regarding an application for a temporary or special events off-premises advertising display within two working days of the date the application is filed-stamped by the Community Development Department, on the appropriate form and with the appropriate fee, if any.
- (c) If the Hearing Examiner or the Planning Commission review the application, Hearing Examiner or the Planning Commission shall hold a public hearing within 65 days of the date the application is filed-stamped with the Community Development Department.
- (d) The Hearing Examiner or Planning Commission shall make its decision within 30 days from the date of the opening of the public hearing.
- (e) The City Council shall make its decision within 30 days of the date of the opening of the public hearing.
- (f) If the applicant requests a continuance or a specified time or date for the matter to be heard, the timelines provided herein are deemed waived.

#### **18.05.2012 Appeal of Administrator's Decision**

- (a) Aggrieved persons may appeal the Administrator's decision to the City Council by filing a written appeal setting forth how they are aggrieved and the reasons for the appeal within five days of the Administrator's written decision.
- (b) The City Clerk shall set the hearing before the City Council at the next available City Council meeting at least 15 days in the future.

#### **18.05.2013 Decisions regarding Off-Premises Advertising Display**

- (a) Decisions shall be in writing.
- (b) Decisions shall include an explanation setting forth the reasons for the decisions.

#### **18.05.2014 Regulated Off-Premises Advertising Display**

All off-premises signs erected or located in the city, which are not exempted by federal or state law, are subject to the provisions of this Article and Title 14, *Buildings and Construction*.

**18.05.2015 Permit Required**

Except as otherwise provided, no person may erect, enlarge, alter (except for normal maintenance), or relocate within the city, any sign without first having obtained a sign permit.



# Chapter 18.06 Land Division

## Commentary

This is from the current Chapter 18.10. Generally, no major substantive revisions are contemplated as part of the code update to this material. The material has been reformatted to match the new general code format and some outdated references are modified. All procedures from the current Article II and Article X have been removed and integrated into the new general procedures chapter.

## Article 1 General Provisions

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### 18.06.101 Purpose, Scope, and Authority

This chapter shall be known and may be cited as the "Reno subdivision ordinance." Its purpose is to safeguard the public health, safety, convenience, and general welfare and to bring about an orderly, coordinated development of the area by establishing minimum requirements for any subdivision hereafter platted in the incorporated area of the city. The regulations herein set forth are authorized by NRS Chapter 278.

### 18.06.102 Applicability

- (a) This chapter shall apply to all divisions, subdivisions, and re-subdivisions of land in the City of Reno, and all other lands the City may have control over under NRS Chapter 278, except as may be exempted according to Nevada law, this chapter, or this Title. The term "subdivision" has the meaning ascribed to it in Chapter 18.09 *Rules of Construction and Definitions*.
- (b) Development in a Planned Unit Development (PUD) District or Specific Plan (SPD) District is also subject to the subdivision standards in this chapter unless otherwise modified or varied through the PUD or SPD approval process.

### 18.06.103 Compliance Prior to Sale

It is unlawful for any individual, firm, association, corporation, or partnership, as principal or agent, to sell or cause or permit to be sold any portion of any subdivision of land within the meaning of this chapter prior to the recording of the final plat in the Office of the County Recorder.

### 18.06.104 Minimum Requirements

The provisions of these regulations shall be held to be minimum requirements only, and are not intended to repeal, abrogate, annul, or in any manner interfere with any existing covenants or rules; however, where these regulations impose a greater restriction than is required by such existing covenants or rules, the provisions of these regulations shall govern.

### 18.06.105 Exceptions

In conjunction with the approval of a land division, the Planning Commission may recommend and the City Council may approve exceptions to strict conformance with the requirements of this chapter or with the street and utility development standards in Chapter 18.04 Article 5, *Streets, Utilities, and Services*, and substitute specific requirements as outlined in the plans and specifications submitted by the applicant. Exceptions may be granted upon the applicant's showing that strict compliance is impractical or impossible and when, taking into consideration the overall environmental impact or aesthetic values of public or private improvements, the City Council finds that the public interest will be served thereby. Nothing contained in this section

shall be construed to authorize departure from construction specifications contained in this Title applicable to improvements actually constructed or installed.

### **18.06.106 Industrial and Commercial Records of Survey**

Maps for industrial or commercial development, in accordance with NRS Section 278.325, shall be required to process all records of survey and pay all fees per this Chapter.

## **Article 2 Development and Design Standards**

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### **18.06.201 Compliance with General Zoning and Development Standards**

All subdivisions and parcel maps subject to 0 shall comply with the zoning and general development standards set forth in this Title, including:

- (a) The requirements for the zoning district(s) in which the subdivision is located, as stated in *Chapter 18.02 Zoning Districts*.
- (b) Requirements applicable to specific uses proposed for the subdivision, as stated in *Chapter 18.03 Use Regulations*; and
- (c) All generally applicable development and design standards stated in *Chapter 18.04 Development Standards*.

### **18.06.202 Required Improvements and Dedications**

All subdivisions shall comply with the requirements for improvements stated in *Chapter 18.04 Article 12, Improvement Standards for New Development*, and the following general standards:

- (a) Dedications of land for streets, alleys, or other public ways shall be consistent with the adopted Master Plan and elements thereof, unless otherwise required by the City. Additional areas may be required based on the subdivision design and intended use.
- (b) Dedications of land for public parks, open space, and recreation facilities shall be consistent with the recommended usage and location shown in the adopted Master Plan and elements thereof, unless otherwise approved by the City.
- (c) Public easements for major drainage facilities, streams, or creeks shall be dedicated in an amount and location consistent with the proposed character of the subdivision.

### **18.06.203 Lot Design Standards**

- (a) All lots shall provide an area not less than the areas required by applicable zoning district provisions.
- (b) No lot shall be divided by a city-county boundary line.
- (c) Side lot lines, where practical, shall be at approximate right angles to the street upon which the lot fronts.

### **18.06.204 Provision for Emergency Access**

Public and private streets, rights-of-way, and collective driveways in all subdivisions and other developments shall be designed in accordance with the Public Works Design Manual.

## **Article 3 Residential Condominiums**

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### **18.06.301 Purpose and Intent**

- (a) To provide for the housing needs of all economic segments of the community, the City Council establishes this article to regulate condominium housing, as follows:
  - (1) To ensure a reasonable balance of rental and ownership housing in the city and a variety of individual choices of tenure, type, price and location of housing;
  - (2) To maintain the adequate supply of rental housing for low and moderate-income persons and families;
  - (3) To reduce and ease the impact of displacement of long-term residents, senior citizens, families with children, and those citizens who may be forced to move due to condominium conversion;
  - (4) To encourage the goal of owner-occupied housing;
  - (5) To protect the great financial investment of citizens who purchase condominiums by requiring developers to disclose the necessary information upon which prospective condominium purchasers can base their decisions;
  - (6) To protect the lives, health, safety, and possession of citizens who purchase condominiums.
- (b) The City Council recognizes that condominiums are a unique form of high population density property ownership and have their own attendant problems and advantages. Therefore, pursuant to NRS Section 117.110, it is the express purpose and intent of the City Council to address and provide for the uniqueness of condominiums and treat them differently from similar structures.

#### 18.06.302 Specific Physical Standards

All residential condominiums shall conform to the following physical standards:

- (a) **Building and Fire Regulations**<sup>504</sup>

All condominiums and common areas of any condominium project shall comply with the city building and fire codes, as found in Titles 14 and 16, in effect on the date a building permit is filed for construction of new condominiums or on the date an application is filed for condominium conversion projects.
- (b) **Utilities**
  - (1) **Electrical**

Each unit shall have a separate electrical service. A common electrical system may be installed provided the City building department finds that the common electrical system is submitted by a state-registered electrical engineer and provides adequate service to the condominiums. Each unit shall be provided with separate disconnects and ground fault interrupters.
  - (2) **Gas**

If natural gas is used in the condominium project, each unit shall have a separate gas service. A common gas system may be installed provided the City building department finds that the common gas system can adequately serve the condominiums, and each unit is provided with a separate gas shutoff valve.
  - (3) **Heating and Air Conditioning**

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<sup>504</sup> Outdated and redundant building and fire protection standards have been removed from Title 18. These topics are addressed in Titles 14 and 16.

Each unit shall have a separate environmental system. A common environmental heating and cooling system may be installed provided the city building department finds that the common system can adequately serve the condominiums and complies with the following:

- a. Automatic shutoffs in the circulating air ducts shall comply with Title 14, *Buildings and Construction*.
- b. All air handling ducts are provided with fire dampers at each fire wall and the ceiling of a fire resistive floor ceiling assembly, and the fire rated corridor walls.
- c. The system is submitted by a state registered mechanical engineer.

**(4) Sewer**

Each unit shall have separate sewer service. A common sewer line may be installed provided the City building department finds that a common sewer system can adequately serve the condominiums, and the system is submitted by a state-licensed engineer.

**(5) Water**

Each unit shall have a separate water service. A common water system may be installed provided the City building department finds that a common water system can adequately serve the condominiums, and the system is submitted by a state-licensed engineer. New condominium projects or conversion condominium projects constructed after June 28, 1980, shall have separate water shut-off valves for each unit. Conversion condominium projects constructed prior to June 28, 1980, may have separate water shut-off valves for each unit.

**(6) Utility System Compliance**

Utility systems for townhouses shall comply with Title 14, *Buildings and Construction*.

### 18.06.303 Amenities

Condominium projects should represent a comprehensive, integrated design which provides open space, and the subtleties and amenities associated with contemporary home ownership. All owners of units in a condominium project shall have an undivided ownership interest in the common areas and amenities.

### 18.06.304 Pace of Conversions

- (a) Rental multi-unit housing shall not be converted into condominiums if the vacancy rate for rental multi-unit housing is lower than five percent as determined pursuant to subsection (b) of this section per category. A conversion which causes the vacancy rate to fall below five percent for that category shall not be permitted. The vacancy rate for each category is to be figured separately.
- (b) For the purposes of this chapter, two categories of rental multi-unit housing are created. The categories are to be separated in the following manner:
  - (1) The division between the two categories will be based on the dollar value of 25 percent of the median income (figured on a monthly basis) of a household in the county as established by HUD.
  - (2) Rental multi-unit housing projects with average rents equal to or below this dollar value figure shall be in one category and rental multi-unit housing projects with average rents above this dollar value figure shall be in the second category.

- (3) To be eligible to convert in either category, the average rent of all the units shall have been in one category for one year prior to date of application to convert. A developer shall attach to their application to convert substantiation of rents collected for the year prior to application in the form of accounting records, such as income tax returns or a statement by a certified public account licensed in the state.
- (c) Rental multi-unit housing may be converted into condominiums even if the vacancy rate for the category in which the project falls is less than five percent, if 70 percent of the tenants residing in the rental housing project sign a statement approving of the conversion to condominiums.
- (d) No application for a condominium conversion shall be accepted by the city unless the vacancy rate, as determined by this section, permits conversion; or unless the condominium conversion project falls within the exception of subsection (c) of this section. A condominium conversion project application once approved shall not be later disapproved because of a subsequent change in the vacancy rate.

#### **18.06.305 Notice to Tenants of Public Hearing**

- (a) Notice of public hearing shall be given to each tenant a minimum of ten days prior to the public hearings before the Planning Commission and City Council, respectively, at which the condominium conversion is to be considered.
- (b) The developer shall send out both notices of public hearings on a form to be provided by the Planning Commission. Attached to each notice of public hearing shall be the rental history of the tenant's unit for one year immediately past or for the tenant's period of occupancy; whichever is shorter. The developer shall submit to the Planning Commission and the City Clerk, a list of the persons and addresses to whom the respective notices of public hearing were sent. Each list shall be certified by the developer under penalty of perjury that the list is accurately complete and that the notices were sent, as required.

#### **18.06.306 Notice of Intent to Sell**

- (a) A developer of a conversion condominium project shall serve notice of sale in the manner required by Section 18.06.305, *Notice to Tenants of Public Hearing*, not less than 90 days before requiring a tenant to vacate. The 90-day period shall be calculated as follows: Notice of intent to sell shall not be given until after the City Council approval of the tentative map. The first day of the 90-day period shall be the date the tenant receives the notice of intent to sell.
- (b) A developer may terminate a tenancy for cause as defined by NRS Section 118A.060, at any time within the 90-day period.
- (c) Any tenant with more than 30 days remaining on a lease who receives a notice of an intent to sell shall at any time after receipt of such notice have the right to terminate such lease with 30 days written notice to the developer. Such termination shall be without penalty or other termination charge to the tenant.
- (d) A developer shall not increase the rents or fees payable by a tenant at any time during the 90-day period; except:
- (1) A developer may increase the rent of rental multi-unit housing when the rent of such housing includes utilities and the utility costs are increased by the public utility, but the increase in rent shall be no greater than the increase in utility rates; and/or

- (2) A developer may increase the rent of rental multi-housing when property taxes are increased, but the increase in rent shall be no greater than the proportionate increase in taxes.
- (e) If a tenant or any member of a tenant's family residing with the tenant, as appears on the rental agreement, if any, is 62 years of age or older, or suffers from a physical or mental handicap or disability, as defined by NRS Chapter 615, or has two or more children under the age of 18 years, the tenant shall be entitled to remain in tenancy an additional 60 days in addition to the 90-day notification period.
- (f) The developer shall have reasonable access to the rental unit during the 90-day period.
- (1) A tenant in a conversion condominium project shall not unreasonably withhold consent to the developer to enter the unit in order to inspect the premises, make necessary or agreed repairs, supply necessary or agreed services, or show the unit to prospective or actual workmen or purchasers in accordance with subsection 18.06.307(f)(3). The developer shall not abuse the right of access. Except in case of emergency, or unless it is impracticable to do so, the developer shall give the tenant at least a 24-hour notice of their intent and may enter only at reasonable times.
- (2) A developer shall not undertake remodeling for conversion of a unit while it is occupied by a tenant without the consent of the tenant. A developer shall not create any disruption in the common areas inconsistent with good building practices, nor unreasonably restrict access thereto, nor interfere with the quiet use and enjoyment of the premises at times other than normal week-day business hours.
- (3) An occupied unit of a conversion condominium project may be shown by a developer to actual or prospective workers or purchasers during the last 30 days of the 90-day period or during the last 30 days of a period of tenancy.

#### 18.06.307 Moving Expenses

The developer shall provide moving expenses in the sum of \$350.00 to any tenant who relocates from the building to be converted after receipt of notification from the developer of their intent to sell except when the tenant has given notice of their intent to move prior to receipt of notification from the developer of their intent to sell. The developer shall pay the moving expenses on or before the date of vacation by the tenant or subtenant.

#### 18.06.308 Tenant's Purchase Right

- (a) With the notice of sale provided for in Section 18.06.306, *Notice of Intent to Sell*, the developer shall deliver to each tenant whose unit is to be offered for sale, a firm offer of sale for the unit that the tenant occupies. For 30 days from the date of delivery of the offer, the tenant shall have the exclusive right to purchase their unit or until tenant vacates, whichever occurs first.
- (b) Upon acceptance by a prospective purchaser, tenant or subtenant and the signing of the offer of sale, the earnest money shall be deposited by the developer immediately in an escrow account with a land title company licensed by the state, to be released to the developer only upon close of escrow.
- (c) For a period of 60 days following the rejection of the offer by the tenant, the developer shall not offer the unit for sale to any other person on more favorable terms without giving the tenant the right of first refusal. This right of first refusal given to the tenant shall exist for a minimum of 15 days.



- (d) Any tenant who exercises their purchase rights under this section forfeits the moving expenses provisions of Section 18.06.307, *Moving Expenses*.

#### **18.06.309 Physical Elements Report**

The developer of a conversion condominium project shall submit a physical elements report with the final parcel or subdivision map. The report shall be prepared by a state licensed architect or engineer, shall be approved by the appropriate reviewing agencies, and shall include, but is not limited to, the following:

- (a) A report detailing the structural condition of all elements of the property including foundations, electrical, plumbing, utilities, walls, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities, elevators, appliances, and insulation.
- (b) Regarding each such element, the report shall state, to the best knowledge or estimate of the person who prepares the report, when such element was built; the age of mechanical equipment and appliance element; the condition of each element; when said element was replaced; and any modification of the physical condition of said element from the current zoning and from the city housing code and city building code in effect. The report shall identify any defective or unsafe elements and set forth the proposed corrective measures to be employed.
- (c) A statement of repairs and improvements to be made by the developer necessary to refurbish and restore the project to achieve a high degree of appearance and safety, and compliance with the city fire and building codes in effect at time of conversion.
- (d) The developer shall bring all defects and inadequacies into compliance with Section 18.06.302, *Specific Physical Standards*.
- (e) As repairs and improvements are made, the developer shall prepare and submit amended physical elements reports at 60-day intervals.

#### **18.06.3010 Covenants, Conditions, and Restrictions**

- (a) A true and correct copy of all covenants, conditions, equitable servitudes, and deed restrictions shall be given to each prospective purchaser of a unit and shall be attached to the developer's final subdivision or parcel maps upon recordation.
- (b) The developer shall attach to the final subdivision for parcel maps a copy of cost projections, along with the basis used for arriving at those cost projections, for: liability and fire insurance of the common areas and condominium structures, utilities, use, maintenance and repairs for the common areas. A true and correct copy of all cost projections required in this subsection shall be given to each prospective purchaser of a unit.
- (c) If common or non-individual unit utility metering systems are used in the condominium project, the developer shall attach to their final subdivision or parcel map the method or plan by which utility costs are to be assessed to unit owners. A true and correct copy of the method or plan required by this subsection shall be given to each prospective purchaser.
- (d) The covenants, conditions, equitable servitudes, and deed restrictions shall provide for solid waste and garbage collection procedures and facilities.

#### **18.06.3011 Resale by Purchaser**



There shall be no clause in the sales contract between the developer and the prospective purchaser of a unit that would create an exclusive sales agreement with the developer or any real estate agent as to the subsequent sale of the unit. Any condominium owner shall have the right to decide what agent, if any, shall be used in the subsequent sale of a unit.

#### **18.06.3012 Exclusive Management Contract**

Once a majority of units in a condominium project have been sold, and once the association and council of co-owners has been established, the association and council of co-owners shall have the right to choose and hire any condominium manager, if any, it wishes.

#### **18.06.3013 Security**

The developer of a condominium project shall post security (performance bond, letter of credit, latent defects bond, contractor's control account, escrow account, etc.) in the manner and amount to be determined at the time the conditional use permit is approved by the City Council. The security shall cover latent defects. The security shall extend for one year from the date of sale of a unit by the developer, and for one year from the date of sale of the last unit for common areas, elements, and amenities.

#### **18.06.3014 Penalty**

- (a) Any person who willfully violates any provision of this article, or who willfully makes or allows to be made untrue or misleading statements of material fact, or who willfully fails to state any fact required to be stated therein shall be guilty of a misdemeanor, and upon conviction, shall be subject to a fine of not more than \$500.00 or imprisonment for a period of not more than six months, or both.
- (b) Nothing herein shall prevent any person from exercising any right or seeking any remedy to which such person might otherwise be entitled or from filing an appropriate complaint with a court of law or equity.

# Chapter 18.07 Historic Preservation

## Commentary

This chapter, current Chapter 18.18, includes significant changes and new features based on the ten strategies outlined by Master Plan Implementation Strategies IMP-7.5d and 7.5e.

Please note that this Chapter also consolidates the district specific standards of the now-defunct HL overlay district (RMC 18.08.401(a)) and applies the standards to any designated resource without requiring a rezoning. This change reflects the proposed change to merge processes for designation and application of zoning provisions and addresses issues with the need for Planning Commission recommendation on zoning changes.

## Article 1 General Provisions

### 18.07.101 Purpose<sup>505</sup>

The purpose of this chapter is:

- (a) To protect the historic integrity of Reno for the citizens of the community, visitors, investors, and property owners;
- (b) To promote the economic, cultural, historical, and educational well-being of the community;
- (c) To enhance pride in the historic accomplishments within the City of Reno;
- (d) To provide mechanisms for identifying and preserving the historic and architectural resources of the City of Reno which represent elements of the city's cultural, social, economic, political, and architectural history; and
- (e) To educate the citizens of Reno to the benefits of historic preservation of structures, areas, sites, neighborhoods, and other historic resources, thereby correcting existing and preventing further urban blight.

### 18.07.102 Administration

There is hereby created a Historical Resources Commission (HRC) to administer this chapter. See Section 18.08.904 for a description of the HRC's powers and duties under this chapter and Title.

### 18.07.103 Review of Premises

As part of its review procedure in designating an historic resource or district, or in considering a certificate of appropriateness or demolition certificate, the HRC shall have the right to enter onto a parcel under consideration at any reasonable time and may seek the advice of the state historic preservation officer or such other expert(s) as it may deem necessary under the circumstances.

### 18.07.104 Discretionary Uses Allowed<sup>506</sup>

<sup>505</sup> Removed the purpose statement indicating that an ordinance needs to be passed to implement historic preservation practices since this is that ordinance. This statement was unneeded.

<sup>506</sup> This section, previously 18.08.401(a)(4), has been rewritten to create a more defined process for making an alternative use determination, including the addition of findings. Given the discretionary nature of the application, the ability for the Administrator to add conditions on the proposed use was also added. Allowances for the establishment of additional uses through the special use permit process for properties on the state or national register of historic places has been removed to encourage listings on the local register

- (a) For properties listed on the City Register of Historic Places (City Register) and/or as contributing properties within a local historic district, the Administrator may make a determination allowing any use that is not expressly allowed by-right in the underlying zoning district if the following findings can be made:
  - (1) The use would not be detrimental to the surrounding neighborhood.
  - (2) The use would contribute to the protection and preservation of the architectural, cultural, or landmark value of the structure, site, or district.
- (b) The Administrator may add conditions of approval to ensure the proposed use meets the required findings.

#### **18.07.105 Destruction of Premises<sup>507</sup>**

If any structure listed on the City Register or a contributing property within a local historic district is damaged or partially destroyed by natural calamity, such structure may be rebuilt to its original state for the same use.

#### **18.07.106 Use of Outside Experts**

At its discretion, the HRC may call outside experts to assist in reviews of matters under the HRC's powers and duties as deemed necessary. The HRC shall determine that the expert is licensed, professionally certified, or has demonstrable experience in the field of expertise.

## **Article 2 Designation of Historic Resources and Districts**

### **Commentary**

Strategy 3 recommends: "Revise and simplify the City Register designation process, clarify the eligibility criteria, and include historical integrity as a consideration."

The criteria for designation are updated in Section 18.07.201 to organize the criteria into two categories: significance and integrity. The significance category is divided into four subcategories: historical, architectural, informational, and district significance. The historical integrity category is a new recommendation, which allows the HRC to consider the degree to which a property has retained its historic significance.

The procedures for nomination and designation are revised and simplified. The general process for nomination and designation is maintained, but the language used in this section is simplified and the paragraphs are broken up into lists where possible to make the section more user-friendly. The process for designation is also streamlined by eliminating the need to rezone any designated resource to the HL overlay district.

#### **18.07.201 Criteria for Designation**

The City shall maintain a City Register and local historic districts that possess both significance and physical integrity to their historic period.

- (a) **Significance**  
Sites, buildings, objects, or properties eligible for historic resource or historic district designation shall possess significance in at least one of the following categories:
  - (1) **Historic Listing**  
The site, building, object, or property is listed on the National or State Register of Historic Places.
  - (2) **Historic Significance**  
The site, building, object, or property:

<sup>507</sup> This was previously 18.08.401(a)(5). References to special use permits and certificates of appropriateness were removed. These conflict with the Administrator authority over use.

- a. Is associated with events that have made a significant contribution to the broad patterns of local, county, state, or national history; or
- b. Is associated with the lives of persons who contributed significantly to the community, county, state, or country.

**(3) Architectural Significance**

The site, building, object, or property:

- a. Embodies the distinctive characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials; or
- b. Represents the work of a master builder, architect, landscape architect, artist, engineer, or other design professional whose individual work has influenced the development of the community, county, state, or country; or
- c. Embodies elements of design, detailing, materials, or craftsmanship that render it architecturally significant; or
- d. Represents a particularly fine or unique example of a utilitarian structure, including, but not limited to, farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance.

**(4) Informational Significance**

The site, building, object, or property has yielded, or there exists very strong evidence that the resource may be likely to yield, information important in Reno prehistory or history; or

**(5) District Significance**

The site, property, or area possesses a significant concentration or continuity of land uses, landscapes, buildings and structures, roads and water ways, and natural features with heritage and cultural characteristics.

**(b) Integrity**

A property that is eligible for designation shall retain physical qualities that date from the period when the property attained its significance. Integrity is based on the degree to which a property retains all or some of seven qualities listed below. All seven qualities need not be present for a property to be eligible as long as the overall sense of past time and place are evident. For archaeological sites, integrity is determined based on the degree to which remaining evidence can provide important information.

**(1) Location**

The place where the historic property was constructed or the place where the historic event occurred.

**(2) Design**

The combination of elements that create the form, plan, space, structure, and style of a property.

**(3) Setting**

The character of the place in which the property is located. Setting refers to the relationship of the historic property to surrounding buildings, features, and open space.

**(4) Materials**

The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form an historic property.

(5) **Workmanship**

The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

(6) **Feeling**

A property's expression of the aesthetic or historic sense of a particular period of time.

(7) **Association**

The direct link between an important historic event or person and an historic property.

**18.07.202 Procedures for Nomination and Designation**

Nomination and designation of an historic resource or historic district shall follow the following procedures:

(a) **Initiation of Nominations of Historic Resources and Historic Districts**

Nominations shall be made to the HRC by the commission itself, the owner(s) of record for the nominated property, an authorized designee for the owner(s) of record for the nominated property, or the City Council on the appropriate form established by the Administrator as set forth in Section 18.08.303, *Application Submittal and Handling*.

(b) **Owner Consent**

Owner consent is required to designate an historic resource.

(c) **Notification of Nomination**

When a complete nomination has been received by the HRC, the commission shall schedule and notice any required public hearing as set forth in Table 8-1, *Summary Table of Review Procedures*, and Section 18.08.305, *Scheduling and Notice of Public Hearings*.

(d) **Public Hearing**

The HRC shall hold a public hearing and make a decision on the completed nomination within 45 days of receiving a completed application, allowing for:<sup>508</sup>

- (1) Oral or written statements concerning the significance of the nominated historic resource or district,
- (2) Presentation of expert testimony or evidence regarding the compliance of the nominated resource or district with the criteria for consideration of a nomination,
- (3) Presentation of evidence by the HRC or the owner of any nominated historic resource or of any property within a nominated historic district regarding significance, and
- (4) Public comment.

(e) **Findings of Historical Resources Commission**

The HRC shall adopt findings that the nominated historic resource or historic district does or does not meet the criteria for designation. The findings of the HRC shall be filed with the City Clerk for recommended action by City Council and sent by mail to the owner(s) of record of a nominated historic resource(s), all property owners within a

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<sup>508</sup> Extended the timeline for public hearing from 30 days to 45 days to match the existing timeline for a decision. Noticing requirements are challenging to address within 30 days.

nominated historic district, and to the nominator within seven days following the determination. The following findings shall be made by the HRC prior to recommending a nomination to the City Council:<sup>509</sup>

- (1) The nominated historic resource or historic district possess at least one criteria of significance; and
  - (2) The nominated historic resource or historic district possesses enough defining characteristics to adequately convey the resource's significance.
- (f) **Determination of Significant Features**<sup>510</sup>
- (1) The significant exterior architectural or character-defining features of the nominated historic resource that should be protected when reviewing future certificates of appropriateness and/or demolition permits; and
  - (2) The types of construction, alteration, demolition, and removal that should be reviewed for appropriateness.
- (g) **Initiation of Zoning Map Amendment**
- (1) If the HRC determines that the nominated resource or district meets all findings in subsection (e), above, they shall initiate a Zoning Map Amendment to add the Historic Landmark (HL) overlay designation to the property. The Zoning Map Amendment shall accompany the HRC recommendation for action by the City Council.
  - (2) The HRC shall not have the authority to initiate a Zoning Map Amendment for any zoning designation other than the HL overlay.
  - (3) Any initiation of a Zoning Map Amendment shall be in association with a recommendation on a City Register nomination.
- (h) **Action by City Council**
- (1) Within 60 days of the HRC determination, the City Council shall hold a public hearing to
    - a. Accept, accept with specified conditions, or reject the HRC recommendation for the designation of an historic resource or district subject to the findings in 18.07.202(e).
    - b. Consider the Zoning Map Amendment to add the Historic Landmark (HL) Overlay zoning designation subject to all findings in 18.08.503(d), *Zoning Map Amendment*. This shall not be required if the nomination historic resource or district is rejected.
  - (2) If the property or district is accepted for designation as a resource, the City Council shall conduct a second reading and formally adopt the ordinance within the time specified in code.
  - (3)

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<sup>509</sup> Findings 1 and 2 were revised to read more like findings. Findings 3 and 4 are moved to subsection (f) below to better reflect the purpose of determining significant features. Finding 5 (the economic hardship finding) was removed. Since listing a property or district is 100% voluntary, this finding is not required. Economic hardship is retained for the Certificate of Appropriateness.

<sup>510</sup> These were formally findings and now will function as a required determination by HRC on every nomination. This determination gets forwarded to City Council as part of the recommendation.

- (4) Following City Council approval, the approved ordinance shall be recorded with the County Recorder.
  - (5) The City Clerk shall provide written notification of the City Council's decision to the Planning Commission, the HRC, the Administrator, the nominator, and the owner(s) of record of the nominated historic resource or of all property within a nominated historic district.
- (i) **Amendment or Rescission of Designation**

Any historic resource or district on the City Register may be amended or rescinded upon petition to the HRC and City Council, following the designation procedure and according to the findings below, except that issuance of a demolition certificate for all historic resources on a site shall result in the automatic removal from the City Register or changed to a non-contributing resource within a local historic district.<sup>511</sup>

(1) **Findings for Delisting**

The HRC shall make a recommendation to the City Council for removal of the property or district from the City Register, or to change the status of a resource within a district to non-contributing subject to at least one of the following findings:

- a. The property has ceased to meet the criteria for listing on the City Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing.
- b. Additional information shows that the property does not meet the City Register criteria for evaluation.
- c. Information used in the nomination of the historic resource is found to be false and without said information, the resource no longer meets the criteria for listing.
- d. The property meets the economic hardship findings in Section 18.07.305(b)(4) and staff supports the HRC recommendation.

(2) **Removal of Historic Landmark (HL) Overlay Zone**

a. **Individually Listed**

If a property that is individually listed on the City Register is recommended for delisting, the HRC shall also initiate a Zoning Map Amendment to remove the HL overlay zoning designation. Given that the purpose of this zoning designation is for properties listed on the City Register, the zoning designation is no longer applicable.

b. **Local District**

If an individual property within a local historic district is changed from contributing to non-contributing, it shall retain the HL overlay designation. If an entire district is recommended for delisting, the HRC shall also initiate a Zoning Map Amendment to remove the HL overlay zoning designation.

**18.07.203 Interim Control During Nomination Process**

No permit shall be issued by the City for alteration, construction, demolition, or removal of a nominated historic resource or of any property or structure within a nominated historic district from the date on which a nomination form is first submitted to the HRC until the final disposition

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<sup>511</sup> Automatic elimination from the City Register is new.



of the nomination, unless such alteration, removal, or demolition is authorized by the City Council as necessary for public health, welfare, or safety. In no event shall the delay be for more than 120 days.<sup>512</sup>

## **Article 3 Applicable Procedures and Standards for Development**

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### **18.07.301 Applicability and Related Procedures<sup>513</sup>**

(a) **Applicability**

Any real property that is individually listed on the City Register or within a local historic district shall be subject to the standards and procedures of this article.

(b) **Related Procedures**

- (1) An applicant for a certificate of appropriateness shall obtain any conditional use permit, variance, or other applicable development application required by the provisions of this Title, in addition to any required certificate of appropriateness, unless a determination is made by the Administrator for an alternative discretionary use per Section 18.07.104, *Discretionary Uses Allowed*.<sup>514</sup> A certificate of appropriateness shall be obtained prior to a decision on any other related development applications.<sup>515</sup>
- (2) The applicant may request that a certificate of appropriateness be processed concurrently with other development applications. However, approval of a certificate of appropriateness does not guarantee any other form of approval under this Title.
- (3) When the HRC recommends a change to a plan that requires any entitlement or approval by Planning Commission or City Council, the HRC recommendation shall not be binding on the Planning Commission or City Council in their review of the application.

(c) **Exclusions**

(1) **National or State Registers of Historic Places<sup>516</sup>**

Properties listed on the National or State Registers of Historic Places, but not on the City Register shall not be governed under the provisions of this Title. Should a Section 106 review be triggered under the provisions of the National Historic Preservation Act, the HRC shall only act as an advisory body offering comments on the Section 106 review.

(2) **Interior Arrangement Not Considered**

The HRC shall not consider interior arrangement or require a certificate of appropriateness for interior changes. However, this does not excuse the property owner from obtaining any required building or other permit for interior work.

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<sup>512</sup> 18.07.204 - Adoption of Design Guidelines or Standards, was removed. Design standards are proposed under 18.07.304(c).

<sup>513</sup> This section included "applicability" in the title, but did not define which projects were applicable to this Section. The section has been reorganized and updated to be more clear and user-friendly.

<sup>514</sup> Additional text was added to remove conflicts with the Administrator's ability to grant alternative uses.

<sup>515</sup> Text was modified to allow for concurrent applications. The prior wording did not allow any related applications to be submitted until after a final decision on the COA application was made. This removes one existing disincentive to listing a property.

<sup>516</sup> Added to make it explicit that these requirements only apply to properties listed on the City Register or within a local historic district.

**(3) Certain Changes Not Prohibited**

- a. This chapter shall not be construed to prevent the ordinary maintenance or repair of any exterior architectural feature located on a property that is on the register or within an historic district that does not involve a substantial change in design, material, or outer appearance, provided any required permit is obtained. This includes maintenance activities such as painting, replacement siding with the same materials and dimensions, and similar work that does not involve the erection, alteration, movement, demolition, or partial demolition of an historic structure.<sup>517</sup>
- b. This chapter shall not be construed to prevent the alteration, construction, restoration, reconstruction, or demolition of any feature that the appropriate public safety official requires to be removed in an emergency because of an unsafe or dangerous condition. Any action taken pursuant to this section shall be reported to the HRC by the public safety official in a letter describing the circumstances within ten days following the action.
- c. This chapter shall not be construed to prevent the alteration, construction, restoration, reconstruction, or demolition of any feature necessary to comply with the Americans with Disabilities Act (ADA). City staff shall work with the applicant to ensure a reasonable accommodation can be made while also maintaining compatibility with the historic resource to the greatest extent feasible. Reasonable accommodations should be designed in a manner so that they can be removed without damage to the historic resource.<sup>518</sup>

**Commentary**

Strategy 9 recommends: "Develop a process to review the effects development projects may have on nearby historic resources included in the Historic Register." To implement this strategy, a process is proposed below allowing the HRC to review developments on adjacent properties.

The regulatory language advises the HRC to determine "whether the proposed development would adversely affect the historic character and integrity of the adjoining historic resource or historic district."

The criteria for review are the "criteria for designation" used to determine if a property or district are historic and include both criteria of significance and integrity. This is used to maintain consistency and allows for a clear understanding of how a proposed development might impact the historic quality of a nearby resource or district.

**18.07.302 Historical Resources Commission Recommendation on Related Zoning Applications<sup>519</sup>**

- (a) The HRC shall review development applications under the following circumstances:
  - (1) All major site plan review, conditional use permit, variance, major deviation, alternative compliance, and zoning map amendment applications for parcels on the register or within historic districts;
  - (2) All applications for a property to be added to the City Register of historic resources; and/or

<sup>517</sup> This section formerly excluded replacement of windows. This has been removed. The replacement of windows now requires a COA review by the HRC. Additional stipulations were also added on what siding replacement can occur without staff or HRC review.

<sup>518</sup> Text was added to exclude necessary ADA improvements. Reasonable accommodations are now allowed so long as they are removable and cause little to no damage to the resource.

<sup>519</sup> Changes were made throughout the section to narrow the scope of review to properties on the City Register or within a local historic district.

- (3) Any development on a parcel adjacent to an historic resource listed on the City Register or within a local historic district for which Planning Commission or City Council review is required.
- (b) In such cases, the HRC shall determine whether the proposed development would adversely affect the historic character and integrity of the adjacent historic resource or surrounding historic district, as outlined by Section 18.07.201, *Criteria for Designation*. HRC review of such related zoning applications shall be advisory to the Planning Commission and/or City Council. The HRC shall complete its review during the regular process for the zoning application and shall not require a delay in processing. If the HRC fails to provide a recommendation during the regular review process, the project may proceed without a recommendation from the HRC.

#### Commentary

Strategy 5 recommends: “Develop a demolition by neglect provision and clarify findings to obtain a demolition certificate for properties on the City Register.”

The following section is updated to include the standards by which the HRC would review and determine appropriate levels of mitigation on an application for a demolition certificate. The intention is to make the demolition certificate process clearer for applicants, the HRC, and City staff by having the same criteria available to all parties and outlining how the criteria is used in application review.

The standards in this section have also been updated to reflect a substantive change to the determination of “demolition by neglect,” which may trigger the standards and procedures of this section.

#### 18.07.303 Demolition Certificate

- (a) **Applicability**  
From and after the designation of a building or site as an historic resource or inclusion within an historic district, complete demolition of character defining buildings or elements shall not occur without the approval of a demolition certificate by the HRC. Partial demolitions require approval of a certificate of appropriateness per Section 18.07.304. An applicant for a Demolition Certificate from the HRC shall obtain a demolition permit in accordance with Section [18.08.606\(c\)](#) *Demolition Permit* before commencing demolition.
- (b) **Application Procedure**
- (1) **Application**  
An application shall be submitted at least 45 days prior to the meeting of the HRC at which the application is to be discussed, subject to the provisions of Section 18.08.303, *Application Submittal and Handling*.<sup>520</sup>
- (2) **Notice**  
All property owners within 750 feet of the subject property and a minimum of 30 property owners shall be notified by mail at least ten days prior to the meeting.<sup>521</sup>
- (3) **Public Hearing**  
The HRC shall hold a public hearing concerning the application.
- (4) **Criteria for Determining Appropriate Mitigation Measures**<sup>522</sup>  
In reviewing a demolition certificate and appropriate mitigation measures, the HRC shall take into account the historic or architectural significance and integrity of the structure under consideration, as well as the effect of such demolition upon other

<sup>520</sup> Increased the time from application to hearing from 15 days to 30 days to provide sufficient staff time for noticing and writing a staff report.

<sup>521</sup> With the exception of the original nomination and listing, noticing for Historic Preservation applications will be 300 feet.

<sup>522</sup> New.

structures in the vicinity. The following criteria shall be used to help determine appropriate mitigation measures:

- a. Whether the structure is of such architectural or historic significance that its demolition or removal would be detrimental to the public interest and contrary to the general welfare of the people of the City and the State;
- b. Whether the structure, although not itself an historic structure, contributes to the distinctive architectural or historic character of the historic district as a whole and therefore should be preserved for the benefit of the people of the City and the State;
- c. Whether demolition or removal of the subject property would be contrary to the purpose of this ordinance and/or to the objectives of the historic preservation policies within the Master Plan;
- d. Whether the structure is of such old and unusual or uncommon design, method of construction, or material that it could not be reproduced or be reproduced only with great difficulty and/or expense;
- e. Whether retention of the structure would promote the general welfare of the people of the City and the State by encouraging study of American history, architecture, and design, or by developing an understanding of American culture and heritage;
- f. The condition of the property and whether any deterioration of the property is self-created or is the result of a failure to maintain the property; and
- g. Whether any new structure proposed to be constructed or change in use proposed to be made is compatible with the surrounding historic resources of the historic district in which the subject property is located, or if outside an historic district, compatible with the mass and scale of buildings adjacent to the boundary of the historic site.

**(5) Decision**

A Demolition Certificate shall be deemed approved 120 days after acceptance of a complete application, except when the time limit has been extended by mutual agreement between the applicant and the HRC. During this 120-day period the HRC may negotiate with the owner and with any other parties in an effort to find a means of preserving the building mitigating the loss.

**(6) Demolition Permit Required**

Following the issuance of a Demolition Certificate, the applicant shall obtain a demolition permit in accordance with Section [18.08.606\(c\)](#) *Demolition Permit*. A Demolition Certificate is not authorization to demolish the building; it shall be considered authorization to obtain a demolition permit.

**Commentary**

Strategy 10 recommends: "Develop mitigation measures deemed appropriate to lessen the impact on the public as a result of the loss or alteration of an historic resource."

Measures to mitigate the loss or alteration of an historic resource are listed below. This new subsection is grouped with the standards and procedures for demolition certificates where it is most relevant. There are significant edits to the current mitigation section. Further revisions may be appropriate following public review and discussion.

(c) **Mitigation of Historic Resource Loss or Alteration**<sup>523</sup>

If the loss of an historic resource is unavoidable, the HRC may require the implementation of mitigation measures to attempt to provide a public benefit that balances the loss or alteration of the historic resource. Mitigation of impacts to historic resources shall be tailored to the type, scale, location, significance, and integrity of the affected resource and consider the needs of all parties impacted and the public benefit of the mitigation measures. Any mitigation shall directly address the loss of the resource, be accessible to the public, and be economically and technically feasible. Mitigation measures shall be offered to the property owner, generally in the following order or priority. If the property owner does not accept any mitigations outlined in items 1-6 below, item 7 shall be mandatory.

- (1) Purchase offer for the historic resource (for terms proposed by buyer, if any);
- (2) Relocation of the historic resource on-site;
- (3) Relocation of the historic resource off-site;
- (4) Salvage and reuse of architectural features and materials of the structure, combined with documentation of the resource and how the features are being preserved and re-used with high resolution photography, written narrative, and aerial photography;
- (5) Salvage and donation or sale of architectural features to museums or other facilities displaying historic resources combined with documentation of the resource and how the features are being preserved and re-used with high resolution photography, written narrative, and aerial photography;
- (6) Establishment of a memorial or mitigation fund in an amount determined by the HRC, combined with documentation of the resource and how the features are being preserved and re-used with high resolution photography, written narrative, and aerial photography;
- (7) Implement an alternative mitigation plan with agreement of the property owner and the City.

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<sup>523</sup> This draft includes new language regarding demolition of historic structures, consistent with Master Plan language. The changes provide the HRC with additional mitigation options for proposed demolitions, including subsection 7 giving the City, in coordination with the HRC, an option to remove the historic resource if no other mitigation is acceptable. This stops short of authorizing the HRC to deny demolition permits for historic structures.

(d) **Removal of Historic Landmark (HL) Overlay Zone and De-listing**

The following shall occur upon issuance of a demolition certificate:

(1) **Individually Listed**

- a. Any individually listed property shall be removed from the City Register upon issuance of a Demolition Certificate.
- b. A Zoning Map Amendment to remove the HL overlay shall be initiated upon issuance of a Demolition Certificate. Given that the purpose of this zoning designation is for properties listed on the City Register, the zoning designation is no longer applicable.

(2) **Local District**

- a. If an individual property within a local historic district is issued a demolition certificate, it shall be changed from a contributing to non-contributing resource within the City Register. The HL Overlay zone for property shall be retained.
- b. If all contributing resources within a local historic district are issued a demolition certificate, the district shall be removed from the City Register and a Zoning Map Amendment to remove the HL overlay shall be initiated. If all contributing resources are removed from the City Register, the zoning designation is no longer applicable.

**Commentary**

Strategy 4 recommends: “Develop an administrative Certificate of Appropriateness process to streamline the review of minor exterior modifications to properties on the City Register.”

The certificate of appropriateness process is streamlined below to allow certain minor improvements to be approved administratively, and also to authorize a subcommittee of city staff and two rotating members of the HRC to provide a determination of “No Significant Impact.” This allows the certificate of appropriateness for minor projects to be issued without referral to the full HRC for hearing. Each case would only be referred to the HRC if the subcommittee determines the proposed work would create a significant impact or potential detriment. The intention is to provide a streamlined process for minor cases, which reduces delays for applicants and eases caseload for staff and the HRC.

**18.07.304 Certificates of Appropriateness**

(a) **Purpose**

It is the intent of these regulations to ensure that buildings, structures, or districts on the register shall be in harmony with their surroundings. It is not the intention of these regulations to require the reconstruction or restoration of individual or original buildings, to prohibit the demolition or removal of such buildings, or to impose architectural styles from particular historic periods. In considering new construction, the HRC shall encourage contemporary design that is harmonious with the character of the district or historic resource.

(b) **Applicability<sup>524</sup>**

A Certificate of Appropriateness shall be required for modifications made to a historic resource listed on the City Register or located within the boundaries of a local historic district as outlined below:

<sup>524</sup> Changes have been made to clarify the level of improvements requiring staff or HRC review. A process now exists allowing staff to review certain improvements. Exemptions are also clarified.

**(1) Exempt**

The following improvements to a historic resource shall be exempt from a Certificate of Appropriateness or any staff review as outlined in subsection 18.07.301(c):

- a. Interior modifications;
- b. Maintenance or repair that does not result in any substantial modifications, structural changes, additions, or change in materials;
- c. Landscape or hardscape, unless expressly outlined in the listing as a significant historic feature; and
- d. Any alteration, construction, restoration, reconstruction, or partial demolition necessary to prevent an imminent threat of life and safety or to temporarily preserve the integrity of the building as authorized by the Administrator.

**(2) Staff Review**

- a. The following improvements to a historic resource shall be exempt from a certificate of appropriateness, but shall be subject to review by the Administrator, or authorized designee:
  1. Exterior modifications that result in a like for like replacement both in material and dimensional characteristics;
  2. Exterior modifications that do not result in any structural changes or additions to the listed resources or do not modify any significant features listed in the property listing;
  3. Exterior modifications to any non-contributing structure within a local historic district. Modifications to non-contributing structures shall be complimentary in mass, scale, and use of material to surrounding historic structures within the district; or
  4. Any application deemed to have no significant impact by the HRC subcommittee per subsection [18.07.304\(d\)](#).
- b. All modifications reviewed by staff shall be noted with a memo to the City Register listing. Staff shall review the application per the design standards in subsection 18.07.304(c).

**(3) Certificate of Appropriateness Required – HRC Review**

- a. No exterior portion of any building or other exterior feature shall be erected, altered, moved, or partially demolished until after an application for a certificate of appropriateness has been approved by the HRC, except as provided in subsections 18.07.301(c), 18.08.304(b)(1), and 18.08.304(b)(2).
- b. In an historic district, street widening, utility, street lighting, and bridge replacement projects, which involve undergrounding or relocation of aboveground facilities, or sidewalk projects, which involve relocation or widening, shall require a certificate of appropriateness. Such a certificate shall be obtained prior to the issuance of a building permit for the purpose of constructing, altering, moving, or partially demolishing historic resources, but shall be required whether or not a building permit is required. Any permit not issued in conformity with this section shall be invalid.



(c) **Design Standards and Guidelines**<sup>525</sup>

(1) **The Secretary of the Interior's Standards for the Treatment of Historic Properties**

When not specifically referenced in this section, the Secretary of Interior's Standards for Rehabilitation shall be used to guide appropriate modifications to historic resources.

(2) **Character**

- a. Any improvements made to a building or site listed on the City Register or as a contributing property to a local historic district shall be in character with the architectural style or historic period represented by the building, portion of the building, site, and/or resource being preserved.
- b. Repairing of existing materials shall be prioritized over replacement. When a character defining feature of a building or site is too deteriorated to repair, the feature shall be replaced in kind using the remaining physical evidence or historic documentation as a model to guide the new work. If using the same kind of material is not technically or economically feasible, then a substitute material may be considered.
- c. Modifications to existing structures (e.g., windows, roof, doors, entrances, etc.) shall not be made in such a manner to diminish the historical significance of the property.

(3) **Site Design and Landscaping**

- a. The historic setting of the site shall be determined by the historic listing, context statement, or other reference document.
- b. New parking shall be designed so that it is as unobtrusive as possible to the main historic resource and the historic setting of the site.
- c. Non-significant buildings may be removed to accommodate parking or additional landscaping in an effort to ensure the historic resources or historic setting on the site is maintained.
- d. If the required parking is not achieved, the Administrator shall determine the necessary off-street parking at his or her sole discretion.

(4) **New Additions or New Structures**

- a. The new addition or structure shall be placed so that there is the least possible loss of historic materials and so that character-defining features are not obscured, damaged, or destroyed.
- b. The new addition or structure shall be located to the rear or on an inconspicuous, non-character defining elevation of a historic building; and its size and scale shall be limited relative to the historic building.
- c. The new addition or structure shall be complimentary to the historic character of the listed resource but shall not attempt to replicate an historic appearance. New additions shall make clear what is historic and what is new. Matching materials can be used but are not required.

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<sup>525</sup> All design standards were reorganized to now fall under this section. These proposed standards are significantly expanded and are derived from the Secretary of the Interior Standards.

- d. The new addition may be contemporary in nature but shall reference design motifs from this historic resource including, but not limited to architectural features, complimentary materials, colors, mass, relationship of solids to voids.
- e. Any additional stories on an existing historic building shall be set back from the existing wall plane such that they are as inconspicuous as possible when viewed from the street.
- f. New mechanical equipment shall be installed so that it causes the least possible impact to the exterior elevation and the least damage to the historic resource's material. Mechanical equipment shall be obscured in such a manner that is compatible with the historic resource and will not result in excessive moisture and accelerated deterioration of historic materials. Window installations should be considered only when all other viable heating and cooling systems would result in significant damage to historic materials.

**(5) Design Guidelines**

The City, in consultation with the HRC, may adopt additional design guidelines to assist owners in maintaining, restoring, or rehabilitating their historic resources.

**(d) Application Procedure**

All Certificate of Appropriateness applications shall adhere to the application procedures of this subsection. Per Section 18.07.304(d)(4), modifications that are determined to have no significant impact may be issued a certificate of appropriateness following staff review, while modifications that are determined by staff to create a significant impact or potential detriment shall additionally be required to meet the standards and procedures of Sections 18.07.304(d)(5) – (10).

**(1) Pre-Application Meeting**

**a. Purpose**

The pre-application conference is intended to provide an opportunity for the owner or applicant to meet informally with City staff to review applicable submittal requirements, review procedures, and to identify any issues associated with the proposed alteration.

**b. Procedure**

Pre-application conferences shall follow the following procedures:

1. The applicant shall submit a request for a pre-application conference.
2. The Administrator or staff designee shall schedule the pre-application conference and notify appropriate staff, the HRC subcommittee, and the applicant of the time and location of the conference.
3. At least five days prior to the scheduled pre-application conference, the applicant shall submit:
  - [a] A completed application;
  - [b] Proof of ownership;
  - [c] A written description of the proposed project; and
  - [d] Conceptual drawings showing the location, layout, and primary elements of the proposal.

**(2) HRC Subcommittee**

It shall be the policy of the HRC, in regard to applications involving new structures or extensive alterations and additions to existing structures, that a committee of the HRC shall be available to meet informally with the applicant or their agent at an early stage in the design process to advise them concerning the HRC guidelines, the nature of the area where the proposed work is to take place and other relevant factors. The committee, collectively and individually, shall refrain from any indication of approval or disapproval of the proposal, but shall not be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the committee at such informal meeting shall be in any way official or binding upon the HRC. A meeting of the committee shall be called at the request of an applicant.

**(3) Application<sup>526</sup>**

Applications for a Certificate of Appropriateness shall follow the standards in Section 18.08.303, *Application Submittal and Handling*.

**(4) Staff Review and Action**

Within 10 business days after a complete application is filed, one city staff member and the HRC subcommittee, consisting of two rotating regular members, shall convene as a three member panel to determine whether the proposed work would have a significant impact upon or be potentially detrimental to the historic resource or historic district pursuant to the review findings in Section 18.07.304(d)(7), below.

**a. No Significant Impact**

If it is determined that there would be no significant impact or potential detriment, a certificate of appropriateness shall be issued to the applicant and the HRC shall be notified of such issuance.

**b. Historical Resources Commission Referral**

If it is determined that the proposed work would create a significant impact or potential detriment, the application shall be referred to the HRC.

**(5) Notice**

All property owners within 750 feet of the subject property shall be notified by mail at least ten days prior to the HRC hearing.

**(6) Public Hearing**

The HRC shall hold a public hearing concerning the application.

**(7) Findings<sup>527</sup>**

In reviewing a certificate of appropriateness, the HRC shall take into account the historic or architectural significance of the structure under consideration, the exterior form and appearance of any proposed additions or modifications to that structure, as well as the effect of such change or additions upon other structures in the vicinity and shall make findings related to the following standards, which are based upon the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation:

- a. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any

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<sup>526</sup> Simplified this section to refer to the standard application submittal and handling requirements. The intent is to treat COA applications like all other development applications requiring a public hearing. This will assist in the administration and noticing of the project

<sup>527</sup> Findings have been re-worded to function more like findings. Removed the finding related to use because it conflicts with the Administrator's authority to allow use flexibility.

historic material or distinctive architectural feature shall be avoided, when possible.

- b. All buildings, structures, and sites shall be recognized as products of their own time. There are no alterations with no historical basis in the resource's significance proposed.
- c. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right. The proposed project recognizes and respects the significance of historically significant changes that may have taken place over the life of the historic resource.
- d. The proposed project treats the distinctive stylistic features or examples of skilled craftsmanship that characterize the building, structure, or site with sensitivity.
- e. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features is based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- f. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials are not proposed.
- g. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.
- h. Proposed contemporary alterations and/or additions do not destroy significant historical, architectural or cultural material, and the design of such alterations and/or additions are compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.

**(8) Decision**

- a. The HRC shall approve, approve with conditions, or deny a certificate of appropriateness within 60 days after acceptance of a complete application, except when the time limit has been extended by mutual agreement between the applicant and the HRC. The certificates may be issued subject to reasonable conditions necessary to carry out the purposes of this chapter.<sup>528</sup>
- b. If a certificate for economic hardship is requested, the final decision of the HRC will not occur until a decision on such request has been made per the timeline outlined in Section 18.07.305. The City Council shall not consider any action regarding the subject property, including appeals, until a final determination is made on a certificate of economic hardship.<sup>529</sup>

**(9) Economic Hardship Finding<sup>530</sup>**

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<sup>528</sup> Timelines are modified from 45 days to 60 days.

<sup>529</sup> Language was added to clarify what constitutes a final decision by the HRC in the case a Certificate of Economic Hardship is requested.

<sup>530</sup> Removed the economic finding and created the "Certificate of Economic Hardship" process in Section 18.07.306

In the event that the HRC denies a certificate of appropriateness, the applicant shall have the ability to request a certificate for economic hardship under the criteria listed in Section 18.07.305. A request must be filed with the Administrator within ten business days of the filing of the HRC decision with the City Clerk.

**(10) Notification of Decision**

The decision of the HRC shall be sent by personal delivery, first class mail, or electronic mail to the applicant within seven days following the HRC's action. A copy of the decision shall also be forwarded to those departments or divisions responsible for the issuance of permits.

**(11) Appeal<sup>531</sup>**

- a. A decision by the HRC to approve shall be a final decision. A decision by the HRC to approve with conditions or to deny a certificate of appropriateness may be appealed to the City Council by completing an appeal form and filing it with the City Clerk within ten business days of the date that the final decision is filed with the City Clerk. As noted in subsection 18.07.304(d)(9), the final decision of the HRC shall be upon a finding of economic hardship per Section 18.07.305. A public hearing shall be held not less than 14 days and not greater than 45 days from the end of the appeal period.
- b. Upon receipt of an appeal on the appropriate form accompanied by the service charge approved by the City Council for appeals, the City Clerk shall give notice by personal delivery, first class mail, or electronic mail to the applicant and all property owners within 750 feet of the subject property at least ten business days prior to the date of the public hearing. Said notice shall contain the date, time, place, and purpose of the public hearing and the street address or approximate location of the subject property.

**(e) Repeat Applications**

If the HRC denies an application for a certificate of appropriateness, a new application affecting the same property may be submitted within one year of the denial only if either a substantial change is made in the plans for the proposed alteration, construction, restoration, reconstruction, moving, or demolition or other conditions related to the register or surrounding uses have changed substantially.

**(f) Concurrent Approvals**

The HRC shall use all reasonable efforts to expedite any concurrent process with the State Historic Preservation Officer (SHPO), if such a process is desired by the applicant for the purpose of securing both a certificate of appropriateness and a federal historic preservation tax credit.

**(g) Expiration of Certificate of Appropriateness**

If a permit has not been issued, when required, and construction commenced within 18 months of issuance of the certificate of appropriateness by the HRC, the certificate shall expire, unless a time extension has been granted by the HRC prior to the expiration date. If work on an approved project is begun and then suspended for more than one year, the certificate of appropriateness shall expire unless the applicant applies for and receives approval of a time extension from the HRC.

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<sup>531</sup> Language added to reflect the Certificate of Economic Hardship process.

### 18.07.305 Economic Hardship<sup>532</sup>

(a) **Applicability**

This process shall only be applicable to certificates of appropriateness applications denied by the HRC. Should the applicant contest a particular condition of approval associated with the certificate of appropriateness, the appeal process outlined in subsection 18.07.304(d)(11) shall apply.

(b) **Procedure**

(1) **Submittal**

The applicant shall file a request for a certificate of economic hardship within ten days following the HRC hearing denying the certificate of appropriateness outlining how the project meets the findings in subsection 18.07.305(c).

(2) **Notice**

Upon receipt of a request for a certificate of economic hardship, public notice shall be provided by personal delivery, first class mail, or electronic mail to the applicant and all property owners within 750 feet of the subject property at least ten days prior to the date of the public hearing. Said notice shall contain the date, time, place, and purpose of the public hearing and the street address or approximate location of the subject property.

(3) **Public Hearing**

The certificate of economic hardship request shall be heard, and a decision shall be made by the HRC within 45 days or at the next regularly scheduled HRC meeting, whichever occurs first. The HRC shall provide a decision at this hearing unless continued by the applicant.

(4) **Findings**

The owner shall provide sufficient evidence that the denial of a certificate of appropriateness will result in an economic hardship. The HRC shall consider the following findings before issuing a certificate of economic hardship:

- a. The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.
- b. The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.
- c. Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.
- d. The property cannot be moved or relocated to another, similar site or, for contributing properties within an historic district, to a new location within the historic district.

(5) **Exclusions**

Claims of economic hardship by the owner shall not be based on conditions resulting from:

- a. Purchasing the property for substantially more than market value at the time of purchase;

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<sup>532</sup> New language suggested by the SHPO based on the Nevada's draft model ordinance.

- b. Failure to perform normal maintenance and repairs;
- c. Failure to diligently solicit and retain tenants; or
- d. Failure to provide normal tenant improvements.

**(6) Decision**

- a. If the HRC determines that there is an economic hardship, the HRC shall:
  - 1. Approve the certificate of appropriateness as proposed;
  - 2. Approve the application with modified conditions of approval as mutually agreed with the applicant; or
  - 3. Develop a mitigation plan with the criteria outlined in subsection 18.07.305(c).
- b. The noted decision shall be clearly indicated in the certificate of economic hardship.
- c. If the HRC determines that there is no economic hardship for a certificate of appropriateness, then its original decision stands and can be appealed to City Council per subsection 18.07.304(d)(11). There is no appeal for a City Register or local district listing since the decision to list a property or district is the responsibility of City Council.

**(c) Mitigation Plan**

- (1) The applicant shall consult in good faith with the HRC and City staff, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts shall be demonstrated to the HRC at the hearing.
- (2) The HRC and staff should consult with the applicant to develop mitigation measures that both further preservation of the property and reduce the economic hardship on the applicant.
- (3) A mitigation plan shall be developed within 60 days following the hearing for the certificate of economic hardship. If the HRC fails to timely submit a plan, or if a mutually acceptable plan cannot be developed, or if the City Council fails to approve a plan submitted by the HRC, the City Council shall make a final decision to proceed or not proceed with mitigation measures outlined in subsection 18.07.303(c), above. The City Council shall also decide on the final approval of the certificate of economic hardship and the certificate of appropriateness application.

**Commentary**

Strategy 5 recommends: "Develop a demolition by neglect provision and clarify findings to obtain a demolition certificate for properties on the City Register."

The section below is dedicated to developing standards for maintenance obligation, enforcement, and demolition by neglect. While the strategy only requests a demolition by neglect provision, maintenance obligation standards are necessary to providing findings for assessment of demolition by neglect and methods of enforcement. The actual demolition by neglect provision details the process by which the City may notice a property owner, review and provide determination on a case, and the potential methods of appeal and remediation.



### 18.07.306 Maintenance Obligation and Demolition by Neglect<sup>533</sup>

(a) **Maintenance Obligation**

Every owner of an historic resource listed on the City Register, improvement on an historic site listed on the City Register, or improvement in a local historic district shall do all the following:

- (1) Protect the improvement against exterior decay and deterioration.
- (2) Keep the improvement free from structural defects.
- (3) Maintain interior portions of the improvement, the deterioration of which may cause the exterior portions of such improvement to fall into a state of disrepair.
- (4) Refrain from actions that cause or may cause exterior decay and deterioration of an historic resource, improvement on an historic site, or improvement in an historic district that is located on a directly abutting property.

(b) **Enforcement**

- (1) The Administrator may issue an official written notice to a property owner, requiring the property owner to correct a violation of Section 18.07.306(a), above, by a date specified in the notice, and may issue an official written notice to a property owner who is in violation of subsections 18.07.306(a)(4) and (5), above.
- (2) Whenever a property owner fails to correct a violation by the compliance date specified in an official notice, the Administrator shall initiate proceedings outlined in subsection 18.07.306(c), below.

(c) **Demolition by Neglect**

The owner of an historic resource listed on the City Register, improvement on an historic site listed on the City Register, or improvement in a local historic district, may not allow the resource or improvement to undergo demolition by neglect.

(1) **Notice of Demolition by Neglect**

If the Administrator believes that a resource or improvement is undergoing demolition by neglect, the Administrator shall give written notice of that belief to the owner of the resource or improvement. The Administrator shall give a copy of the notice to the HRC.

(2) **Public Hearing**

Upon receiving a notice, the HRC shall hold the public hearing within 90 days. The HRC shall issue a hearing notice by mail to all property owners of property within 750 feet of the subject property at least ten days prior to the HRC hearing by personal delivery, first class mail, or electronic mail.

(3) **Finding**

If, after a public hearing, the HRC finds that a resource or improvement is undergoing demolition by neglect, it shall provide written notice of its finding to the owner and shall report its finding to the City Council and the Administrator. An HRC finding of demolition by neglect is evidence of demolition by neglect for purposes of

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<sup>533</sup> New section. The current ordinance does not include standards for maintenance obligation or enforcement and penalties, which are necessary to providing findings for assessment of demolition by neglect and methods of enforcement. Planning staff is coordinating with Enforcement staff to ensure this proposed text is appropriate and feasible. Existing mechanisms maybe able to used to accomplish the same goal.

any administrative or civil court action, and also constitutes a determination that a public nuisance exists.

**(4) Appeal of Historic Resource Commission Finding**

- a. An appeal from an HRC finding under subsection 18.07.306(c)(3) may be taken to the City Council by the owner of the affected resource or improvement.
- b. An appeal shall be filed with the City Clerk within ten days after the decision letter is filed with the City Clerk. The appeal shall specify the grounds for appeal. The City Clerk shall forward the petition to the City Council, which shall hold a public hearing not less than 14 days and not greater than 45 days from the end of the appeal period.
- c. Following a public hearing, the City Council may reverse or modify the HRC finding, with or without conditions, or may refer the matter back to the HRC with or without instructions, if it finds that the HRC's decision is contrary to applicable standards under this subchapter.

**(5) Mitigation of Historic Resource Loss<sup>534</sup>**

If the HRC finds under subsection 18.07.306(c)(3) that a resource or improvement is undergoing demolition by neglect, the City Council may authorize the City to initiate proceedings for the mitigation of historic resource loss or alteration as specified in subsection 18.07.303(c).

**Commentary**

Strategy 7 recommends: "Revise incentives available to properties listed on the City Register to further encourage addition of properties."

Strategy 8 recommends: "Develop incentives for properties listed on the City Register to assist property owners in the protection of historic character in neighborhoods and to developers as tools to redevelop valuable historic building stock, such as a revolving loan fund."

The list of incentives has been removed from this draft to allow the HRC to develop appropriate programs through its strategic planning process.

**18.07.307 Incentives for Historic Resource Preservation<sup>535</sup>**

By December 31, 2021, the HRC should submit to City Council for its consideration and possible approval an incentive plan for properties on the City Register to encourage property owners and developers to protect and redevelop the City's most valuable historic resources. Special consideration should be given to incentivize the preservation of existing building stock through adaptive reuse in new and creative ways.

<sup>534</sup> Modified the name to more accurately reflect the section.

<sup>535</sup> This language encourages future development of incentives, consistent with Master Plan strategies. Specific incentives may also be developed during the review process for this code update and may be included in a future draft.

## Chapter 18.08 Administration and Procedures

### Commentary

This chapter describes the process for reviewing and approving development applications in Reno.

- Article 2 provides a **summary table** that provides an overall snapshot of the review, decision-making, and appeal authorities for each procedure, and public notice requirements.

- Article 3 includes **common review procedures** that apply to most development application types. Common review procedures are currently included in Reno's current Code, but this new article has been updated to include greater detail, which will allow the specific processes in the following articles to be more concise, avoid repetition, and eliminate conflicting information.

- Articles 4 through 8 describe the **development-specific application procedures**, linking back to applicable common review procedures and noting any modifications or additions. Significant procedural changes are proposed for major deviations, alternative compliance, and site plan review, and a land use hearing examiner is proposed to make some flexibility and relief procedures more efficient. Each specific procedure includes a flowchart depicting the steps for review and approval, which have been updated to provide more information than the existing flowcharts.

- The final article describes the powers and duties of the various **review and decision-making authorities** in Reno as they relate to this Title.

Changes to Chapter 18.08 focus on making the development review process more predictable and transparent.

The common review procedures have been clarified and consolidated in Article 3.

Several new procedures are established in Articles 4 through 8 to provide public hearing and an enhanced administrative review processes for different types of applications. For land use approvals, Conditional Use Permits and Minor Conditional Use Permits replace Special Use Permits. For site design approvals, Major Site Plan Reviews are added and Site Plan Reviews are retained.

Major Deviations and Alternative Equivalent Compliance applications supplement existing Variance procedures to provide an option for approval of unique or innovative designs that deviate from code standards through a public hearing process.

Finally, the criteria and findings for approval are refined to better reflect the considerations relevant to each application type.

### Article 1 Purpose and Organization<sup>536</sup>

- (a) The purpose of this chapter is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this Title.
- (b) This chapter describes the review and approval procedures for applications for land use and development in the city and is divided into the following sections:
  - (1) Article 3, *Common Review Procedures*, describes the standard procedures that apply to most development application types.
  - (2) Articles 4 through 8 contain specific information on each application type within five categories (development permits, subdivision procedures, ordinance amendments, abandonment, and flexibility and relief procedures), including approval criteria and any additions or modifications to the common review procedures.
  - (3) Article 9, *Review and Decision-Making Bodies*, describes the powers and duties of the bodies that have specific roles in the administration of this Title.

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<sup>536</sup> New.

## Article 2 Summary Table of Review Procedures<sup>537</sup>

Table 8-1, below, lists the development applications authorized by this Title. For each application type, the table indicates whether public noticing is required (and if so, what type) and the review and decision-making responsibilities of the bodies that have specific roles in the administration of the procedures set forth in this chapter.

Table 8-1 Summary Table of Review Procedures										
R = Review Body D = Decision Body A = Appeal Body										
Procedure	Code Ref.	Notice				Review and Decision-Making Bodies				
		Published	Written <sup>[1]</sup>	Posted	Board	Admin.	HRC	Planning Comm.	City Council	Hearing Examiner
<b>Annexation and Master Plan</b>										
Annexation (NRS 268.610-668)	18.08.401(b)	X	750 /30	X	X	R		R	D	
Annexation (NRS 268.670)	18.08.401(b)(6)	X	750 /30	X	X	R		R	D	
Master Plan Land Use Map Amendment	18.08.402	X	750 /30	X	X	R		R	D	
Master Plan Amendment, Other	18.08.402	X				R		R	D	
Master Plan Amendment, Minor	18.08.403	X				R			D	
<b>Ordinance Amendments and Interpretations</b>										
Code Text Amendment	18.08.501	X				R		R	D	
Administrative Interps. of Title 18	18.08.502					D			A	
Rezoning (Zoning Map Amendment)	18.08.502	X	750 /30	X	X	R		R	D	
Rezoning to Planned Unit Development (PUD)	18.08.504	X	750 /30	X	X	R		R	D	
<b>Development Permits</b>										
Projects of Regional Significance <sup>[2]</sup>	18.08.601	X	750 /30	X	X	R		R	R	
Site Plan Review	18.08.602	X	750 /30	X	X	D			A	
Major Site Plan Review	18.08.603	X	750 /30	X	X	R		D	A	

<sup>537</sup> Existing Section 18.06.108, *Summary of Title 18 Administrative and Review Roles*, relocated and expanded here to include summary of review procedures and decision-making bodies. The table includes proposed new procedures and a new decision-making body – the “Land Use Hearing Examiner,” which is explained in Section 18.08.906.

**Table 8-1 Summary Table of Review Procedures**

R = Review Body D = Decision Body A = Appeal Body

Procedure	Code Ref.	Notice				Review and Decision-Making Bodies				
		Published	Written [1]	Posted	Board	Admin.	HRC	Planning Comm.	City Council	Hearing Examiner
Minor Conditional Use Permit	18.08.603(e)(3)	X	750 / 30	X	X	D			A	
Conditional Use Permit [3][4]	18.08.605	X	750 / 30	X	X	R		D	A	
Outdoor Dining	18.08.606(a)					D			A	A
Grading	18.08.606(b)					D			A	A
Demolition	18.08.606(c)									
Building	18.08.606(d)					D			A	A
Fence or Wall	18.08.606(e)					D			A	A
Sign	18.08.606(f)					D			A	

**Subdivision Permits**

Tentative Map [5]	18.08.702		750 / 30	X	X	R		D	A	
Final Map	18.08.703					D		A	A	
Parcel Map	18.08.704					D		A	A	
Reversion to Acreage	18.08.705					D			A	
Boundary Line Adjustment	18.08.706					D			A	
Abandonment [6]	18.08.707	X	750 / 30	X		R/D			D	

**Historic Preservation**

Designation of Historic Resource or District	18.07.202	X	750 / 30	X	X		R		D	
Demolition Certificate and Certificate of App.	18.07.303 18.07.304		750 / 30			R	D		A	

**Flexibility and Relief**

Variance	18.08.801	X	750 / 30	X	X	R		D	A	
Minor Deviation	18.08.804					D			A	
Major Deviation	18.08.802	X	750 / 30	X	X	R		D	A	

**Table 8-1 Summary Table of Review Procedures**

R = Review Body D = Decision Body A = Appeal Body

Procedure	Code Ref.	Notice				Review and Decision-Making Bodies				
		Published	Written [1]	Posted	Board	Admin.	HRC	Planning Comm.	City Council	Hearing Examiner
Alternative Equivalent Compliance	18.08.803		750 /30	X	X	R		D	A	
Appeal	18.08.307(j)	Re-notice								
Development Agreement	18.08.805	X	750 / 30	X	X	R			D	

Notes:

- [1] The first number indicated the minimum noticing distance from the project boundary. The second number, if any, indicates the minimum number of property owners to be noticed by mail.
- [2] See Section 18.08.601: The city's actions on all projects of regional significance are not final until there is a finding of regional plan conformance. After the planning commission and/or city council makes its decision, the regional planning commission will make a determination of regional plan conformance. Projects of regional significance that do not otherwise require planning commission or city council review may be directly transmitted to the Regional Planning Agency without planning commission or city council recommendations.
- [3] Conditional use permits involving the production, use, storage, or handling of explosives as defined by NRS 278, or a highly hazardous substance as defined by NRS 459.3816, are subject to additional notice requirements as outlined in NRS 278.147 and Section 18.03.306(a)(3)a. Notification of Planning Commission conditional use permit time extension hearings shall be provided to the applicant and all other properties that were noticed of the original application.
- [4] Per Subsection 18.08.605(d), certain applications are subject to additional notice and hearing requirements and will require Planning Commission review and recommendation, and the City Council is the deciding body.
- [5] The Planning Commission shall forward a copy of an application for a tentative map to the Planning Commission of any city within one mile of the proposal location. The Planning Commission must also forward a copy of the tentative map application to certain bodies per NRS 278.335, 278.345, 278.346, and 278.347. Time extensions may be granted per NRS 278.360.
- [6] Abandonment applications for public utility easements may be approved administratively. Other abandonments require City Council approval.

## Article 3 Common Review Procedures

### Commentary

Common review procedures are not new to Reno. However, Reno's current "Common Procedural Requirements" are missing a few key components that are contemporary best practice, and also do not go as far as they could in consolidating and standardizing some procedures (e.g., initiation of an application, referrals, general findings, and post-application procedures).

The proposed new common review procedures below consolidate general steps that are applicable to multiple development application types. The application-specific procedures in later articles build on and refer back to these common review procedures, noting any modifications, additions, or exemptions to the common procedures.

### 18.08.301 General<sup>538</sup>

This article describes the standard procedures and rules applicable to all development applications unless otherwise stated in this chapter. Not all procedures are applicable to every

<sup>538</sup> New.

development application. Application-specific procedures in Articles 4 through 8 identify additional procedures and rules beyond those in this article.

### 18.08.302 Pre-Application Meeting<sup>539</sup>

(a) **Purpose**

The pre-application meeting is intended to provide an opportunity for the applicant to meet with City staff to review applicable submittal requirements and review procedures associated with the proposed development concept.

(b) **Applicability**

A pre-application meeting is optional for all application types and may be requested by the applicant for any of the procedures listed in Table 8-1, *Summary Table of Review Procedures*.

(c) **Procedure**

(1) **Request**

The applicant shall submit a request for a pre-application meeting to the Administrator.

(2) **Scheduling**

The Administrator shall schedule pre-application meetings and notify appropriate staff and the applicant of the time and location of the meeting.

(3) **Required Information**

At least seven days prior to the scheduled pre-application conference, the applicant shall submit preliminary project materials, which may include:

- a. A draft of a complete application;
- b. A written description of the proposed project;
- c. Conceptual drawings showing the location, layout, and primary elements of the proposal;
- d. Proposed uses, location of uses, and densities proposed; and
- e. Any questions for staff related to the project or process.

(4) **Conference Determinations**

City staff attending the pre-application conference shall identify preliminary concerns or factors the applicant should consider related to the scope, features, and potential impacts of the project. City staff shall also indicate to the extent possible whether additional approval procedures may be required for the proposed project.

(d) **Effect<sup>540</sup>**

Any information or discussions held at the pre-application meeting shall be considered preliminary in nature and shall not be binding on the City or the applicant. Discussions of potential staff recommendation or conditions to mitigate impacts do not reflect actions by

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<sup>539</sup> New. This common procedure for pre-application meetings is recommended as an optional procedure to allow staff to work with applicants on proposals and submittal materials prior to review.

<sup>540</sup> Standard to establish that the pre-application conferences are intended to encourage problem-solving and innovation. Additionally, this provision helps clarify that any pre-application discussions of potential conditions do not in fact constitute actual conditions placed on the approval.



the decision-making body until and unless a decision-making body takes formal action on a complete application.

### 18.08.303 Application Submittal and Handling<sup>541</sup>

#### (a) Authority to Submit Application<sup>542</sup>

- (1) Unless expressly stated otherwise in this Title, a development application shall be submitted by:
  - a. The owner, contract purchaser, or any other entity or person having a recognized property interest in the land on which development is proposed; or
  - b. A person authorized to submit the application on behalf of the owner, contract purchaser, or other entity or person having a recognized property interest in the land, as evidenced by a letter or document signed by the owner, contract purchaser, or another person.
- (2) If there are multiple owners listed on a deed, multiple buyers listed on a purchase agreement, or multiple entities or persons authorized to submit the application, all such persons shall sign the application or a letter or document consenting to the application.
- (3) Applications shall be signed by the owner(s) of the property in question or their authorized representatives. If the property has multiple owners, a list shall be provided of all persons and entities with a property interest in the property.
- (4) These application filing requirements shall not require that all members or shareholders of an entity sign an application if company authorization of signing authority is provided for the person signing the application consent form.

#### (b) Application Content<sup>543</sup>

The application shall be submitted to the Administrator on a form established by the Administrator. The applicant bears the burden of demonstrating compliance with application requirements.

#### (c) Application Fees<sup>544</sup>

- (1) The Administrator is authorized to charge fees related to the processing of applications in accordance with the City Council's approved schedule of fees.
- (2) Fees are due at the time the application is filed.

#### (d) Concurrent Review<sup>545</sup>

- (1) Except as provided in subsection 2, below, with approval of the Administrator, an applicant may elect to submit applications for different permits and approvals that may be required for a single development project for concurrent processing as part of the same application.
- (2) Applications for Master Plan Amendment, Rezoning, or Rezoning to PUD may not be combined with applications for Development Permits, Subdivision Permits, or Flexibility and Relief. However, with approval of the Administrator, separate

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<sup>541</sup> Existing Section 18.06.202 with revisions noted.

<sup>542</sup> New.

<sup>543</sup> New.

<sup>544</sup> Existing Section 18.06.201.

<sup>545</sup> Changes to this subsection reflect the current practice of not bundling rezoning and project applications. Paragraphs 3 and 4 are new.

applications may be scheduled for review at the same Planning Commission or City Council meeting.

- (3) The review schedule, notification, and processing requirements for a consolidated application shall follow the longest and most intensive review standards of the submitted requests.
  - (4) Approval standards for consolidated applications shall include all approval requirements for the submitted requests. The decision-making body may make the same decision or different decisions on the submitted requests based on the specific standards applicable to each approval.
  - (5) Review and decision-making bodies considering separate applications being processed concurrently shall render separate recommendations and decisions on each application based on the specific standards applicable to each approval.
- (e) **Application Intake Schedule**  
Unless a different review process is outlined in other sections of this Title, applications shall be accepted for review as follows:
- (1) Master Plan amendment applications shall be accepted for review on the first regular business day in January, April, July, and October.
  - (2) Applications requiring an initial decision at a City Council or Planning Commission public hearing and applications for Minor Deviations, Minor Conditional Use Permits, and Site Plan Review shall be accepted for review in accordance with an established schedule, with no fewer than two acceptance dates per month.<sup>546</sup>
  - (3) Applications for other administrative approvals shall be accepted on all business days.
- (f) **Determination of Application Completeness<sup>547</sup>**  
The Administrator shall determine whether the application is complete or incomplete no more than three business days following submittal and shall provide written notification of such determination to the applicant. A complete application shall be processed according to the procedures in this article. An incomplete application shall not be processed or reviewed. Any deficiencies noted by the Administrator shall be addressed by the applicant prior to resubmitting the application.
- (g) **Application Withdrawal<sup>548</sup>**
- (1) After an application has been accepted for review, the applicant may withdraw the application at any time by submitting a letter of withdrawal to the Administrator.
  - (2) An applicant is not entitled to a refund of application fees for withdrawn applications. However, the Administrator may refund fees not expended during the staff review based on an established pro rata basis.

### 18.08.304 Review and Action<sup>549</sup>

- (a) **Referral to Staff and Review Agencies**  
The Administrator shall distribute the complete application to appropriate staff and appropriate review agencies.

<sup>546</sup> Proposed to allow applications two times per month as opposed to at least once (currently).

<sup>547</sup> New provision addressing timelines required by NRS.

<sup>548</sup> New.

<sup>549</sup> New.

(b) **Staff Review and Application Revisions**

- (1) Staff shall review the application and shall solicit comments from applicable City departments and participating reviewing agencies with jurisdiction over public health and safety. Staff shall submit recommendations and comments to the applicant in a form established by the Administrator. The applicant may attend a meeting with the appropriate staff as determined by the Administrator to discuss staff recommendations and comments. The applicant may modify the application in response to the City's recommendations and comments, may request additional time to respond to the City's recommendations and comments, or the applicant may request that the application move forward for a decision without responding to the City's recommendations and comments.
- (2) Staff shall answer questions from the public and shall consider issues raised through the public input process when making recommendations and decisions. Staff recommendations and decisions shall be based on applicable requirements and shall not be based solely on the preferences of participating members of the public.

(c) **Applications Subject to Staff Recommendation**

(1) **Staff Report**

If an application is subject to staff review and recommendation to the Planning Commission and/or City Council per Table 8-1, *Summary Table of Review Procedures*, staff shall prepare a written staff report, which includes:

- a. The location and nature of the proposed development;
- b. How the application does or does not comply with applicable requirements of this Title or any other City requirements, including addressing any required findings; and
- c. Recommendations on the approval, conditional approval, or denial of the request based on the applicable review criteria in this Title.

(2) **Distribution and Availability of Application and Staff Report**

The Administrator shall provide the staff report online and to the advisory and/or decision-making body at least five days prior to the public hearing.

(d) **Applications Subject to Staff Decision**

- (1) If an application is subject to staff review and a final decision by the Administrator, the Administrator shall make a decision based on the review standards applicable to the application type. The decision shall be in writing and shall clearly state reasons for a denial or conditions of approval.
- (2) Appeals of administrative decisions may be made pursuant to Subsection 18.08.307(j), *Appeal*.

(e) **Approval Criteria Applicable to all Applications**

**Commentary**

These general approval criteria are presented here once to minimize repetition elsewhere in the Code. Many of them apply to every type of decision in this chapter (e.g., "compliance with the Code").

These criteria should help provide a common foundation so that the various findings section do not have to be so repetitive. It is not intended that staff and/or the applicant must document compliance with each one of these provisions in writing; not all of these will be applicable to each application.

Unless otherwise specified in this Title, City review and decision-making bodies shall review all development applications and staff reports submitted pursuant to this article for compliance with the applicable general review criteria stated below.

**(1) Consistency with the Reno Master Plan**

The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:

- a. Shall weigh competing plan goals, policies, and strategies; and
- b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.

**(2) Compliance with This Title**

The proposed development shall comply with all applicable standards in this Title, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

**(3) Mitigates Traffic Impacts**

The project mitigates traffic impacts based on applicable standards of the City of Reno and the Regional Transportation Commission.

**(4) Provides Safe Environment**

The project provides a safe environment for pedestrians and people on bicycles.

**(5) Rational Phasing Plan**

If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend upon subsequent phases for those improvements.

**(f) Conditions of Approval<sup>550</sup>**

- (1) Where this Title authorizes the Administrator or review body to approve or deny an application subject to applicable criteria or findings, the Administrator or review body may approve the application with conditions necessary to bring the proposed development into compliance with this Title or other regulations, or to mitigate the impacts of that development on the surrounding properties and streets.
- (2) All conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development or shall be based upon standards duly adopted by the City. Such conditions may include those necessary to carry out the purpose and intent of the Reno Master Plan, other adopted City plans, and this Title.
- (3) No conditions of approval shall be less restrictive than the requirements of this Title, except where the Title expressly allows deviations.
- (4) Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.

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<sup>550</sup> New.

- (5) During its consideration, the Administrator or decision-making body may consider alternative potential conditions, and no discussion of potential conditions shall be deemed an attempt or intent to impose any condition that would violate federal or state constitutions, statutes, or regulations. Discussions of potential conditions to mitigate impacts do not reflect actions by the Administrator or decision-making body unless and until the Administrator or decision-making body takes formal action to attach that condition to a development approval.

### 18.08.305 Scheduling and Notice of Public Hearings<sup>551</sup>

(a) **Scheduling**

If an application is subject to a public hearing per Table 8-1, *Summary Table of Review Procedures*, the Administrator shall schedule the public hearing for either a regularly scheduled meeting or special meeting of the appropriate decision-making body.

(b) **Public Hearing Notice**

(1) **General Notice Requirements**

All public hearings required by this Title shall be preceded by the notices identified in Table 8-1, *Summary Table of Review Procedures*, and detailed in this Section. Persons with specific issues or concerns regarding a proposed application are encouraged to contact the City of Reno Community Development Department in writing, by phone, or in person prior to the hearing.

(2) **Responsibility for Notice<sup>552</sup>**

The City shall be responsible for the preparation of and proper publication and mailing of notice of the public hearing. The applicant shall be responsible for verifying the notification language, posting notice, and maintaining the posted notice on the site.

(c) **Notice Format and Content**

(1) **Published and Mailed Notice<sup>553</sup>**

- a. Required published and mailed notices shall be published in a newspaper of general circulation or mailed as set forth in Table 8-1, *Summary Table of Review Procedures*, at least ten calendar days before the public hearing. Published and mailed notices shall:
1. Identify the application type;
  2. Describe the nature and scope of the proposed project;
  3. Identify the location subject to the application;
  4. Identify the date, time, and location of the hearing being noticed;
  5. Provide a telephone number that may be used by interested persons to obtain additional information;
  6. Provide existing and proposed designations for Master Plan land use amendments, zoning map amendments, and zoning upon annexation shall also be specified.

<sup>551</sup> Updates and supplements current Section 18.06.203.

<sup>552</sup> Changes made to reflect practice.

<sup>553</sup> Published and mailed notice requirements are consolidated. They have similar content and timeline standards.

- b. Mailed notices shall be sent via first-class mail to all mobile home park tenants within the area set and to all property owners as listed in the records of the County tax assessor's office – to the last known address of the owner – within a distance established in Table 8-1, *Summary Table of Review Procedures*, as measured from property boundaries.
- c. If a military installation is located within 3,000 feet of the area to which the proposal pertains, notice is also given to the commander of the military installation.
- d. If the minimum number of property owners is not reached within the distance required by Table 8-1, *Summary Table of Review Procedures*, the minimum distance shall be expanded in concentric circles of 100 feet until the required number of property owners has been reached.
- e. Service of a notice shall be effective on the date of mailing. The failure of the property owner(s) to receive any notice served in accordance with this section shall not affect the validity of any proceeding taken under this Title except where otherwise required.

**(2) Posted Notice<sup>554</sup>**

- a. Required on-site posted notice shall be provided by the City and posted by the applicant on the property which is subject of the procedure as set forth in Table 8-1, *Summary Table of Review Procedures*, at least 10 calendar days before the public hearing.
- b. Posted notices shall:
  - 1. Be placed adjacent to and visible from each street abutting the property at least 10 calendar days before the public hearing.
  - 2. Identify the application type;
  - 3. Describe the nature and scope of the proposed project;
  - 4. Include the date, time, and location of the hearing being noticed; and
  - 5. Provide a telephone number that may be used by interested persons to obtain additional information.
  - 6. Describe the existing and proposed designations for Master Plan land use amendments, zoning map amendments, and zoning upon annexation, if applicable.
- c. On sites less than one-half acre, the City shall provide the notice sign(s) to be posted by the applicant with lamination or other protection from normal weather conditions for 40 days. Signs shall meet the following specifications:
  - [a] Public notice sign shall be a minimum of 11 inches wide by 17 inches tall.
- d. On sites of one-half acre or more, the City shall provide the applicant an electronic project notification document to be printed, laminated, or protected from normal weather conditions, and posted by the applicant. Signs shall meet the following specifications:

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<sup>554</sup> Specific requirements for the design of posted notices may be relocated to an administrative manual for future drafts.

1. Shall be a minimum of three feet wide by four feet tall and shall be placed on one-half inch plywood or similar hard, durable, material with a smooth surface. The applicant shall laminate or otherwise protect the sign so that it will withstand normal weather conditions for 40 days.
- e. Public notice signs shall be exempt from requirements of this Title regarding the size, placement, and composition of signs.
- f. The applicant shall remove or cause to be removed any sign required by this subsection within five days after the appeal period for the public hearing has ended.

**(3) Advisory Board Notice<sup>555</sup>**

- a. Notice for procedures requiring advisory board notice in Table 8-1, *Summary Table of Review Procedures*, shall be provided to the chair of the neighborhood advisory board for the project area at least ten calendar days before the public hearing.
- b. Advisory board notice shall include the date, time, location, and purpose of public hearings being noticed, and a telephone number that may be used by interested persons to obtain additional information. Existing and proposed designations for Master Plan land use amendments, zoning map amendments, and zoning upon annexation shall also be specified.
- c. Service of a notice shall be effective on the date of mailing. The failure of an advisory board member to receive any notice served in accordance with this section shall not affect the validity of any proceeding taken under this Title.

**(d) Notice of Continued Hearings**

A hearing properly noticed under this section may be continued to a later date without again complying with this section's notice requirements, provided the continued hearing is set for a date certain and the date and time of the continued hearing are announced at the time of continuance.

**(e) Hearing Examiner Agenda**

Notices of hearings before the Hearing Examiner shall be posted on the City's website.

**(f) Constructive Notice<sup>556</sup>**

**(1) Minor Defects in Notice Shall Not Invalidate Proceedings**

Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Minor defects in notice shall be limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and location of a hearing shall be strictly construed.

**(2) Failure to Receive Notice Shall Not Invalidate City Action**

Failure of a party to receive written notice shall not invalidate subsequent action. If questions arise at the public hearing regarding the adequacy of notice, the decision-making body shall make a formal finding as to whether there was substantial compliance with the notice requirements of this Title.

<sup>555</sup> Existing Section 18.06.203(f).

<sup>556</sup> New.



(g) **Additional Public Notice**

In addition to the minimum noticing set forth in Table 8-1, *Summary Table of Review Procedures*, above, the Administrator may require additional public notice.

**18.08.306 Review and Decision**

(a) **Hearing, Review, and Decision**<sup>557</sup>

- (1) The application shall be subject to review, hearings, recommendations, and decisions as indicated in Table 8-1, *Summary Table of Review Procedures*
- (2) If the application is subject to a public hearing, the applicable review body shall hold a public hearing on the application in accordance with the rules and procedures established by the respective bodies, and in compliance with the Reno Municipal Code and state law.
- (3) The applicable review body shall consider the application, relevant support materials, staff report, and any evidence and public comments from the public hearing (if required).
- (4) The applicable review body shall approve, approve with conditions, or deny the application based on the applicable approval criteria listed in the application-specific procedures. The body may also continue the hearing.
- (5) All decisions shall be provided to the applicant and all appellants in writing.

(b) **Time Limits for Action, Postponements, and Invalid Applications**<sup>558</sup>

- (1) Prior to publishing and mailed notice for an application, the applicant and the Administrator may extend the time limit for action by mutual agreement, and such action shall not be considered a postponement. The applicant has the right to postpone a public hearing or administrative decision if the request is provided to the Administrator in writing no later than 5:00 p.m. the day prior to the scheduled public hearing or decision. In all other cases, the public hearing shall be opened and affirmative action by the body is required to postpone a decision.
- (2) Approval of the applicant and all appellants is required in order to postpone a public hearing for applications that have received an initial decision and are under appeal. In all other cases, the public hearing shall be opened and affirmative action by the body is required to postpone a decision.
- (3) The applicant shall pay for notification and advertising costs caused by requested postponement when filing the request for postponement.
- (4) Any application that is postponed by the applicant and is not reactivated by the applicant within 90 days shall become invalid ten days after the Administrator provides a notice of invalidation to the applicant.
- (5) Regardless of the stage in the review process, any application which is postponed more than twice by the applicant will become invalid.

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<sup>557</sup> This subsection is considerably beefed-up to consolidate common hearing, review, and decision procedures that can be removed/shortened in the specific procedures.

<sup>558</sup> Supplements and replaces Section 18.06.204. Many time-limit standards are duplicative of the Concurrent Review standards, above. Clarifications (that reflect current practice) are provided for how applicants and appellants may request to postpone hearings or decisions.

### 18.08.307 Post-Decision Actions and Limitations<sup>559</sup>

(a) **Effective Date of Approval<sup>560</sup>**

Unless otherwise provided in this Title, a decision made under this Chapter shall be final on the date of the decision unless, the decision is appealable and an appeal has been filed pursuant to Subsection 18.08.307(j), *Appeal*.

(b) **Notice of Decision**

(1) The Administrator shall provide written notification of the decision to the applicant via personal delivery, electronic mail, or first-class mail to the applicant and shall make a copy of the decision available to the public in a conspicuous location such as the official meeting notice board in City Hall.

(2) If the review involves a quasi-judicial hearing, the Administrator shall provide a written notification of the decision via personal delivery, electronic mail, or first-class mail to the owner(s) of the subject site, and any other person that submitted a written request for a copy of the decision.

(c) **Expiration of Approval**

(1) Some applications may be subject to a schedule of development, a set time period for development of specific improvements, establishment of a specific use or uses for which the approval is requested, and/or the expiration time periods.

(2) A change in ownership of the land shall not affect an established expiration time period of an approval.

(3) A new application is required to be submitted after an application has expired or become invalid.

(4) The applicant shall pay all applicable fees and charges for the new application as if no application had been previously submitted.

(5) The new application shall be regularly scheduled with no priority given because a previous application had been submitted on the matter.

(6) The new application shall be considered as a new project with no priority given because of previous decisions or conditions of approval.

(d) **Revocation of Approval<sup>561</sup>**

(1) Failure to comply with any conditions of approval or any expiration of approval of any permit granted through a discretionary action shall result in the initiation of revocation procedures and any other enforcement procedures provided for by the Reno Municipal Code.

(2) The Planning Commission shall notice and hold a public hearing upon the revocation of any permit granted through a discretionary action.

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<sup>559</sup> New section to consolidate common post-decision actions and limitations. Appeal procedures –included in the Flexibility and Relief procedures in previous drafts – have been relocated here due to their common application to many procedures. Deadlines for action not included unless established by NRS to allow continuation of common practice.

<sup>560</sup> Subsections (a) and (b) been updated to reflect common deadline practices and make deadlines for appeal clearer. “Unless otherwise provided” language ensure that procedure-specific deadlines are not impacted by these “common” standards. This does not delay an approval or change current City policy.

<sup>561</sup> Existing standards moved here from separate subsection under SUP standards to apply more generally.

- (3) The Planning Commission shall submit recommendations to City Council and notify the applicant and property owner no later than seven days after the submission of the report to the Clerk of the City Council.
  - (4) The City Council may, upon receipt of recommendations for revocation of a permit, provide notice of a public hearing to revoke the permit for failure to comply with any conditions or timelines for action associated with the permit. The City Council may also impose additional conditions, or it may reinstate the permit.
  - (5) A decision to revoke an approval shall be supported by a finding that the owner or responsible party is in substantial nonconformance with the conditions of approval or City ordinances.
- (e) **Extension of Approval**
- (1) Allowances and restrictions for extensions of approval, if any, are identified by application type in this Chapter.
  - (2) All decisions regarding time extensions are subject to Subsection 18.08.307(j), *Appeal*.
  - (3) If, in order to construct an approved project or operate an approved business, an applicant must first obtain a permit or approval from another governmental agency before applying for a building permit or business license, then, upon submission of appropriate documentation showing reasonable diligence in attempting to secure that permit or approval, the Administrator shall automatically extend the time limit for the amount of time between the date the applicant submitted an application for the permit for approval and the date the permit was issued or the approval granted.<sup>562</sup>
  - (4) If the applicant participates as a defendant or respondent in any legal challenge related to a project approval, then, upon submission of appropriate documentation showing reasonable diligence in resolving the legal challenge, the Administrator shall automatically extend the time limit for the amount of time between the date the legal challenge was filed and the date the challenge was resolved or decided.
- (f) **Modification or Amendment of Approval<sup>563</sup>**
- (1) The Administrator may approve minor facade alterations, minor changes in the site plan and minor changes in the conditions of approval at the request of the applicant and/or owner as long as the Administrator first determines that:
    - a. The proposed changes are consistent with applicable provisions of this Title;
    - b. The proposed changes are within the scope of the original approval;
    - c. The proposed changes will not adversely impact neighboring properties or the public in general; and
    - d. The proposed changes respond to comments made or during the public hearing or involve issues that were not contested at the public hearing.
  - (2) The Administrator may require public notice prior to approving changes on contested projects. No other changes may be made without an amendment to the application, utilizing the process outlined above, unless such changes are required as a condition of approval of the original application.

<sup>562</sup> Updated this paragraph to clarify that it applies to building, use, and business license approvals.

<sup>563</sup> Moved from Sec. 18.06.403(f) to apply generally.

- (g) **Compliance with Plans<sup>564</sup>**  
All work involved in constructing and operating a project approved pursuant to this Title shall comply with all plans, reports, renderings, and materials that were submitted or presented as a part of the application. City Codes shall prevail in the event of a conflict between the approved plans and the City Codes in effect when the building permit is reviewed.
- (h) **Limitation on Subsequent Similar Applications**  
An applicant whose application is finally denied may not institute a new application on substantially the same project within 12 months from the date of final action on the original application, unless the City Council has first determined that the original decision was based on an error, lack of information, or a misrepresentation of the facts, or the Administrator has determined that there has been a substantial change in the subject project or an amendment to applicable provisions of this Title.
- (i) **Temporary Certificates of Occupancy<sup>565</sup>**
- (1) During the non-growing season (November 1 through April 30), grading completed to rough grade for a construction phase will be acceptable for issuance of temporary certificates of occupancy for individual dwellings or commercial units provided that security is made payable to the City, to cover the final grading and landscaping in the estimated amount of the contracted price plus 20 percent, as determined by and posted with the Community Development Department.
  - (2) Construction phases in which units have been issued a temporary certificate of occupancy must be brought to finish grade and landscaped before July 1 or no further certificates of occupancy will be issued within the subdivision phase until all final grading and landscaping within that phase have been completed.
  - (3) If the landscaping is not installed to the satisfaction of the City, the City may call the security to complete the final grading and landscaping and seek any other remedies available under the law.
  - (4) During the growing season (May 1 through October 31), the Administrator may authorize the issuance of a temporary certificate of occupancy for good cause subject to applicable requirements of this subsection and any other requirements that may be necessary to minimize impacts and ensure the timely completion of all required work.<sup>566</sup>
- (j) **Appeal<sup>567</sup>**
- (1) **Appeal of Administrative Decisions to City Council<sup>568</sup>**
    - a. **Applicability**  
The following permit applications subject to an administrative decision may be appealed to the City Council:
      1. Minor Deviation,
      2. Minor Conditional Use Permit,

<sup>564</sup> Existing content moved here from Site Plan Review and modified to apply to all permits.

<sup>565</sup> Existing standard applicable to Final Subdivision Maps is recommended to apply generally.

<sup>566</sup> New paragraph.

<sup>567</sup> Moved here from existing Sec. 18.06.208 to be with other common post-decision actions after being relocated with the flexibility and relief procedures in previous drafts. Updated to include procedure for appeal of administrative decision to Planning Commission.

<sup>568</sup> New.

3. Site Plan Review, and
4. Administrative Interpretation.

**b. Appeal Submittal**

1. The Mayor, any member of the City Council, or any person or entity aggrieved by an administrative decision may appeal such decision to the City Council by filing a written appeal with City Clerk within ten business days after the filing of notice of the final action, decision, or order.
2. The written notice of appeal must briefly specify the grounds of the appeal on the appropriate form accompanied by the required fees.
3. Any other aggrieved person may file a subsequent appeal within the time allotted for appeal with payment of fees. Any subsequent appeal will not affect the date on which the City Council hears the appeal.
4. Any appellant may withdraw their appeal.
5. If any appeal is withdrawn, the City Council shall hear all remaining appeals.

**c. Appeal Scheduling<sup>569</sup>**

The City Clerk shall schedule an appeal before the City Council no less than 14 days or more than 45 days following the last day of the appeal period following the administrative decision.

**d. Review and Decision**

1. The City Council shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS Section 278.310 to determine whether the Administrator committed an abuse of discretion.
2. The City Council, after a public hearing, shall have the power to affirm, reverse, or modify the administrative decision.
3. The City Council must render a decision within 30 days of the public hearing.

**(2) Appeal of Administrative Decisions to Hearing Examiner<sup>570</sup>**

**a. Applicability**

All other administrative decisions made pursuant to this Title may be appealed to the Hearing Examiner.

**b. Appeal Submittal**

1. The Mayor, any member of the City Council, or any person or entity aggrieved by their inability to obtain a building permit or by any decision made by an administrative officer or agency based upon or made in the course of the administration or enforcement of the provisions of any zoning regulation or any regulation relating to the location or soundness of structures in the administration and enforcement of this Title may appeal

<sup>569</sup> Amended to provide increased scheduling flexibility. Prior requirement was to schedule appeals on the next meeting after 14 days. NRS allows the City to set the procedure for the governing body to hear the appeal (no time limit) and set the period within which the governing body must render its decision but must not exceed 60 days (current practice is 30 days).

<sup>570</sup> References to Board of Appeals have been removed throughout.

such decision to the Hearing Examiner by filing a written appeal with the Community Development Department within ten business days after the filing of notice of the final action, decision, or order with the Clerk or Secretary of the Planning Commission.

2. The written notice of appeal must briefly specify the grounds of the appeal on the appropriate form accompanied by the required fees.
3. Any other aggrieved person may file a subsequent appeal within the time allotted for appeal with payment of fees. Any subsequent appeal will not affect the date on which the Hearing Examiner hears the appeal.
4. Any appellant may withdraw their appeal.
5. If any appeal is withdrawn, the Hearing Examiner shall hear all remaining appeals.

**c. Staff Action**

The Administrator will place the appeal on the Hearing Examiner's calendar at its next regularly scheduled meeting, commencing at least 14 days after the last day of the appeal period.

**d. Review and Decision**

1. The Hearing Examiner shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS Section 278.310 to determine whether the Administrator committed an abuse of discretion.
2. The Hearing Examiner, after a public hearing, shall have the power to affirm, reverse, or modify the administrative decision.
3. The Hearing Examiner must render a decision within 30 days of the public hearing.
4. If the administrative decision is predicated upon a notice of violation written pursuant to Chapter 1.05, *Code Enforcement*, and the Hearing Examiner finds that a violation has occurred, the Hearing Examiner shall forward the case to the City Clerk for further action under Chapter 1.05, *Code Enforcement*.

**e. Appeal**

The decision of the Hearing Examiner regarding administrative appeals may be appealed to the City Council in accordance with subsection (3), below.

**(3) Appeal of Planning Commission and Hearing Examiner Decisions**

**a. General**

1. The Mayor, any member of the City Council, or any person or entity aggrieved by the decision of the Planning Commission or Hearing Examiner, may appeal such decision by completing an appeal form briefly setting forth the grounds of the appeal available in the City Clerk's office and filing it with the City Clerk within ten business days after the date of filing of notice of the final action, decision, or order with the Clerk or Secretary of the Planning Commission accompanied by the required fees.

2. Any other person or entity aggrieved by a decision of the Planning Commission or Hearing Examiner may file a subsequent appeal within the time allotted for appeal with payment of fees. Any subsequent appeal will not affect the date on which the City Council will hear the appeal.
3. Any appellant may withdraw their appeal.
4. If any appeal is withdrawn, the City Council shall hear all remaining appeals.

**b. Review Process**

**1. Scheduling and Notice of Public Hearing<sup>571</sup>**

- [a] The City Clerk shall schedule an appeal from the Planning Commission or Hearing Examiner for public hearing before the City Council no less than 14 days or more than 45 days following the last day of the appeal period following the Planning Commission or Hearing Examiner decision.
- [b] The City Clerk shall mail notice of the public hearing to the appellant and all others who were mailed a notice of the public hearing before the Planning Commission or Hearing Examiner.

**2. City Council Action**

- [a] After the public hearing, the City Council shall review the decision of the Planning Commission or Hearing Examiner and shall be guided by the statement of the purpose underlying the regulation of the improvement of land expressed in NRS Section 278.020.
- [b] The City Council shall consider the decision of the Planning Commission or Hearing Examiner and the reasons for the decision.
- [c] The City Council shall affirm, modify, or reverse the appealed decision.
- [d] The City Council shall render a decision within 30 days of the public hearing.
- [e] If the decision is predicated upon a notice of violation written pursuant to Chapter 1.05, *Code Enforcement*, and the City Council finds that the violation has occurred, the City Council shall forward the case to the City Clerk for further action under Chapter 1.05, *Code Enforcement*.

**3. City Council Decision**

- [a] A decision of the City Council is a final decision for the purpose of judicial review.
- [b] With respect to a violation pursuant to Chapter 1.05, *Code Enforcement*, the decision of the City Council is a final decision regarding the existence of a violation for the purpose of judicial review.

**c. City Clerk Duties**

If a case has been forwarded to the City Clerk pursuant to subsection (3)(e), above, the City Clerk shall set a case on the calendar of the Hearing Examiner.

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<sup>571</sup> Amended to provide increased scheduling flexibility. Prior requirement was to schedule appeals on the next meeting after 14 days. NRS allows the City to set the procedure for the governing body to hear the appeal (no time limit) and set the period within which the governing body must render its decision but must not exceed 60 days (current practice is 30 days).



**(4) Appeal of the City Council's Decision to District Court**

Any aggrieved person who has appealed the decision of the Planning Commission, Board of Appeal, or Hearing Examiner to the City Council, and who is aggrieved by the decision of the City Council, may appeal the City Council's decision by filing a petition for judicial review with the District Court within 25 days after the date of filing of City Council's decision with the City Clerk's office, as set forth in NRS Section 278.3195(4).

**(5) Judicial Review of First Amendment Applications**

- a. Judicial review may be sought in accordance with NRS Chapter 34.
- b. Notwithstanding any right to initiate proceedings for judicial review under NRS Chapter 34, the City shall, upon written request for the City to initiate judicial proceedings made by an aggrieved applicant and filed with the City Clerk, within five business days of filing of the request, file an action with a court of competent jurisdiction seeking declaratory and/or injunctive relief, including temporary and/or preliminary relief, as to the propriety of the denial to determine the constitutionality of the denial on prior restraint grounds.
- c. The aggrieved applicant shall make their request within 25 days after the date of filing of the final action, order, or decision with the Clerk of the governing body.
- d. For the purposes of subsections b. and c., above, an aggrieved applicant is a person who asserts in their written request for the City to initiate judicial proceedings that the constitutionality of the denial of the application is being challenged on prior restraint grounds under the First Amendment of the United States Constitution or Section 9 of Article 1 of the constitution of the State of Nevada.
- e. For purposes of subsection b., above, business days do not include Saturday, Sunday, or those days declared legal holidays pursuant to NRS Section 236.015.

## Article 4 Annexation and Master Plan Procedures

### Commentary

The following article is generally based on Chapters 18.04 and 18.05 but has been retitled, reorganized, and rewritten to follow the structure of the Common Review Procedures (Article 3) where possible. Both processes are heavily dictated by the Nevada Revised Statutes (NRS) and no substantive changes are proposed.

### 18.08.401 Annexation<sup>572</sup>

**(a) General Provisions**

**(1) Purpose**

The City Council finds that orderly and uniform procedures are necessary for the general welfare of the people. It is the purpose and intent of the City Council to establish this chapter to govern annexation or detachment of land from the city consistent with NRS Chapters 268 and 278.

**(2) Detachment**

For purposes of this chapter and Title, the term "annexation" shall include the detachment of land from the city.

<sup>572</sup> Existing Chapter 18.04.

(3) **Concurrent Applications**<sup>573</sup>

Applications for annexation shall be reviewed by the City Council concurrently with an application for a zoning map amendment or Master Plan amendment. The Administrator may waive this requirement if the applicant confirms that no change to the current land use or zoning is proposed, or provides other justification to support processing an annexation application separately from Master Plan amendment or zoning map amendment applications.

(b) **Annexation Pursuant to NRS Sections 268.610 to 268.668, Inclusive**

(1) **Purpose**

This subsection describes the process by which areas within the City's sphere of influence are considered for annexation.

(2) **Applicability**

All areas within the City's sphere of influence which are to be considered for annexation during the next seven years are identified within the program of annexation.

(3) **Annexation Program**

The annexation program shall be established pursuant to NRS Sections 268.610 to 268.668, inclusive.

- a. The City's program of annexation is incorporated by reference;
- b. The City's program of annexation shall be updated no more frequently than annually;
- c. The City's program of annexation shall be amended by resolution subject to certification as provided by NRS Section 268.625; and
- d. After certification provided by NRS Section 268.625, each amendment to the City's program of annexation shall be filed with the City Clerk and upon filing shall be incorporated herein and the latest amendment shall be the controlling document.

(4) **Annexation Initiation and Review Procedures**

Annexations pursuant to the City's program of annexation shall be in accordance with NRS Section 268.610 to 268.668, inclusive, and Article 3, *Common Review Procedures*.

(5) **Zoning Classification of Newly Annexed Lands**

Territory that is annexed will be zoned, by action of law, in accordance with Section 18.02.105, *Classification of Annexed Land*, and 18.02.107, *Sphere of Influence*.

(6) **Update of Annexation Program Maps**

Within 30 days of the effective date of an annexation pursuant to NRS Sections 268.610 to 268.668, inclusive, the City shall update its annexation program maps and notify the Regional Planning Commission, Washoe County Commission, and NV Energy.

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<sup>573</sup> New. Added to require concurrent review, verification that land use zoning are not proposed to change, or an explanation for why concurrent processing is not appropriate for that case.

(c) **Annexation Pursuant to NRS Section 268.670**

(1) **Purpose**

This subsection describes the process by which contiguous areas owned by the City are annexed or contiguous areas where 100 percent of the record owners of real property within the subject area petition the City for annexation in accordance with NRS Section 268.670 and the procedures to adopt ordinances under the Reno City Charter.

(2) **Applicability**

This subsection shall apply to annexation of contiguous areas in the following circumstances:

- a. Owned by the City, or
- b. Petitioned by 100 percent of the record owners of real property within the subject area.

(3) **Application Submittal and Review Procedures**

Figure 8-1, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of alternative annexation applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-1: Summary of Alternative Annexation Procedures**



a. **Application Submittal and Handling**

Applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*. However, applications for annexation pursuant to NRS Section 268.670 shall be initiated by the City Council or upon petition signed by 100 percent of the record owners of real property within the subject area.

b. **Staff Review and Action**

The Administrator shall review annexation applications and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.

c. **Scheduling and Notice of Public Hearings**

The annexation application shall be scheduled for a public hearing before the City Council and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings* and the following procedures:

- 1. The City Clerk shall provide mailed notice at least 10 days prior to the City Council hearing to:

- [a] Each owner, as listed on the County Assessor's records, of real property located within 750 feet of the property in question;
- [b] The owner, as listed on the County Assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to Subsection [a]., above;
- [c] Each tenant of a mobile home park located within 750 feet of the property in question;
- [d] Any advisory board which has been established for the affected area by the governing body;
- [e] To the commander of a military installation located within 3,000 feet of the property in question; and
- [f] To the Washoe County Clerk.

**d. Review and Decision**

1. The City Council shall hold a public hearing within 90 days of the date that the application was submitted to the City.
2. Within 30 days from the date the public hearing is concluded the City Council, by affirmative vote of a majority of the Council, shall approve, disapprove, or approve a proposed annexation with modifications in accordance with Section 18.08.306, *Review and Decision*.

**(4) Review Considerations**

When considering an application for annexation submitted under NRS Section 268.670, the City Council shall consider the following factors in deciding on the application:

- a. Location of the property to be considered for annexation;
- b. The logical extension or boundaries of city limits;
- c. The need for the expansion to accommodate planned regional growth;
- d. The location of existing and planned water and sewer service;
- e. Community goals that would be met by the proposed annexation;
- f. The efficient and cost-effective provision of service areas and capital facilities;
- g. Fiscal analysis regarding the proposed annexation;
- h. Whether Washoe County has adopted a community management plan for the proposed annexation area;
- i. Whether the annexation creates any islands; and
- j. Any other factors concerning the proposed annexation deemed appropriate for consideration by the City Council.

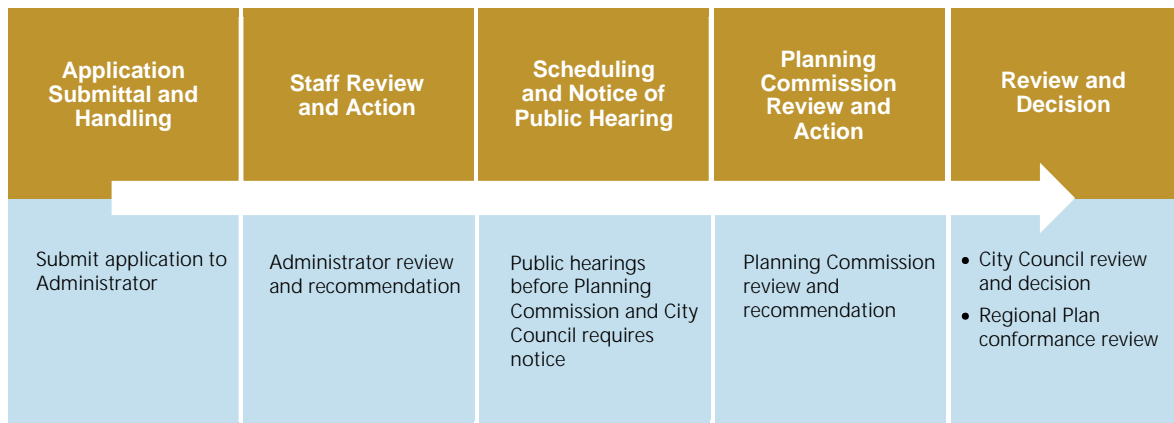
**18.08.402 Master Plan Amendments<sup>574</sup>**

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<sup>574</sup> New section and additional content added to match new document structure and provide more/better information on the procedures. No substantive changes are proposed.

- (a) **Purpose**  
 This section describes the process by which requests to amend the City of Reno Master Plan (Master Plan) are reviewed. Procedures to review Master Plan amendments shall also be consistent with NRS Sections 278.150 to 278.250, inclusive.
- (b) **Applicability**  
 This section shall be applicable to all requests to amend the Master Plan, except those amendments that are applicable to Section 18.08.403, *Minor Master Plan Amendment*. The Master Plan is a legislative planning document with respect to the City's vision, goals, and policies relative to such matters as population, housing, streets, and resource use, which is governed by NRS Sections 278.150 to 278.250, inclusive.
- (c) **Application Submittal and Review Procedures**  
 Figure 8-2, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of Master Plan amendment applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-2: Summary of Master Plan Amendment Procedures**



- (1) **Application Submittal and Handling**  
 Master Plan amendment applications shall be initiated by the Administrator, Planning Commission, or City Council, except that Master Plan Land Use Map amendments may be initiated by application. A Master Plan Land Use Map amendment application shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.
- (2) **Staff Review and Action**  
 The Administrator shall review the Master Plan amendment and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.
- (3) **Scheduling and Notice of Public Hearings**  
 The Master Plan amendment application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.
- (4) **Planning Commission Review and Action**  
 The Planning Commission shall hold a public hearing and thereafter, address the requirements of NRS Section 278.210, as applicable, and recommend to the City Council approval, approval with modifications, or disapproval of the proposed

amendment with modifications in accordance with Section 18.08.306, *Review and Decision*.

**(5) Review and Decision**

- a. By affirmative vote of a majority of the City Council, the Council shall approve, disapprove, or approve a proposed Master Plan amendment with modifications in accordance with Section 18.08.306, *Review and Decision*.
- b. The decision shall not take effect until the Master Plan amendment has been found in conformance with the Truckee Meadows Regional Plan.

**(6) Regional Plan Conformance Review**

The Truckee Meadows Regional Planning Commission shall review the Master Plan amendment to determine if it is in conformance with the Truckee Meadows Regional Plan.

**(7) Post-Decision Actions and Limitations**

- a. The Truckee Meadows Regional Planning Commission shall be notified by City staff of any City Council decision to approve a proposed Master Plan amendment.
- b. All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply.

**(d) Findings for Amendments to Master Plan Land Use Map**

- (1) To adopt an amendment to the Master Plan Land Use Map, the City Council shall find that:
  - a. The amendment is in substantial conformance with Master Plan priorities and policies.
  - b. Activities and development allowed by the proposed land use will be reasonably compatible with nearby land uses.
  - c. Plans are in place to provide public services and facilities in accordance with the Master Plan Concurrency Management System.
- (2) All other proposed amendments to the Master Plan, beyond those affecting the Land Use Map, shall be decided by the City Council in its discretion.

**18.08.403 Minor Master Plan Amendment<sup>575</sup>**

**(a) Purpose**

This section describes the process by which minor amendments to the City of Reno Master Plan (Master Plan) are processed.

**(b) Applicability<sup>576</sup>**

This section shall be applicable to the following requests to amend the Master Plan as authorized by NRS Section 278.225:

- (1) A change in a boundary that is based on a geographical feature, including, without limitation, topography, slopes, hydrographic features, wetland delineation and

<sup>575</sup> Additional content added to match new document structure and provide more/better information on the procedures. No substantive changes are proposed.

<sup>576</sup> Updated to include applicability outlined in NRS 278.225.

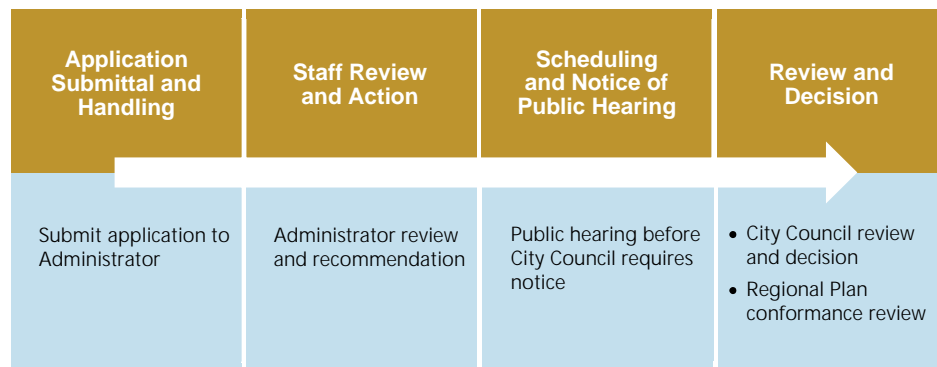
floodplains, when evidence is produced that the mapped location of the geographical feature is in error;

- (2) A change made to reflect the alteration of the name of a jurisdiction, agency, department or district by the governing body, governing board or other governing authority of the jurisdiction, agency, department or district, as applicable, or by another entity authorized by law to make such an alteration; and
- (3) An update of statistical information that is based on a new or revised study.

(c) **Application Submittal and Review Procedures**

Figure 8-3, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of minor Master Plan amendment applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-3: Summary of Minor Master Plan Amendment Procedures**



(1) **Application Submittal and Handling**

Minor Master Plan amendment applications shall be initiated by the Administrator or City Council.

(2) **Staff Review and Action**

The Administrator shall prepare the minor Master Plan amendments and provide a recommendation to the City Council in accordance with Section 18.08.304, *Review and Action*.

(3) **Scheduling and Notice of Public Hearings**

The Master Plan amendment application shall be scheduled for a public hearing before the City Council and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

(4) **Review and Decision**

- a. There are no time limits for public hearings or City Council decisions regarding minor Master Plan amendments.
- b. By affirmative vote of a majority of the City Council, the Council shall approve, disapprove, or approve a proposed Master Plan amendment with modifications in accordance with Section 18.08.306, *Review and Decision*.
- c. The decision shall not take effect until the Minor Master Plan amendment has been found in conformance with the Truckee Meadows Regional Plan.



- (5) **Regional Plan Conformance Review**  
The Truckee Meadows Regional Planning Commission shall review the Master Plan Land Use Map amendment to determine if it is in conformance with the Truckee Meadows Regional Plan.
- (6) **Post-Decision Actions and Limitations**
- a. The Truckee Meadows Regional Planning Commission shall be notified by City staff of any City Council decision to approve a proposed Master Plan amendment.
  - b. All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply.
- (d) **Findings**  
To adopt a minor amendment to the Master Plan, the City Council shall find that a change is justified because of one of the following:
- (1) Evidence is produced that an error exists in the mapped location of a geographical feature, including without limitation, topography, slopes, hydrographic features wetland delineation and floodplains;
  - (2) The name of a jurisdiction, agency, department, or district is altered by the City, governing board, or other governing authority of the jurisdiction, agency, department, or district, as applicable, or another entity authorized by law to make such an alteration; or
  - (3) Statistical information that results from a new or revised study and alters existing information.

## Article 5 Ordinance Amendments & Interpretations

### Commentary

The following article is generally based on Sections 18.06.403, 18.06.404, and Article III of Chapter 18.06 but has been retitled, reorganized, and rewritten to follow the structure of the Common Review Procedures (Article 3) where possible.

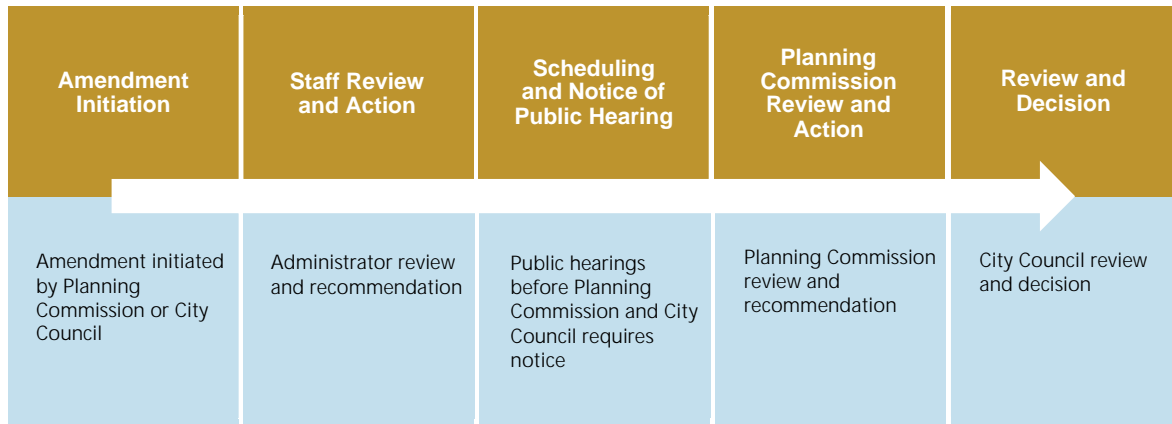
### 18.08.501 Code Text Amendment

- (a) **Purpose**<sup>577</sup>  
This section describes the process by which changes to the text of this Title are reviewed. The code text amendment review procedure ensures conformance with the Master Plan and that potential impacts are considered.
- (b) **Applicability**  
This section's procedures apply to all legislative amendments to the text of this Title.
- (c) **Amendment Initiation and Review Procedures**<sup>578</sup>  
Figure 8-4, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of amendments to the text of this Title. Additions or modifications to the common review procedures are noted below.

<sup>577</sup> New.

<sup>578</sup> New.

Figure 8-4: Summary of Code Text Amendment Procedures



- (1) **Application Submittal and Handling**  
 Amendments to this Title may only be initiated by the Planning Commission or the City Council.
  - (2) **Staff Review and Action**  
 The Administrator shall review the text amendment and provide a recommendation to the Planning Commission.
  - (3) **Scheduling and Notice of Public Hearing**  
 The code text amendment application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.
  - (4) **Planning Commission Review and Action**  
 The Planning Commission shall hold a public hearing on a proposed code text amendment and shall forward a recommendation of approval, approval with modifications, or disapproval of the proposed code text amendment to the City Council in accordance with Section 18.08.306, *Review and Decision*.
  - (5) **Review and Decision**  
 At a public hearing, by affirmative vote of a majority of the City Council, the City Council shall approve, disapprove, or approve with modifications in accordance with Section 18.07.306, *Review and Decision*.
  - (6) **Post-Decision Actions and Limitations**<sup>579</sup>  
 All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply.
- (d) **Findings**  
 Text amendments shall be in substantial conformance with the statement of purpose and intent for this Title, as set forth in Chapter 18.01 Article 2, *Purpose*, and the Master Plan.

**18.08.502 Administrative Interpretations of Title 18**<sup>580</sup>

<sup>579</sup> New.

<sup>580</sup> This appears with the code text amendment section currently. Moved from Article 4.

(a) **General**

- (1) Administrative interpretations of this Title shall be issued only if related to a matter for which an application is pending pursuant to this Chapter or when the Administrator deems such interpretation is appropriate.
- (2) The form of the administrative interpretation shall be in writing and shall be on file with the City Clerk's office.

(b) **Appeal**

The interpretation of the Administrator may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

**18.08.503 Rezoning (Zoning Map Amendment)**

(a) **Purpose**<sup>581</sup>

This section describes the process by which requests to change the zoning district of a property or properties are reviewed for compliance with this Title. The zoning map amendment (rezoning) review procedure ensures conformance with the Master Plan and that potential impacts are considered.

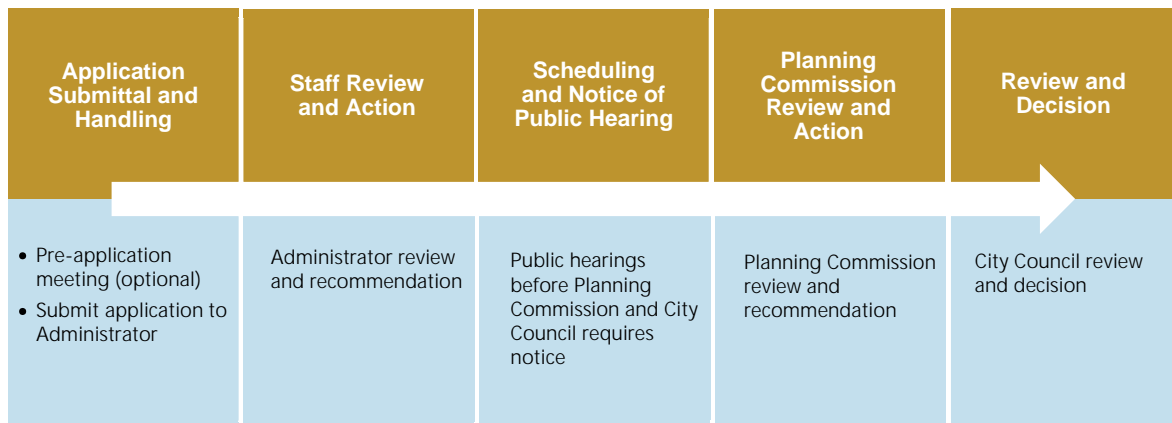
(b) **Applicability**

This section shall be applicable to all requests to change the zoning district of a property or properties as shown on the official zoning map of the city. Zoning map amendments to apply the Planned Unit Development (PUD) or Specific Plan District Zoning District designations to a property or properties shall also be subject to the procedures and criteria in Sections [18.08.505, Rezoning \(Planned Unit Development\)](#) and [18.08.504, Rezoning \(Specific Plan District\)](#). Requests to add the Historic Landmark (HL) overlay designation shall be subject to the process in 18.07.202, *Procedures for Nomination and Designation*.

(c) **Application Submittal and Review Procedures**

Figure 8-5, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of zoning map amendment applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-5: Summary of Rezoning Procedures**



<sup>581</sup> New.

**(1) Application Submittal and Handling**

Amendments to the zoning map may only be initiated by City Council or by application in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Staff Review and Action**

The Administrator shall review the zoning map amendment and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.

**(3) Scheduling and Notice of Public Hearings**

The zoning map amendment application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(4) Planning Commission Review and Action<sup>582</sup>**

- a. The Planning Commission shall hold a public hearing within 65 days of application.
- b. The Planning Commission shall recommend approval or denial within 30 days from the date of the hearing in accordance with Section 18.08.306, *Review and Decision*, based on the general approval criteria in subsection 18.08.304(e), *Approval Criteria Applicable to all Applications*, and the specific findings for zoning map amendments in subsection 18.08.605(e), *Findings*, below.

**(5) Review and Decision<sup>583</sup>**

- a. A public hearing shall be scheduled before the City Council no more than 45 days following the Planning Commission recommendation.
- b. The City Council shall render a decision within 30 days of the public hearing in accordance with Section 18.08.306, *Review and Decision*, based on the general approval criteria in subsection 18.08.304(e), *Approval Criteria Applicable to all Applications*, to all Applications and the specific findings for zoning map amendments in subsection 18.08.605(e), *Findings*, below.

**(6) Post-Decision Actions and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply.

**(d) Findings**

All applications for zoning map amendments shall meet the approval criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, and the following findings:

- (1) The amendment, together with changed components of the Title, promotes, or does not conflict with, the provisions of NRS Section 278.250(2); and
- (2) The amendment is in substantial conformance the Master Plan.

**18.08.504 Rezoning to Specific Plan District<sup>584</sup>**

<sup>582</sup> Updated to include a timeline for hearing the PC recommendation. NRS has no timeline standards. Update to reflect common practice.

<sup>583</sup> Updated to include a timeline for the Council decision, consistent with common practice.

<sup>584</sup> New. Re-added to this Title per direction from decision-makers after being removed by ordinance prior to the LDC Code Update project.

## Commentary

Specific Plan Zoning (SPD) Districts are proposed to be carried forward from the current code per new direction from decision-makers (they had not been included in prior drafts). These procedures utilize standard procedures for zoning map amendments with additional to address the content of SPD Handbooks and require a demonstration of benefit for using SPD vs standard zoning is required.

(a) **Purpose**

This section describes the process by which requests to change the zoning district of a property or properties to a Specific Plan District (SPD) special purpose zoning districts are reviewed for compliance with this Title.

(b) **Applicability**

- (1) This section applies to all requests to amend the zoning designation of a property to an SPD district.
- (2) SPD applications shall be based on the existing zoning designation but may include proposals to apply modified lot and building standards, land use permissions, and design, compatibility, and buffering provisions that provide benefits over what would otherwise be achieved with a base zone district.
- (3) SPD review is a special type of zoning map amendment and the standards and procedures of Section 18.08.503, *Rezoning (Zoning Map Amendment)*, shall apply except when preempted by a SPD-specific review provision in this Section.

(c) **Application Submittal and Review Procedures**

Figure 8-6, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of SPD applications. Additions or modifications to the common review procedures are noted below.

(1) **Application Submittal and Handling**

Supplemental application and plan requirements of this Subsection shall apply.

a. **Supplemental Application and Plan Requirements**

1. **Specific Plan District Handbook**

- [a] The applicant shall submit a Specific Plan District Handbook that includes a statement of purpose explaining rationale for SPD zoning, the base zoning district upon which the proposed SPD is based, and each proposed modification from standard zoning district provisions. All district standards not specifically modified in the SPD handbook shall remain in effect.
- [b] The applicant shall submit a plan that delineates the location of the proposed land uses, as well as the location of structures, improvements, and open space.

2. **Demonstration of Benefit**

Documentation shall be provided with any application for an SPD that demonstrates the benefit to the City of the proposed SPD plan over what would otherwise be achieved with an existing base zone district.

(d) **Findings**<sup>585</sup>

All applications for zoning map amendments to SPD shall meet the approval criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, and the following findings:

- (1) The amendment, together with changed components of the Title, promotes, or does not conflict with, the provisions of NRS Section 278.250(2);
- (2) The amendment is in substantial conformance with the Master Plan;
- (3) The SPD Handbook is consistent with the purpose of the SPD District (Section [18.02.506](#)); and
- (4) The SPD Handbook addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design, layout, or configuration resulting in quality over what could have been accomplished through strict application of a base zoning district.

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<sup>585</sup> Zoning map amendment findings supplemented with additional findings (5) and (6).

## 18.08.505 Rezoning to Planned Unit Development

### Commentary

The procedures for rezoning to PUD are updated to include the additional development criteria, an ongoing review and monitoring process with standards for reconsidering and revoking PUD permits (reflecting Master Plan direction), an administrative process for minor amendments, and expanded findings. Additionally, an optional preliminary review process has been added to allow City Council to review and provide feedback on PUD applications early in the process.

(a) **Purpose**<sup>586</sup>

This section describes the process by which requests to change the zoning district of a property or properties to a Planned Unit Development (PUD) are reviewed for compliance with this Title. The rezoning to PUD review procedure ensures conformance with the Master Plan, demonstration of benefit, and that potential impacts are considered.

(b) **Applicability**

This section applies to all requests to amend the zoning designation of a property to the PUD special purpose zoning district. PUD review is a special type of zoning map amendment and the standards and procedures of Section 18.08.503, *Rezoning (Zoning Map Amendment)*, shall apply except when preempted by a PUD-specific review provision in this Section.

(c) **Overview of PUD Process**

Evaluation and approval of an application for rezoning to PUD shall occur in three phases, each of which is further detailed in the following sections.

(1) **Initial Concept Review**<sup>587</sup>

The applicant may, at its option, request a review and discussion of high-level aspects of the proposed PUD with the City Council prior to submitting an application for a Tentative PUD plan. The purpose of such a review would be to obtain preliminary feedback on the feasibility of fundamental aspects of the proposed PUD, such as the mix of land uses, the general site layout, and the site circulation system. Any discussion and feedback received at this optional meeting is intended to help inform the development of the Tentative PUD Plan application, but shall not be binding on the City or the applicant.

(2) **Tentative PUD Plan**

- a. The tentative PUD plan is for the applicant, the City, and the public to evaluate and determine the basic development plan for the proposed PUD, and to consider whether the development of the property as a PUD will result in a significant improvement over its development within a base zoning district.
- b. The review and consideration of the tentative PUD plan is the opportunity to discuss and evaluate issues such as the location and scale of development, open spaces and recreation areas, the land use mix and distribution of land uses within the PUD, dimensional standards, the development standards applicable to the site, and plans for utilities and infrastructure to serve the project.
- c. The tentative PUD plan requires a public hearing and review and recommendation by the Planning Commission, and a public hearing and review and decision by the City Council.

<sup>586</sup> New.

<sup>587</sup> New optional concept plan review provision.



**(3) Final PUD Plan**

- a. The purpose of the final PUD plan is for the applicant to respond to the issues raised during the review of the tentative PUD plan and to prepare a final PUD plan.
- b. The final PUD plan requires review and recommendation by the Administrator, and approval by the City Council.

**(d) Procedure for Initial Concept Review**

- (1) The applicant may, at their option, request a review and discussion of high-level aspects of the proposed PUD with the City Council prior to submitting an application for a Tentative PUD plan.
- (2) To initiate a concept review, an applicant shall submit a request to the Administrator with conceptual plan documents sufficient to understand the basic plan for development, services, and amenities; and shall submit fees for such review in accordance with an approved fee schedule.
- (3) The Administrator may prepare a staff report addressing considerations for the City Council.
- (4) The Administrator shall schedule the initial concept plan for review by the City Council within 45 days of receiving a request.
- (5) The initial concept plan review may occur prior to submittal of an application for a Tentative PUD; or concurrent with the review process for a Tentative PUD.
- (6) The City Council shall review the initial concept plan and may provide feedback to the applicant on the feasibility of fundamental aspects of the proposed PUD, such as the intensity and mix of land uses, the general site layout, the site circulation system, public infrastructure and project amenities.
- (7) Any discussion and feedback received at this optional meeting is intended to help inform the development of the Tentative PUD Plan application, but shall not be binding on the City or the applicant.

**(e) Procedure for Tentative PUD Plan**

**(1) Application Submittal and Review Procedures**

Figure 8-6, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of tentative PUD applications. Additions or modifications to the common review procedures are noted below.

Figure 8-6: Summary of Tentative PUD Procedures



a. **Application Submittal and Handling**<sup>588</sup>

PUD applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*. However, amendments to the official zoning map to create a PUD may only be initiated by the City Council or by application. The application shall include the following information:

1. A statement of the present ownership and a legal description of all the land included in the proposed PUD;
2. An explanation of the objectives to be achieved by the planned unit development and why those objectives cannot be achieved with standard zoning designations;
3. Description of the existing conditions of the site;
4. Statement of consistency with the Master Plan;
5. General site characteristics such as environmentally sensitive lands, wildlife habitat, areas of visual impact, and waterways;
6. The location and intensity of proposed land uses and development;
7. General site planning layout, including vehicular, bicycle, and pedestrian circulation;
8. Proposed public infrastructure and facilities;
9. Proposed amenities, including availability for public use and maintenance responsibilities;
10. A development schedule indicating the approximate date when construction of the planned unit development or stages of the planned unit development can be expected to begin and be completed; A Fiscal Impact Analysis (FIA) that details the infrastructure and services needed to support the proposed PUD and the estimated net fiscal impact to the City resulting from project approval;

<sup>588</sup> Subsections 1, 2, 10, 12, and 13 are existing. The remaining application requirements are new and generally reflect the topics addressed during the development review process

11. Copies of any special agreements, conveyances, restrictions, or covenants, which will govern the use, maintenance, and continued protection of the planned unit development and any of its common open space areas; and
12. The applicant may submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

**b. Staff Review and Action**

The Administrator shall review the tentative applications for a PUD, prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*, and the procedures below:

1. Except as outlined in this section, tentative approval of a PUD shall be processed as a zoning map amendment in accordance with Section 18.08.503, *Rezoning (Zoning Map Amendment)*.
2. All requirements and regulations pertaining to the approval, denial, conditioning of tentative approval by minute order, findings of fact, specification of time for filing application for final approval, and status of plan after tentative approval shall be as provided in NRS Sections 278A.490 to 278A.520, inclusive.
3. In approving a PUD, the Planning Commission and City Council shall make findings regarding the requirements of this section and NRS Section 278.250(2), as applicable.

**c. Scheduling and Notice of Public Hearings**

The tentative PUD application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**d. Planning Commission Review and Action**

The Planning Commission shall hold a public hearing and recommend to the City Council approval, approval with modifications, or disapproval of the proposed tentative PUD in accordance with Section 18.08.306, *Review and Decision*.

**e. Review and Decision**

By affirmative vote of a majority of the City Council, the Council shall approve, disapprove, or approve a proposed tentative PUD with modifications in accordance with Section 18.08.306, *Review and Decision*.

**f. Minute Order**

Within 30 days following approval or denial of a Tentative PUD Plan, the City shall distribute a Minute Order in accordance with NRS 278A.500 through 278A.520, inclusive.

**g. Post-Decision Actions and Limitations**

Following approval of a tentative PUD plan, the applicant may submit an application for a final PUD plan in accordance with the procedure below.

**(f) Procedure for Final PUD Plan**

All requirements and regulations pertaining to the application for a Final PUD Plan, substantial compliance with the Tentative PUD Plan, alternative proceedings for final action on plans not in substantial compliance, recourse to courts on failure of city to grant or deny final approval, certification and filing of approved plan, and zoning map

amendment and re-subdivision upon abandonment or failure to carry out approved plan shall be as provided in NRS 278A.530 to 278A.580, inclusive.

(g) **Findings**<sup>589</sup>

In addition to meeting the approval criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications* and the findings for approval of zoning map amendments in Section 18.08.503(d), *Findings*, the Planning Commission and City Council shall find that the Tentative PUD Plan:

- (1) Is consistent with the statement of objectives of a PUD.
- (2) Ensures that any departures from standard zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, are in the public interest.
- (3) Has a ratio of residential to nonresidential use that is appropriate for the area and compatible with nearby land uses.
- (4) Provides an appropriate location and amount of the common open space and provides for the maintenance and conservation of the common open space in relation to the proposed density and type of residential development.
- (5) Includes an adequate provision for public services, adequate control over vehicular traffic, and furthers the amenities of light and air, recreation, and visual enjoyment
- (6) Is compatible with the neighborhood in which it is proposed to be established.
- (7) For PUD Plans that propose phased development over a period of years, sufficient terms and conditions are included to protect the interests of the public, residents, and owners of the PUD in the integrity of the plan. Addresses a unique situation, provides substantial benefit to the City, or incorporates innovative design, layout, or configuration resulting in quality over what would typically be accomplished through strict application of a base zoning district or other standards of this Title;
- (8) Is compatible with a Master Plan land use category or categories, including Master Plan guidance on the desired density, use, and characteristics of the land use category; and
- (9) Demonstrates that there is a public benefit gained from approval of the PUD, such as but not limited to the following:
  - a. Additional or better open spaces, or a design or development of open spaces that creates a desirable and useful environment;
  - b. Additional public use facilities, such as but not limited to pedestrian and bicycle trails, parks, open spaces, streets improving local circulation, or public access to a lake or stream;
  - c. Preservation or enhancement of natural and cultural assets, such as historic landmarks, migration routes, wetlands, fish or animal habitats, geographical features, specimen trees, or views;
  - d. Other general public benefit features that contribute to improving the environment and ecology of the vicinity, such as incorporating green infrastructure improvements to enhance stormwater infiltration and/or provision of additional flood protection facilities; and/or

<sup>589</sup> New. Findings. Findings 1-7 address the findings required by NRS 278a.500. Remaining findings are additional.

- e. A significantly higher quality development than following traditional development practices would allow, including more efficient use of land, energy, and resources, a more unified design concept, and a more carefully planned, considered, and livable community.

(h) **Post-Decision Actions and Limitations**

(1) **General**

- a. All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply.
- b. All requirements and regulations pertaining to the enforcement and modification of the provisions of the PUD plan as finally approved, whether or not these are recorded by plat, covenant, easement or otherwise, shall be as provided in NRS Sections 278A.380 to 278A.420, inclusive.
- c. Amendments to the official zoning map and minor amendments to PUD plans shall be initiated by a person that submits an affidavit executed by each of the property owners giving permission for the zoning map amendment or minor amendment to PUD plans.

(2) **Minor Amendments to PUD Plans**<sup>590</sup>

- a. The Administrator may approve minor amendments to an approved PUD if the proposed amendment complies with the following criteria and the Administrator determines that the amended PUD is consistent with all PUD approval findings:
  - 1. The number of residential units shall not be increased by more than 10 percent.
  - 2. The gross square footage of nonresidential building area shall not be increased by more than 10 percent.
  - 3. The amendment shall not change the allowed uses listed in the approved PUD.
  - 4. The number or location of vehicular access points shall not be changed in a way that negatively impacts public safety or the flow of traffic onto public streets.
  - 5. The change shall not result in an increase in off-site compared to the approved PUD Plan.
  - 6. The numeric standards in the PUD shall not be revised by more than would be allowed through Section 18.08.804, *Minor Deviation*.
- b. The Administrator may modify any architectural design standards.
- c. The Administrator may require public notice prior to approving changes on contested projects. No other changes may be made without an amendment to the PUD, utilizing the process outlined above.

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<sup>590</sup> New. Added to allow minor amendments to previously approved PUDs. Similar ordinances are adopted in Glenwood Springs, CO, and Sedona, AZ.

**(3) Reconsideration and Expiration<sup>591</sup>**

- a. For PUD Plans approved or amended after the effective date of this Title, the Administrator shall schedule public hearings with the Planning Commission and City Council to monitor construction within the PUD every five years following adoption of each PUD or PUD amendment that is approved under this Title. The City Council, during any of the monitoring public hearings, may modify the monitoring schedule to be more frequent, less frequent, or to not occur at all.
  1. If no development has occurred on the site five years following the approval date of the PUD or PUD amendment, the applicant shall either provide a construction phasing plan that provides for the commencement of work within two years following the five-year review or shall provide an explanation to the City about why commencement of development has not occurred and why the approval should remain in place. If development has not commenced within two years following the five-year review, the City Council may initiate a rezoning to another district if it determines that the PUD approval findings can no longer be made and PUD zoning is no longer appropriate on the site.
  2. If less than 20 percent of the PUD has been developed within ten years following the approval date of the PUD, the City Council may initiate a rezoning of undeveloped areas to another district if it determines that the PUD approval findings can no longer be made and PUD zoning is no longer appropriate on the site.
  3. If less than 40 percent of the PUD has been developed within 15 years following the approval date of the PUD, the City Council may initiate a rezoning of undeveloped areas to another district if it determines that the PUD approval findings can no longer be made and PUD zoning is no longer appropriate on the site.
  4. If less than 60 percent of the PUD has been developed within 20 years following the approval date of the PUD, the City Council may initiate a rezoning of undeveloped areas to another district if it determines that the PUD approval findings can no longer be made and PUD zoning is no longer appropriate on the site.
  5. If less than 80 percent of the PUD has been developed within 25 years following the approval date of the PUD, the City Council may initiate a rezoning of undeveloped areas to another district if it determines that the PUD approval findings can no longer be made and PUD zoning is no longer appropriate on the site.
  6. The five-year reviews shall terminate when 90 percent of the PUD is developed.
- b. During a monitoring hearing, the City Council and applicant or responsible party may, by mutual agreement, add conditions or modify the PUD.

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<sup>591</sup> New. Added to apply consistent time-limit and phasing criteria.

## Article 6 Development Permits

### Commentary

This article is generally based on Sections 18.06.402, 18.06.405, and 18.06.407 but has been reorganized and rewritten to follow the structure of the Common Review Procedures (Article 3). There are some simplifications where the procedures and standards duplicate Common Review Procedures. Significant changes are proposed to the Site Plan Review and Conditional Use Permit (formerly Special Use Permit) process to 1) differentiate procedures and findings for approval of potentially sensitive land uses from the procedures and findings for site design approvals; and 2) have a minor and major procedures for each application type. Major procedures (Conditional Use Permit and Major Site Plan review) require Planning Commission public hearings, and in some cases City Council approval. Minor procedures (Minor Conditional Use Permit and Site Plan Review) are "enhanced administrative" processes with an initial administrative decision in 30 days and notification and requirements mirroring the major approvals. All discretionary decisions are appealable directly to the City Council.

This article also removes duplicative sections covering various thresholds for discretionary review. The existing code includes some of the thresholds, but not all, and has led to confusion. Applicable discretionary review thresholds are detailed for various purposes throughout the code..

### 18.08.601 Projects of Regional Significance

(a) **Purpose**<sup>592</sup>

This section describes the process by which a project of regional significance is reviewed for conformance with the Regional Plan, per NRS Section 278.026.

(b) **Applicability**

All applications submitted pursuant to this Title are subject to the procedures of this section to determine whether the proposed activity is a "project of regional significance" pursuant to NRS Section 278.026. On any application determined to be a "project of regional significance," the City's final approval shall be contingent upon a subsequent review by the Regional Planning Commission, according to NRS Section 278.0278, to determine whether the project is in conformance with the adopted regional plan.

(c) **Application Submittal and Review Procedure**<sup>593</sup>

Figure 8-7, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of projects to determine regional significance. Additions or modifications to the common review procedures are noted below.

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<sup>592</sup> New.

<sup>593</sup> New.



Figure 8-7: Summary of Regional Plan Conformance Review Procedures

Application Submittal and Handling	Staff Review and Decision	Referral to Regional Agencies	Application Review	Regional Plan Conformance Review
<ul style="list-style-type: none"> <li>• Pre-application meeting (optional)</li> <li>• Submit application to Administrator</li> </ul>	<p>Administrator determines if project is of regional significance</p>	<p>Application referred to City of Sparks, Washoe County, and TMRPA for comment during regular project review process</p>	<ul style="list-style-type: none"> <li>• Application processed according to relevant procedure</li> <li>• City approvals are subject to Regional Plan Conformance Review</li> </ul>	<ul style="list-style-type: none"> <li>• Regional Planning Commission determination of Regional Plan Conformance</li> <li>• Determination appealable to the Regional Plan Governing Board</li> </ul>

**(1) Application Submittal and Handling**

This process shall be initiated following submittal of any development application unless otherwise stated in this chapter. This section shall supersede other relevant sections of this chapter to the extent that the procedural aspects of those sections conflict with this section.

**(2) Staff Review and Decision**

The Administrator shall make a determination as to whether a proposed project meets the guidelines for a “project of regional significance” based on NRS Section 278.0277 and Regional Planning Commission guidelines and procedures.

**(3) Referral to Regional Agencies<sup>594</sup>**

If the Administrator determines an application for the use of land is a project of regional significance, copies of such application shall be provided to the planning staffs of the City of Sparks, Washoe County, the Truckee Meadows Regional Planning Agency (TMRPA), and those agencies which generally provide comments on development applications.

**(4) Application Review**

Concurrent with the referral to regional agencies, the application shall be reviewed in accordance with the City procedures outlined in other sections of this chapter for the application involved.

**(5) Regional Plan Conformance Review**

- a. City approval of projects of regional significance shall not be final until the Regional Planning Commission finds the project to be in conformance with the Regional Plan.
- b. Applications requiring a public hearing shall be submitted to the Regional Planning Commission following final City approval.
- c. Applications not otherwise requiring a public hearing shall be submitted directly to the Regional Planning Commission by the Administrator.

<sup>594</sup> New subsection with existing content relocated here.

- d. If the Regional Planning Commission determines that the project is not in conformance with the regional plan, the determination may be appealed to the Regional Planning Governing Board in accordance with NRS Section 278.0278.

### 18.08.602 Site Plan Review<sup>595</sup>

#### Commentary

The following section is generally based on Section 18.06.407 but has been reorganized and rewritten to follow the structure of the Common Review Procedures (Article 3). The previous review procedure graphic has also been replaced by an updated version that provides more information than the existing flowchart.

Following review of the initial drafts, two separate review processes (Site Plan Review and Major Site Plan Review) are proposed for site design approvals such as grading, building heights, and similar matters. Site Plan Reviews utilize the enhanced administrative process and generally apply to smaller and less impactful applications. Thresholds for when projects apply to each review process have been added, along with the addition exemptions for minor additions.

(a) **Purpose<sup>596</sup>**

This section describes the process by which proposed development is reviewed for compliance with the development and design standards of this Title. The site plan review procedure ensures that potential impacts of development are considered before submittal of an application for construction plan approval or issuance of a building permit.

(b) **Applicability**

Approval of a site plan review according to the procedures and criteria in this Section is required for the following development applications and activities, unless exempted under Subsection (c), below:

(1) **Specified Development Applications**

All development activities expressly made subject to a site plan review in this Title.

(2) **Additional Activities Subject to Site Plan Review<sup>597</sup>**

Except where modified by other provisions of this Title, a site plan review application is required for the following development applications:

- a. On-premise signs that are proposed to be greater than 150 square feet in size and located within 150 feet of the centerline of the Truckee River.
- b. Nonresidential developments adjacent to or within 150 feet of residentially zoned property, exempting nonresidential facilities that are no greater than three stories in height or 10 acres in size and are separated from residentially zoned property by a freeway or major arterial;
- c. Nonresidential developments that exceed one acre in site area and are located between 150 feet and 300 feet from residentially zoned property, exempting nonresidential facilities that are no greater than three stories in height or ten acres in size and are separated from residentially zoned property by a freeway or major arterial;
- d. Primary or secondary schools adjacent to residentially zoned properties;
- e. Commercial or industrial developments within 300 feet of a primary or secondary school;

<sup>595</sup> Moved to appear before SUP, since this is a more common procedure.

<sup>596</sup> New.

<sup>597</sup> Nonresidential developments adjacent to residentially zoned property and cluster developments have been added to streamline the process (as opposed to requiring a CUP).

- f. Communication facilities in a Mixed-Use or Nonresidential zoning district that do not meet the use standards set forth in Section 18.03.305(a)(1), *Communication Facility, Equipment Only*; and
- g. Development proposals that qualify as a “cluster” development per Subsection 18.04.903(a)(6), *Cluster Development*.

(c) **Exemptions**<sup>598</sup>

The following are exempt from the site plan review procedure, but are subject to the standards of this Title:

(1) **Accessory Structures**

Accessory structures with combined floor areas no larger than 1,000 square feet on each parcel.

(2) **Additions to Nonresidential Facilities**

A structural addition to nonresidential facilities that would require a site plan review are exempt if the following conditions are met:

- a. The addition does not exceed 20 percent of the size of the original development or 20,000 square feet in size, whichever is smaller.
- b. The construction of the proposed addition will not materially alter the original site plan application in that no new use is involved in the addition that would itself require discretionary review, no potentially deleterious aspect of the development will be increased, the proposed addition will not have significant impacts on neighboring properties, the size of the property has not been increased, and the proposed addition will continue to comply with other conditions of the approval.
- c. The exemption provided in this Subsection may be used only once per property.

(3) **Mixed-Use Districts**

Projects that meet the standards of Subsection 18.04.1002(c)(1), *Certain Development Exempt from Discretionary Review, with Exceptions*.

(4) **Solar Structures**

Solar structures, classified as accessory alternative utility systems.

(d) **Application Submittal and Review Procedure**

Figure 8-8, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of site plans. Additions or modifications to the common review procedures are noted below.

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<sup>598</sup> Subsection (3) increases the size of exempted additions that can be approved without discretionary review from 10 percent to 20 percent. The 20,000 square foot limit is retained. Exemptions from CUP section below have been added to reflect modified procedures.

Figure 8-8: Summary of Site Plan Review Procedures



**(1) Application Submittal and Handling**

Site plan review applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Alternative Process**

At the discretion of the applicant, any project subject to a site plan review may instead be processed in accordance with Section 18.08.603, *Major Site Plan Review*.

**(3) Public Notice**

Public notice shall be provided in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(4) Staff Review and Decision**

The Administrator shall review the application and shall approve, approve with conditions, or deny the application for site plan review within 30 days of receiving the completed application in accordance with Section 18.08.303(f), *Determination of Application Completeness*. The decision shall be based on the general criteria in 18.08.304(e), *Approval Criteria Applicable to all Applications*.

**(5) Appeal<sup>599</sup>**

The decision of the Administrator may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

**(6) Post-Decision Actions and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. No Building Permit without Approval**

1. The site plan review, as approved by the Administrator, shall accompany the plans submitted for building permit approval, and all development of the property shall be in accordance with the approved plan.
2. No building permit shall be issued until the site plan review application and all other associated applications have been approved and any applicable appeal period is exhausted. Any building permitted when an application

<sup>599</sup> This standard has been changed to have a single appeal step to the City Council and eliminate the hearing examiner review.

has been appealed or prior to the end of the appeal period shall be submitted “at risk,” with no refunds due if the site plan review is not finally approved.

**b. Time Limitations and Extensions<sup>600</sup>**

**1. Time Limitations**

- [a] Site plan reviews that accompany tentative maps shall be valid as long as the tentative map is valid.
- [b] The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the site plan review application and maintain the validity of that permit, or the site plan review approval shall be null and void unless a different time limitation was established at the time of final approval based on the characteristics and complexity of the project.

**2. Extension by the Administrator**

- [a] The Administrator may extend the time limit by 12 months if an application is received 30 days prior to the expiration of the time limit to apply for a building permit under a site plan review, provided that:
  - i. The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
  - ii. The applicant agrees to pay all applicable fees.
  - iii. No more than one administrative time extension shall be approved for any project or project phase.

**3. Extension by the Planning Commission**

- [a] The Planning Commission may extend the time limit by six additional months if an application is received by the Administrator 45 days prior to the expiration of the extension granted by the Administrator, and the Planning Commission approves a schedule indicating that the applicant will apply for a building permit for the entire project or the relevant phase within the six month extension.
- [b] In reviewing any such extension request, the Planning Commission shall consider the continued appropriateness of the project in the approved location and may add conditions to ensure that the project does not adversely impact other properties and to protect the public interest.
- [c] No more than one six-month time extension shall be approved for any project or project phase.

**(e) Findings<sup>601</sup>**

In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a site plan review permit:

**(1) General**

- a. The proposed design is compatible with surrounding development;

<sup>600</sup> Paragraph updated for consistency with SUP language and to allow alternative time limit and extension procedures.

<sup>601</sup> Existing findings updated to better reflect site design considerations. The findings are a subset of the findings for conditional use permits and minor conditional use permits, including only these provisions pertaining to site design. The same findings are also used for major site plan reviews.

- b. The proposed design is consistent with applicable development standards;
- c. Public services and facilities are available to serve the project, or will be provided with development;
- d. The characteristics of the project as proposed and as may be conditioned are reasonably compatible with the types of development permitted in the surrounding area; and
- e. The approval will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - 1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - 2. Any hazard to persons and property.

(2) **Mixed-Use Downtown (MD-) Districts**

In addition to the general site plan review findings, the following findings shall be made prior to approving a site plan review to modify supplemental standards for the Mixed-Use Downtown Riverwalk (MD-RD) District:

- a. Strict application of the building envelope, height restrictions, Riverfront Esplanade setbacks, or provision of the design guidelines would constrain the design of the project;
- b. The proposed project will not negatively impact the visual integrity of the river or result in a visual barrier to the river corridor;
- c. The project provides adequate separation from the river course to allow for public circulation along the river corridor and creates pedestrian oriented public spaces adjacent to the river;
- d. The project does not unduly shade the North Esplanade, or increased shading has been mitigated by providing additional or enhanced pedestrian amenities;
- e. The project will enhance or preserve environmental resources;
- f. The project does not impede flood flows; and
- g. The project will be used by and benefits local residents.

### 18.08.603 Major Site Plan Review<sup>602</sup>

#### Commentary

The following NEW section establishes standards for larger site design approvals, including certain grading activities and increased building height in certain mixed-use areas. Approval findings for Site Plan Reviews are combined with the public hearing review procedures for Conditional Use Permits (formerly special use permits). Major Site Plan Reviews may be combined with associated Conditional Use Permits for processing.

(a) **Purpose<sup>603</sup>**

This section describes the process by which proposed development is reviewed for compliance with the development and design standards of this Title. The site plan review procedure ensures that potential impacts of development are considered before submittal of an application for construction plan approval or issuance of a building permit.

<sup>602</sup> New.

<sup>603</sup> New.

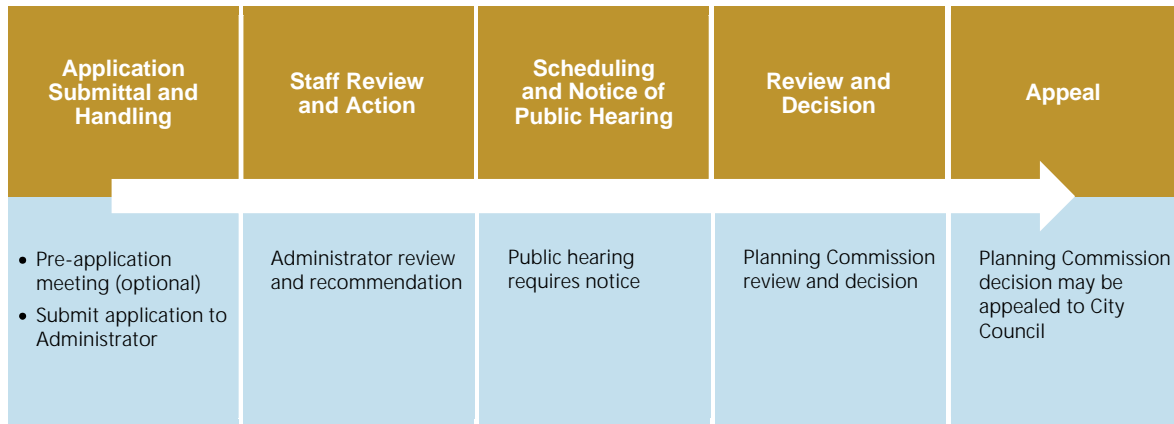
- (b) **Applicability**  
Approval of a major site plan review according to the procedures and criteria in this Section is required for the following uses, development, and activities, unless exempted under Subsection (c), below:
- (1) **Specified Development Applications**  
All development activities expressly made subject to a major site plan review in this Title.
- (c) **Exemptions<sup>604</sup>**  
The following are exempt from the major site plan review procedure, but are subject to the standards of this Title:
- (1) **Accessory Structures**  
Accessory structures with combined floor areas no larger than 1,000 square feet on each parcel.
- (2) **Additions to Nonresidential Facilities**  
A structural addition to nonresidential facilities that would require a major site plan review are exempt if the following conditions are met:
- a. The addition does not exceed 20 percent of the size of the original development or 20,000 square feet in size, whichever is smaller.
  - b. The construction of the proposed addition will not materially alter the original major site plan application in that no new use is involved in the addition that would itself require discretionary review, no potentially deleterious aspect of the development will be increased, the proposed addition will not have significant impacts on neighboring properties, the size of the property has not been increased, and the proposed addition will continue to comply with other conditions of the approval.
  - c. The exemption provided in this Paragraph may be used only once per property.
- (3) **Mixed-Use Districts**  
Projects that meet the standards of Subsection 18.04.1002(c)(1), *Certain Development Exempt from Discretionary Review, with Exceptions*.
- (4) **Solar Structures**  
Solar structures, classified as accessory alternative utility systems.
- (d) **Application Submittal and Review Procedures**  
Figure 8-11, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of major site plan review applications. Additions or modifications to the common review procedures are noted below.

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<sup>604</sup> Exemptions mirror site plan review provisions.



Figure 8-9: Summary of Major Site Plan Review Procedures



**(1) Application Submittal and Handling**

Major site plan review applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Applications Subject to Major Site Plan Review and Conditional Use Permit<sup>605</sup>**

The processing of any development subject to a major site plan review and a conditional use permit shall be combined into a single application for a conditional use permit and processed in accordance with Section 18.08.605, *Conditional Use Permit*.

**(3) Staff Review and Action**

The Administrator shall review the application and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.

**(4) Scheduling and Notice of Public Hearing**

The major site plan review application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(5) Review and Decision**

- a. The Planning Commission shall hold a public hearing within 65 days of application.
- b. The Planning Commission shall approve, approve with conditions, or deny the application within 30 days from the date of the hearing in accordance with Section 18.08.306, *Review and Decision*, based on the general approval criteria in subsection 18.08.304(e), *Approval Criteria Applicable to all Applications* and the specific findings for major site plan review applications in subsection 18.08.605(e), *Findings*, below.

**(6) Appeal**

The decision of the Planning Commission may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

<sup>605</sup> Standard added to simplify processing of major site plan reviews and conditional use permits for the same project. Conditional use permit standards address all requirements for major site plan reviews plus land use provisions.

**(7) Post-Decision Actions and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Time Limitations and Extensions<sup>606</sup>**

**1. Time Limitations**

[a] Major site plan reviews that accompany tentative maps shall be valid as long as the tentative map is valid.

[b] The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the major site plan review application and maintain the validity of that permit, or the major site plan review approval shall be null and void unless a different time limitation was established at the time of final approval based on the characteristics and complexity of the project.

**2. Extension by the Administrator**

[a] The Administrator may extend the time limit by 12 months if an application is received 30 days prior to the expiration of the time limit to apply for a building permit under a major site plan review, provided that:

- i. The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
- ii. The applicant agrees to pay all applicable fees.

[b] No more than one administrative time extension shall be approved for any project or project phase.

**3. Extension by the Planning Commission**

[a] The Planning Commission may extend the time limit by six additional months if an application is received by the Administrator 45 days prior to the expiration of the extension granted by the Administrator, and the Planning Commission approves a schedule indicating that the applicant will apply for a building permit for the entire project or the relevant phase within the six-month extension.

[b] In reviewing any such extension request, the Planning Commission shall consider the continued appropriateness of the project in the approved location and may add conditions to ensure that the project does not adversely impact other properties and to protect the public interest.

[c] No more than one six-month time extension shall be approved for any project or project phase.

**(e) Findings<sup>607</sup>**

In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a major site plan review permit:

**(1) General**

- a. The proposed design is compatible with surrounding development;
- b. The proposed design is consistent with applicable development standards;

<sup>606</sup> Existing standards updated to match similar section in major and minor SPR and minor CUP..

<sup>607</sup> Findings mirror those for site plan reviews.

- c. Public services and facilities are available to serve the project, or will be provided with development;
- d. The characteristics of the project as proposed and as may be conditioned are reasonably compatible with the types of development permitted in the surrounding area; and
- e. The approval will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - 1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - 2. Any hazard to persons and property.

**(2) Mixed-Use Downtown (MD-) Districts**

In addition to the general major site plan review findings, the following findings shall be made prior to approving a major site plan review to modify the supplemental standards for the Mixed-Use Downtown Riverwalk (MD-RD) District:

- a. Strict application of the building envelope, height restrictions, Riverfront Esplanade setbacks, or provision of the design guidelines would constrain the design of the project;
- b. The proposed project will not negatively impact the visual integrity of the river or result in a visual barrier to the river corridor;
- c. The project provides adequate separation from the river course to allow for public circulation along the river corridor and creates pedestrian oriented public spaces adjacent to the river;
- d. The project does not unduly shade the North Esplanade, or increased shading has been mitigated by providing additional or enhanced pedestrian amenities;
- e. The project will enhance or preserve environmental resources;
- f. The project does not impede flood flows; and
- g. The project will be used by and benefits local residents.

**(3) Cluster Development<sup>608</sup>**

In addition to the general major site plan review findings, the following findings shall be made prior to approving a major site plan review to modify project density in cluster developments:

- a. The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this article, such as providing more open space, preserving existing trees and vegetation coverage, preserving view corridors, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes;
- b. The clustering proposal will have no significant adverse impact on adjacent properties or development, or the applicant has agreed to adopt appropriate mitigation measures such as edge matching, landscaping, screening, illumination standards, and other design features to buffer and protect adjacent properties from the proposed clustered development; and

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<sup>608</sup> New.

- c. The clustering proposal meets all other applicable requirements set forth in this Article or in other applicable ordinances or regulations.

### 18.08.604 Minor Conditional Use Permit

#### Commentary

The following NEW section establishes review standards for land use approvals that are relatively minor and typically don't warrant an intensive public hearing process, but do warrant opportunities for public input and conditions of approval. Approval findings for Conditional Use Permits (formerly special use permits) are combined with the enhanced administrative review procedures for Site Plan Reviews.

(a) **Purpose<sup>609</sup>**

The minor conditional use permit procedure provides a mechanism for the City to evaluate proposed land uses that have unique or widely varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.

(b) **Applicability<sup>610</sup>**

Approval of a minor conditional use permit according to the procedures and criteria in this Section is required for the following uses and activities, unless exempted under subsection (c), below:

(1) **Use Table and Use Regulations**

All principal, accessory, and temporary uses listed or referenced in Section 18.03.206, *Table of Allowed Uses*, as requiring a minor conditional use permit or additional standards that require a minor conditional use permit in Articles 3-5 of Chapter 18.03 *Use Regulations*.

(2) **Specified Development Applications**

All land uses and development activities expressly made subject to a minor conditional use permit under this Title.

(c) **Exemptions**

No minor conditional use permit shall be required for:

(1) **Accessory Structures**

Accessory structures with combined floor areas no larger than 1,000 square feet on each parcel.

(2) **Additions to Nonresidential Facilities<sup>611</sup>**

A structural addition to nonresidential facilities that would require a minor conditional use permit are exempt if the following conditions are met:

- a. The addition does not exceed 20 percent of the size of the original development or 20,000 square feet in size, whichever is smaller.
- b. The construction of the proposed addition will not materially alter the original minor conditional use permit in that no new use is involved in the addition that would itself require a minor conditional use permit, no potentially deleterious aspect of the development will be increased, the proposed addition will not have significant impacts on neighboring properties, the size of the property has not

<sup>609</sup> New.

<sup>610</sup> Modified to reflect use of other procedures for certain applications. Language relocated for certain grading activities, nonresidential development adjacent to residentially zoned property and cluster development.

<sup>611</sup> Thresholds adjusted to allow 20 percent increase (up from 10 percent), not require existing SUP to be uncontested, and to limit exemptions to once per property in all districts.

been increased, and the proposed addition will continue to comply with all conditions of the minor conditional use permit.

- c. The exemption provided in this Paragraph may be used only once per property.

**(3) Mixed-Use Districts**

- a. Projects that meet the standards of Subsection 18.04.1002(c)(1), *Certain Development Exempt from Discretionary Review, with Exceptions*.

**(d) Application Submittal and Review Procedure**

Figure 8-10, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of minor conditional use permits. Additions or modifications to the common review procedures are noted below.

**Figure 8-10: Summary of Minor Conditional Use Permit Review Procedures**



**(1) Application Submittal and Handling**

Minor conditional use permit applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Public Notice**

**a. Noticing Thresholds<sup>612</sup>**

Public notice shall be provided in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**b. Alternative Process**

At the discretion of the applicant, any project subject to a minor conditional use permit may instead be processed in accordance with Section 18.08.605, *Conditional Use Permit*.

**(3) Staff Review and Decision**

The Administrator shall review the application and shall approve, approve with conditions, or deny the application for minor conditional use permit within 30 days of receiving the completed application in accordance with Section 18.08.303(f),

<sup>612</sup> The Site Plan Review noticing procedure has been divided into two tiers to allow for variation to the notification requirements based on the size of the proposal.

*Determination of Application Completeness.* The decision shall be based on the general criteria in 18.08.304(e), *Approval Criteria Applicable to all Applications*.

(4) **Appeal**<sup>613</sup>

The decision of the Administrator may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

(5) **Post-Decision Actions and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. **No Building Permit without Approval**

1. The minor conditional use permit, as approved by the Administrator, shall accompany the plans submitted for building permit approval, and all development of the property shall be in accordance with the approved plan.
2. No building permit shall be issued until the minor conditional use permit application and all other associated applications have been approved and any applicable appeal period is exhausted. Any building permitted when an application has been appealed or prior to the end of the appeal period shall be submitted “at risk,” with no refunds due if the minor conditional use permit is not finally approved.

(6) **Time Limitations and Extensions**<sup>614</sup>

a. **Time Limitations**

1. Minor conditional use permits that accompany tentative maps shall be valid as long as the tentative map is valid.
2. The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the minor conditional use permit application and maintain the validity of that permit, or the minor conditional use permit approval shall be null and void unless a different time limitation was established at the time of final approval based on the characteristics and complexity of the project.

b. **Extension by the Administrator**

1. The Administrator may extend the time limit by 12 months if an application is received 30 days prior to the expiration of the time limit to apply for a building permit under a minor conditional use permit, provided that:
  - [a] The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
  - [b] The applicant agrees to pay all applicable fees.
2. No more than one administrative time extension shall be approved for any project or project phase.

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<sup>613</sup> This standard has been changed to send appeals to the Planning Commission as opposed to the hearing examiner. Further streamlining to send appeals directly to City Council will be considered in future drafts following additional discussion.

<sup>614</sup> Paragraph updated for consistency with CUP language and to allow alternative time limit and extension procedures.

c. Extension by the Planning Commission

1. The Planning Commission may extend the time limit by six additional months if an application is received by the Administrator 45 days prior to the expiration of the extension granted by the Administrator, and the Planning Commission approves a schedule indicating that the applicant will apply for a building permit for the entire project or the relevant phase within the six month extension.
2. In reviewing any such extension request, the Planning Commission shall consider the continued appropriateness of the project in the approved location and may add conditions to ensure that the project does not adversely impact other properties and to protect the public interest.
3. No more than one six-month time extension shall be approved for any project or project phase.

(e) **Findings**

In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a minor conditional use permit:

- (1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- (2) The proposed land use and project design is compatible with surrounding development;
- (3) The proposed land use and project design is consistent with applicable development standards;
- (4) Public services and facilities are available to serve the project, or will be provided with development;
- (5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
- (6) The granting of the minor conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - b. Any hazard to persons and property.

### 18.08.605 Conditional Use Permit

#### Commentary

The following section is generally based on Section 18.06.405, *Special use Permits*, but reorganized and rewritten to build on the structure of the Common Review Procedures (which will be in the new Article 3).

Per staff direction and Issue Sheet 3, there are issues with “triggers” for CUP review being in multiple places in the current code and sometimes having different standards and thresholds. This draft removes all triggers related to development standards and relies relying on the thresholds established throughout the code.



(a) **Purpose**<sup>615</sup>

The conditional use permit procedure provides a mechanism for the City to evaluate proposed land uses that have unique or widely varying operating characteristics or unusual features. This procedure is intended to ensure compatibility with surrounding areas and that adequate mitigation is provided for anticipated impacts.

(b) **Applicability**<sup>616</sup>

Approval of a conditional use permit according to the procedures and criteria in this section is required for the following uses and activities, unless exempted under subsection (c), below:

(1) **Use Table and Use Regulations**

All principal, accessory, and temporary uses listed or referenced in Section 18.03.206, *Table of Allowed Uses*, as requiring a conditional use permit or additional standards that require a conditional use permit in Articles 3-5 of Chapter 18.03 *Use Regulations*.

(2) **Specified Development Applications**

All land uses and development activities expressly made subject to a conditional use permit under this Title.

(3) **Operation Hours**

All uses operating between the hours of 11:00 p.m. and 6:00 a.m. shall require a conditional use permit unless they meet one of the following exemptions:

- a. All uses located in the Industrial (I) or Industrial Commercial (IC) districts and are a Manufacturing and Processing use or a Storage, Distribution, and Warehousing use;
- b. Indoor uses located in the Mixed-Use Downtown (MD-) districts, Mixed-Use Midtown (MU-MC) District, or Mixed-Use Urban (MU) District and greater than 300 feet from residentially zoned property.<sup>617</sup>
- c. Low traffic-generating uses, such as radio stations and alarm monitoring companies in the Mixed-Use and Nonresidential zoning districts that must operate 24 hours per day to exist;
- d. Stocking and inventory activities that occur inside Retail uses;
- e. All uses in the Public Facilities (PF) District;
- f. All Hotels or Motels with Nonrestricted Gaming; or
- g. Adult Businesses.

(4) **Gaming**

New gaming operations, or structural additions to existing gaming operations, located within 500 feet of a Large Lot Residential (LLR-) or Single-Family Residential (SF-) zoned property or exceeding 80,000 square feet. Conversion of existing buildings to gaming operations within the Mixed-Use Downtown (MD-) districts is exempt from this conditional use permit requirement.

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<sup>615</sup> New.

<sup>616</sup> SUPs not required for nonresidential development adjacent to residential zoning districts per Issue Sheet 3. Site plan review using updated adjacency standards shall apply. Cluster Development will also use site plan review as opposed to SUP.

<sup>617</sup> This is a new provision to allow indoor uses at all hours when located in an urban district and at least 300 feet from residentially zoned property.

**(5) Hazardous and Explosive Substances**

Any facility that includes the production, use, or storage of hazardous substances and hazardous waste as defined in NRS Section 459.429 or the production, use, storage, or handling of explosives as defined by NRS Section 278.147 or a highly hazardous substance as defined by NRS Section 459.3816 and Chapter 18.09 *Rules of Construction and Definitions*.

**(c) Exemptions**

No conditional use permit shall be required for:

**(1) Accessory Structures**

Accessory structures with combined floor areas no larger than 1,000 square feet on each parcel.

**(2) Additions to Nonresidential Facilities<sup>618</sup>**

A structural addition to nonresidential facilities that would require a conditional use permit are exempt if the following conditions are met:

- a. The addition does not exceed 20 percent of the size of the original development or 20,000 square feet in size, whichever is smaller.
- b. The construction of the proposed addition will not materially alter the original conditional use permit in that no new use is involved in the addition that would itself require a conditional use permit, no potentially deleterious aspect of the development will be increased, the proposed addition will not have significant impacts on neighboring properties, the size of the property has not been increased, and the proposed addition will continue to comply with all conditions of the conditional use permit.
- c. The exemption provided in this Paragraph may be used only once per property.

**(3) Mixed-Use Districts**

- a. Projects that meet the standards of Subsection 18.04.1002(c)(1), *Certain Development Exempt from Discretionary Review, with Exceptions*.

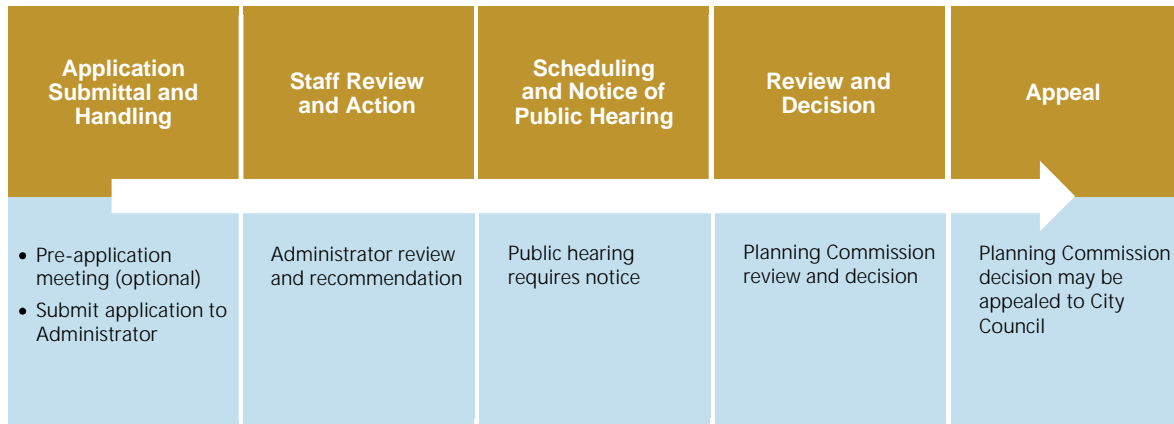
**(d) Application Submittal and Review Procedure**

Figure 8-11, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of conditional use permits. Additions or modifications to the common review procedures are noted below. Facilities that manufacture, process, transfer, or store explosives or hazardous substances shall meet the application submittal and review procedures of Subsection 18.03.306(a)(9)a.

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<sup>618</sup> Thresholds adjusted to allow 20 percent increase (up from 10 percent), not require existing SUP to be uncontested, and to limit exemptions to once per property in all districts.

Figure 8-11: Summary of Conditional Use Permit Procedures



**(1) Application Submittal and Handling**

Conditional use permit applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Staff Review and Action**

The Administrator shall review the application and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.

**(3) Scheduling and Notice of Public Hearing**

The conditional use permit application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(4) Review and Decision**

- a. The Planning Commission shall hold a public hearing within 65 days of application.
- b. The Planning Commission shall approve, approve with conditions, or deny the application within 30 days from the date of the hearing in accordance with Section 18.08.306, *Review and Decision*, based on the general approval criteria in subsection 18.08.304(e), *Approval Criteria Applicable to all Applications* and the specific findings for conditional use permits in subsection 18.08.605(e), *Findings*, below.

**(5) Appeal**

The decision of the Planning Commission may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

**(6) Post-Decision Actions and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. **Time Limitations and Extensions**<sup>619</sup>

1. **Time Limitations**

- [a] Conditional use permits that accompany tentative maps shall be valid as long as the tentative map is valid.
- [b] The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the conditional use permit review application and maintain the validity of that permit, or the conditional use permit approval shall be null and void unless a different time limitation was established at the time of final approval based on the characteristics and complexity of the project.

2. **Extension by the Administrator**

- [a] The Administrator may extend the time limit by 12 months if an application is received 30 days prior to the expiration of the time limit to apply for a building permit under a conditional use permit, provided that:
  - i. The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
  - ii. The applicant agrees to pay all applicable fees.
- [b] No more than one administrative time extension shall be approved for any project or project phase.

3. **Extension by the Planning Commission**

- [a] The Planning Commission may extend the time limit by six additional months if an application is received by the Administrator 45 days prior to the expiration of the extension granted by the Administrator, and the Planning Commission approves a schedule indicating that the applicant will apply for a building permit for the entire project or the relevant phase within the six-month extension.
- [b] In reviewing any such extension request, the Planning Commission shall consider the continued appropriateness of the project in the approved location and may add conditions to ensure that the project does not adversely impact other properties and to protect the public interest.
- [c] No more than one six-month time extension shall be approved for any project or project phase.

(e) **Findings**<sup>620</sup>

In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a conditional use permit:

- (1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- (2) The proposed land use and project design is compatible with surrounding development;

<sup>619</sup> Existing standards updated to match similar section in major and minor SPR and minor CUP.

<sup>620</sup> Some findings are relocated to district- or use-specific standards, or relevant development standards. Findings are updated to better reflect land use and project review considerations. Findings are the same as for minor conditional use permits. These also address all topics in the major site plan review and site plan review processes, plus land use considerations..

- (3) The proposed land use and project design is consistent with applicable development standards;
- (4) Public services and facilities are available to serve the project, or will be provided with development;
- (5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
- (6) The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - b. Any hazard to persons and property.

### 18.08.606 Other Development Permits and Approvals

#### Commentary

The following section consolidates the remaining procedures related to specific development permits and is generally based on Sections 18.06.401, 18.06.410, and Article VIII of Chapter 18.07 (Grading, Building, and Construction Permits). Most of these permits are only included to reference specific procedures outside of the Land Development Code. Where procedures are included in this Section, the processes have been reorganized and rewritten to follow the structure of the Common Review Procedures (Article 3) where possible.

#### (a) Outdoor Dining Permit

##### (1) Purpose

This section describes the process by which proposals for outdoor dining are reviewed for compliance with the development and design standards of this Title. The permit review procedure ensures that potential impacts of outdoor dining are considered before approval or issuance of a building permit.

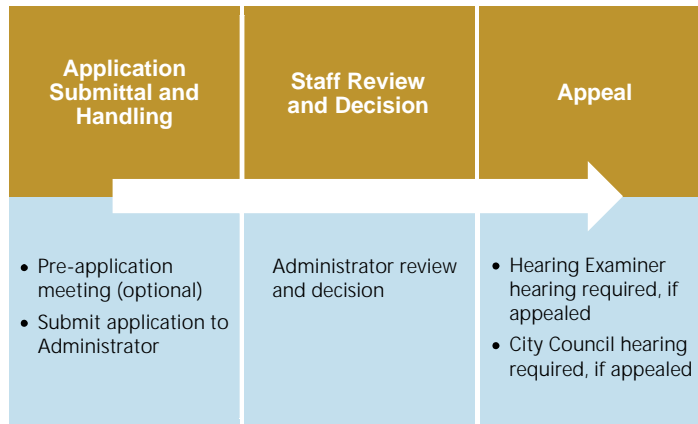
##### (2) Applicability

Outdoor dining, including sidewalk cafes, is not allowed without authorization of an outdoor dining permit as set forth in this Section. This section shall not apply to outdoor dining authorized by a special event permit issued pursuant to Chapter 4.48.

##### (3) Application Submittal and Review Procedure

Figure 8-12, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of outdoor dining permits. Additions or modifications to the common review procedures are noted below.

Figure 8-12: Summary of Outdoor Dining Permit Procedures



**a. Application Submittal and Handling**

Outdoor dining permit applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**b. Staff Review and Decision**

The Administrator shall review the application and shall approve, approve with conditions, or deny the application for outdoor dining permit within 30 days of receiving the completed application in accordance with Section 18.08.304, *Review and Action*, and shall make the findings set forth in this Section.

**c. Appeal**

The decision of the Administrator may be appealed to the Hearing Examiner and subsequently the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

**d. Post-Decision Actions and Limitations**

**1. Suspension or Revocation**

An outdoor dining permit may be suspended or revoked for any of the following reasons:

- [a] Conducting the business of outdoor dining contrary to the conditions of the permit or in violation of any law or ordinance; or
- [b] Conducting the business of outdoor dining in such a manner as to create a public nuisance or constitute a danger to the public health, safety, or welfare.

**2. Duties of the Permittee**

Every permittee authorized to conduct business under this Section shall:

- [a] Ascertain and comply with all laws and provisions of this Title applicable to the operation of an outdoor dining cafe;
- [b] Terminate the business after the expiration of the permit and during any period when such permit has been suspended or revoked; and
- [c] Surrender the permit promptly upon its revocation or suspension.

**(4) Conditions of Approval**

Approval of an outdoor dining permit shall be subject to the following conditions under which outdoor dining may occur:

- a. Compliance with the Sidewalk Café use regulations in Subsection 18.03.405(o);
- b. Execution of a hold harmless agreement in a form acceptable to the City Attorney;
- c. Certificate of insurance carrying comprehensive general liability issued by an authorized representative of the insurance carrier. Each certificate will bear a 30-day written notice of cancellation to the certificate holder and shall name the City as an additional insured.
- d. Such other conditions as are necessary for public safety or to protect public improvements.
- e. Conditions necessary to restore the appearance of the sidewalk on termination of use.

**(5) Findings**

To approve an outdoor dining permit, the recommending or deciding body shall make the following findings:

- a. The proposed design and signage complies with the requirements of this Title; and
- b. Granting of the outdoor dining permit will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity.

**(b) Grading Permit**

**(1) Purpose**

This section describes the process by which proposals for grading are reviewed for compliance with the development and design standards of this Title. The permit review procedure ensures that potential impacts of grading are considered before approval or issuance of a permit.

**(2) Applicability**

No person shall excavate, fill, or otherwise alter the existing grade of any property without first obtaining a grading permit, except in the following instances:

- a. An excavation below finished grade for landscaping or for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This subsection shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure.
- b. Cemetery graves.
- c. Excavations for wells or utilities.
- d. Exploratory excavations under the direction of soil engineers or engineering geologists in the preparation of a geotechnical report for a subdivision or development.

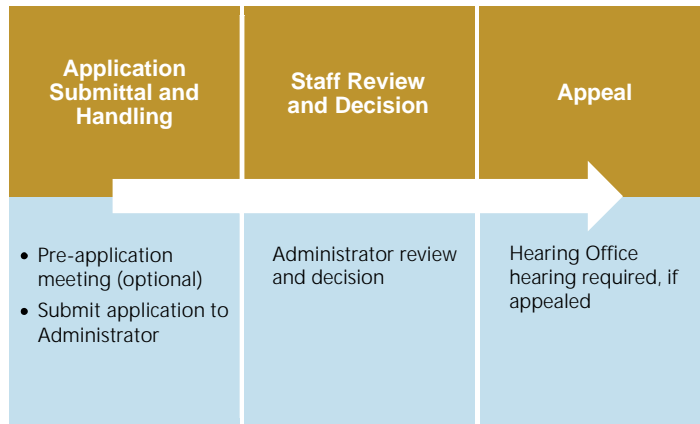


- e. A grading permit is still required following the approval of any applicable discretionary review procedure.<sup>621</sup>

**(3) Application Submittal and Review Procedure**

Figure 8-13, below, identifies the applicable steps that apply to the review of grading permits.

**Figure 8-13: Summary of Grading Permit Procedures**



**(4) Security Required**

- a. Before issuance of a grading permit on slopes exceeding 3:1 or as required by the City to protect areas disturbed by project grading and/or other associated construction activity, the applicant shall deposit with the community development department a bond or letter of credit in the amount determined by the applicant and approved by the City to assure that the plantings on cut and fill slopes will be established.
- b. In the event the City determines that plantings have not been established within a four-year period following completion of development, the City will determine the cost to replace and established such plantings. Such costs shall be deducted from the security and retained by the City for re-establishing such plantings. Any unencumbered security will be returned to the applicant at the end of the 48-month period.

**(c) Demolition Permit<sup>622</sup>**

- (1) See Title 14, *Buildings and Construction*.
- (2) In addition to other applicable requirements, applications to fully or partly demolish any structure over 50 years in age shall require documentation of the structure design and any historically significant features. At a minimum, documentation shall include:
  - a. Digital photographs with a 5 mb minimum file size of each exterior building façade;

<sup>621</sup> New. Added and updated to clarify the need for a grading permit in addition to a discretionary review approval.

<sup>622</sup> This outlines an expanded documentation process - for historic preservation purposes – when demolishing buildings over 50 years in age.

- b. Close-up photographs or any unique interior or exterior design elements, including as materials, trim, eaves, vertical elements, crown molding, and similar elements;
  - c. Approximate floor plans for each floor of the building with ceiling heights noted.
- (d) **Building Permit**  
See Title 14, *Buildings and Construction*, and Sections 14.03.040—14.03.080, for applicable procedures.
- (e) **Fence or Wall Permit**  
See Chapter 14.18, *Fences*, for applicable fence or wall permit procedures.
- (f) **Sign Permit**  
See Chapter 14.16, *Signs*, and Chapter 18.05, *Signs* for applicable sign permit procedures.
- (g) **Mobile Home Park/RV Park Permit**  
See Title 14, *Buildings and Construction*, for applicable Mobile Home Park/RV permit procedures.
- (h) **Demolition Certificate and Certificate of Appropriateness in Historic Districts or for Designated Landmarks**
  - (1) See Chapter 18.07 *Historic Preservation*, for applicable procedures.
  - (2) In addition to other applicable requirements, applications to fully or partly demolish any structure over 50 years in age shall require documentation of the structure design and any historically significant features. At a minimum, documentation shall include:
    - a. Digital photographs with a 5 mb minimum file size of each exterior building façade;
    - b. Close-up photographs or any unique interior or exterior design elements, including as materials, trim, eaves, vertical elements, crown molding, and similar elements;
    - c. Approximate floor plans for each floor of the building with ceiling heights noted.

## Article 7 Subdivision Procedures

### Commentary

The following article is generally based on Article V but has been reorganized and rewritten to follow the structure of the Common Review Procedures (Article 3) where possible. There are some simplifications where the procedures and standards are duplicative to the Common Review Procedures, but generally, this Article has been updated with additional information to make the process clearer and more user friendly. Additional purpose statements, headings, and subheadings are also included to improve user-friendliness.

### 18.08.701 Purpose

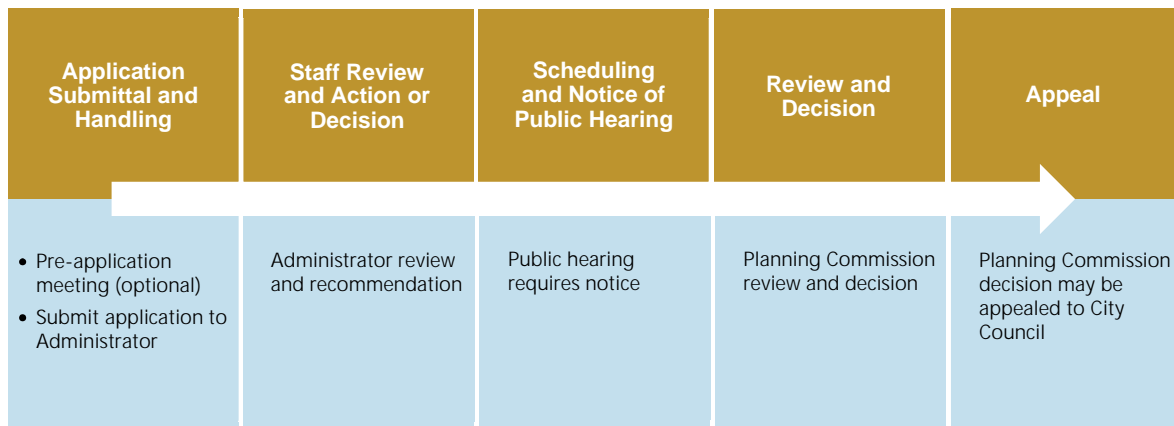
- (a) This Article sets forth the procedures for review and approval of all applications related to the division of land.
- (b) The purpose of this article is to promote the public interest in careful land use planning before a land division is approved or boundary line adjusted.
- (c) No individual, firm, association, corporation, or partnership, as principal or agent, may sell, or cause or permit to be sold, any portion of any parcel of land subject to the

requirements of this section prior to the recording of the division of land map in the Office of the County Recorder.

### 18.08.702 Tentative Subdivision Map

- (a) **Purpose**  
 This section describes the process by which proposals for division of land are reviewed for compliance with the Master Plan and the development and design standards of this Title. The tentative subdivision map procedure provides a mechanism for the City to review an overall plan for a proposed subdivision and ensure the provision of adequate facilities and services before approval of a final subdivision map or issuance of a permit.
- (b) **Authority**  
 The authority for this section is NRS Sections 278.320 to 278.353, inclusive, and contains additional requirements.
- (c) **Applicability**  
 This section shall apply to all tentative maps, as defined in NRS Sections 278.320 to NRS 278.353, inclusive.
- (d) **Application Submittal and Review Processes**  
 Figure 8-14, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of tentative subdivision maps. Additions or modifications to the common review procedures are noted below.

**Figure 8-14: Summary of Tentative Subdivision Map Procedures**



- (1) **Application Submittal and Handling**  
 Tentative subdivision map applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.
- (2) **Staff Review and Action**  
 The Administrator shall review each tentative map application and provide a recommendation to the Planning Commission of approval, approval with conditions, or disapproval in accordance with Section 18.08.304, *Review and Action*.
- (3) **Scheduling and Notice of Public Hearing**  
 The tentative map application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(4) Review and Decision**

- a. The Planning Commission shall hold a public hearing and shall, by affirmative vote of a majority of all the members, approve, conditionally approve, or disapprove a tentative map within 60 days of the date the Planning Commission or its representative accepts the application as complete. This timeline may be extended by mutual agreement of the subdivider and Planning Commission or representative.
- b. In approving a tentative map, the Planning Commission may impose conditions on the tentative map which safeguard the public health, safety, and welfare.

**(5) Appeal**

The decision of the Planning Commission may be appealed in accordance with Subsection 18.08.307(j), *Appeal*.

**(6) Post-Decision Actions and Limitations**

**a. Compliance with Plans**

Following approval of a tentative map, the subdivider and/or owner shall comply with all relevant plans, reports, renderings, and materials which were submitted or presented as a part of the application and approved by the City. In the event of a conflict between the plans and City codes, City codes shall prevail.

**b. Extension**

Consistent with NRS Section 278.360, the Planning Commission may extend the time limit for presentation of the final subdivision map by up to 24 months if an application is received 30 days prior to the expiration of the time limit, provided that:

1. The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
2. The applicant agrees to pay all applicable fees.

**(e) Review Considerations**

Approval of tentative maps shall be subject to the approval criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, and criteria set forth in NRS Section 278.349(3).

**18.08.703 Final Subdivision Map**

**(a) Purpose**

This section describes the process by which proposals for division of land are reviewed for compliance with the Master Plan and the development and design standards of this Title. The final subdivision map procedure provides a mechanism for the City to review a proposed subdivision with the approved features of the tentative subdivision map along with property lines and parcels of land, before approval and issuance of a permit.

**(b) Authority**

The authority for this Section is NRS Sections 278.350 to 278.460, inclusive.

**(c) Applicability**

The procedure in this Section shall apply to all applications for final subdivision maps.

(d) **Application Submittal and Review Processes**

Figure 8-15, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of final subdivision maps. Additions or modifications to the common review procedures are noted below.

**Figure 8-15: Summary of Final Subdivision Map Procedures**



(1) **Application Submittal and Handling**

Final subdivision map applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

(2) **Review and Decision**

- a. The Administrator or designee shall review the final subdivision map for conformance to all the requirements of NRS Sections 278.010 to 278.630, inclusive, and any ordinances applicable at the time of approval of the final map, or any ruling made thereunder. If the final subdivision map fails to conform to all the above requirements, the final subdivision map application shall be denied.
- b. The Administrator or designee shall approve or deny the final subdivision map within ten days after the determination that the final subdivision map is accepted as a complete application.
- c. If the Administrator approves the final subdivision map, the Administrator shall also accept or reject all offers of dedication and may, as a condition of acceptance of streets or easement, require the subdivider to improve or agree to improve the streets or easement.

(3) **Appeal**

The decision of the Administrator may be appealed to the Planning Commission and subsequently the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

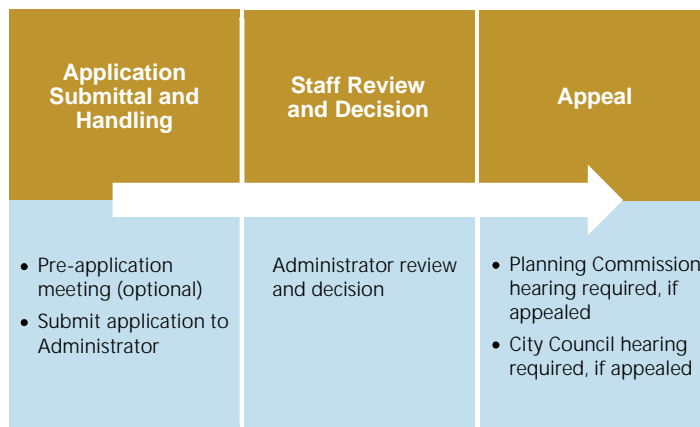
**18.08.704 Parcel Map**

(a) **Purpose**

This section describes the process by which minor proposals for division of land are reviewed for compliance with the Master Plan and the development and design standards of this Title.

- (b) **Authority**  
This authority for this Section is NRS Sections 278.461 to 278.4725, inclusive.
- (c) **Applicability**
  - (1) **General**  
The procedures of this Section shall apply to all applications to subdivide four lots or less for transfer or development per NRS Section 278.461.
  - (2) **Waiver of Parcel Map**<sup>623</sup>
    - a. The Planning Commission may waive the requirement of a parcel map.
    - b. The Planning Commission shall act upon a request for a waiver within 60 days after the date of the request for the waiver.
    - c. By mutual agreement, the time for the Planning Commission to act on a request for a waiver may be extended.
    - d. If the Planning Commission waives the requirement of a parcel map, the Planning Commission may impose the requirements set forth in NRS Section 278.467.
- (d) **Application Submittal and Review Processes**  
Figure 8-16, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of applications for parcel maps. Additions or modifications to the common review procedures are noted below.

**Figure 8-16: Summary of Parcel Map Procedures**



- (1) **Application Submittal and Handling**  
Parcel map applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.
- (2) **Review and Decision**
  - a. The Administrator shall approve, conditionally approve, or deny a parcel map within 60 days after the Administrator or designee accepts the application as complete.

<sup>623</sup> Moved Planning Commission duties to the Appeal subsection since the Administrator/staff still have the decision-making authority.

- b. The Administrator and the applicant may mutually agree to extend the 60-day period.
- c. In reviewing applications for parcel maps, the Administrator shall consider the criteria set forth in NRS Section 278.349(3) and the effect of the proposed parcel map on existing drainage patterns and the need for new drainage facilities to serve the parcel map.
- d. The Administrator may impose conditions to protect the safety, health, and welfare of the public.

**(3) Appeal**

The decision of the Administrator may be appealed to the Hearing Examiner and subsequently to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

**(e) Post-Decision Actions and Limitations**

**(1) Second or Subsequent Parcel Map within Five Years**

- a. In accordance with NRS Section 278.464, the Planning Commission is authorized to act upon a second parcel map for land divided by a parcel map that was recorded within five years of accepting the latest complete application.
- b. The Planning Commission decision may be appealed in accordance with Subsection 18.08.307(j), *Appeal*.

**(f) Conditions of Approval**

- (1) The Administrator is authorized to determine if all conditions imposed on a parcel are satisfactorily met.
- (2) As an alternative to actual completion of public improvements, the Administrator may accept an improvement agreement and security in the form as provided in Section 18.04.1203, *Improvement Agreements and Security*.

**18.08.705 Reversion to Acreage**

**(a) Purpose**

This section describes the process by which applications to revert to acreage any recorded subdivision map, parcel map, or map of division into large parcels are reviewed for compliance with the Master Plan and the development and design standards of this Title.

**(b) Authority**

The authority for this Section is from NRS Section 278.490 to 278.496, inclusive.

**(c) Applicability**

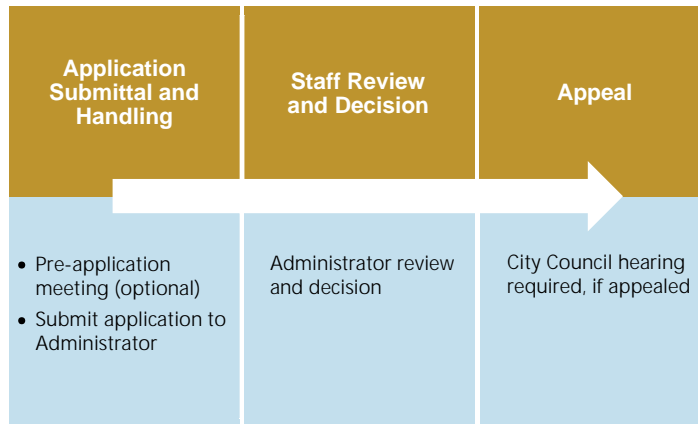
The procedures of this Section apply to all applications to revert to acreage any recorded subdivision map, parcel map, or map of division into large parcels, or any part thereof.

**(d) Application Submittal and Review Processes**

Figure 8-17, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of applications for reversion to acreage. Additions or modifications to the common review procedures are noted below.



Figure 8-17: Summary of Reversion to Acreage Procedures



**(1) Application Submittal and Handling**

- a. Reversion to acreage applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.
- b. In the case of condominiums, the applicant shall provide all certificates as required, including the appropriate fees in accordance with NRS Section 247.305.

**(2) Review and Decision**

The Administrator shall approve or disapprove a reversion to acreage within 30 days of the date the Administrator accepts the application as complete.

**(3) Appeal**

The decision of the Administrator may be appealed to City Council in accordance with Subsection 18.08.307(j), *Appeal*.

**18.08.706 Boundary Line Adjustment**

**(a) Purpose**

This section describes the process by which applications to correct or amend a recorded subdivision map, parcel map, map into division into large parcels, or reversionary map are reviewed for compliance with the Master Plan and the development and design standards of this Title.

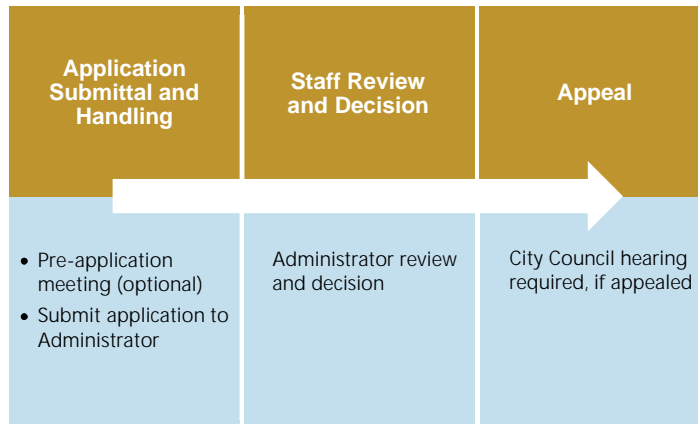
**(b) Applicability**

The procedures of this section apply to all applications to correct or amend a recorded subdivision map, parcel map, map into division into large parcels, or reversionary map, where the correction or amendment changes, or purports to change, the physical location of any survey monument, property line, or boundary line.

**(c) Application Submittal and Review Processes**

Figure 8-18, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of applications for boundary line adjustment. Additions or modifications to the common review procedures are noted below.

Figure 8-18: Summary of Boundary Line Adjustment Procedures



**(1) Application Submittal and Handling**

- a. Boundary line adjustment applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.
- b. In the case of condominiums, the applicant shall provide all certificates as required, including the appropriate fees, in accordance with NRS Section 247.305.

**(2) Review and Decision**

The Administrator shall approve or disapprove a boundary line adjustment application within 30 days of the date the Administrator accepts the application as complete.

**(3) Appeal**

The decision of the Administrator may be appealed in accordance with Subsection 18.08.307(j), *Appeal*.

**(4) Limitations and Modifications**

If the applicant fails to cause recordation of the boundary line adjustment within one year from the date of approval, the application shall be deemed expired.

**18.08.707 Abandonment<sup>624</sup>**

**(a) Purpose**

This section describes the process by which proposals for abandonment or vacation of public rights-of-way or easements are reviewed in the interest of the City.

**(b) Applicability**

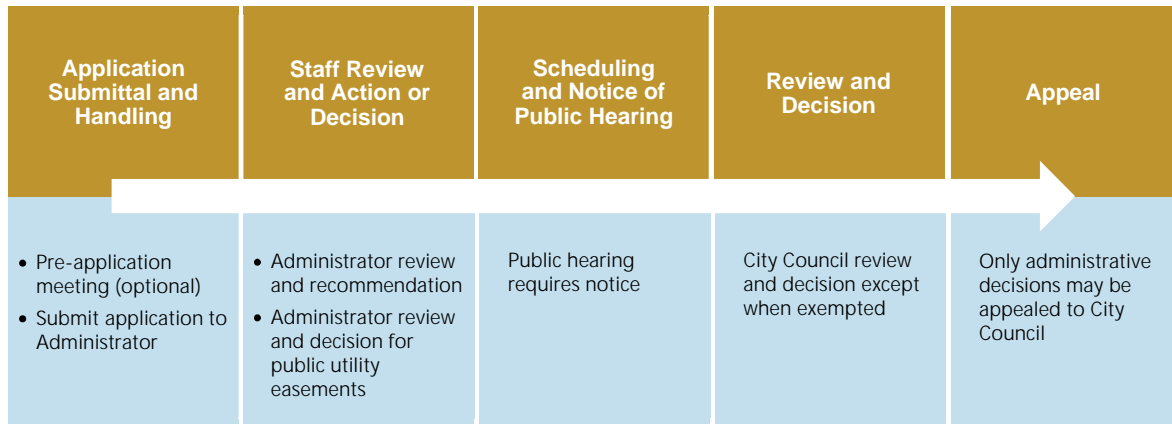
An application to abandon or vacate a public street, right-of-way, or easement, or any portion thereof, shall be reviewed according the procedures in this section.

**(c) Application Submittal and Review Processes**

Figure 8-19, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of applications for abandonment or vacation. Additions or modifications to the common review procedures are noted below.

<sup>624</sup> Moved from separate, standalone article, which is overly prominent for this type of procedure.

Figure 8-19: Summary of Abandonment Procedures



**(1) Application Submittal and Handling**

Abandonment applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Staff Review and Action or Decision**

**a. General**

The Administrator shall review abandonments and provide a recommendation to the City Council, except those detailed in Subsection b., below, where the Administrator may approve or deny abandonments.

**b. Public Utility Easements**

1. For applications for abandonment of sewer, storm drain, or other public utility easements, the Administrator shall review and provide a decision within 65 days of acceptance of an application for abandonment of storm drain or sewer easements not presently utilized, or storm drain or sewer easements to be relocated as a result of a development project if it is determined that the public will not be materially injured by the proposed abandonment.
2. Abandonments denied by the Administrator may utilize the review process described in this Section for other applications for abandonment.
3. Easements approved for abandonment by the Administrator shall be extinguished by recording a quitclaim deed.

**(3) Scheduling and Notice of Public Hearing**

- a. The application for abandonment shall be scheduled for a public hearing before the City Council and noticed in accordance with this Subsection and Section 18.08.305, *Scheduling and Notice of Public Hearings*.
- b. All abutting property owners and mobile home park tenants within the specified distance (in feet) from the outer boundary of the project site or 30 property owners, whichever is greater, shall be noticed mail not less than 10 days before the date of the public hearing. The method of notice must provide confirmation of delivery but does not require the signature of the recipient.

- c. Publication must be made at least 10 business days before the date of the public hearing.

**(4) Review and Decision**

- a. The City Council shall hold a public hearing within 65 days of acceptance of the application for abandonment.
- b. Within 60 days of the public hearing, the City Council shall consider all evidence relative to the proposed abandonment and approve, approve with conditions, or deny the abandonment by a majority vote of a quorum of the City Council.

**(5) Appeal**

- a. The decision of the Administrator for abandonment of a public utility easement may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.
- b. The decision of the City Council may be appealed in accordance with Subsection 18.08.307(j), *Appeal*.

**(d) Findings**

In approving any abandonment, the City Council shall find that the public will not be materially injured by the proposed abandonment.

## Article 8 Flexibility and Relief

### Commentary

The following Article is generally based on Section 18.06.408 and 18.06.411 but has been reorganized and rewritten to follow the structure of the Common Review Procedures (Article 3) where possible. Additional options for flexibility have been added based on the Master Plan, Code Assessment, and Issue Sheets.

### 18.08.801 Variance<sup>625</sup>

**(a) Purpose**

This section describes the process by which requests for exception to compliance with the land development standards are reviewed for compliance with this Title and that potential impacts are considered.

**(b) Applicability**

Variations are exceptions to compliance with the land development standards found in this Title. Variations are intended to alleviate exceptional practical difficulties or undue hardship arising from the strict application of the provisions of this Title to a specific property. Variations address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

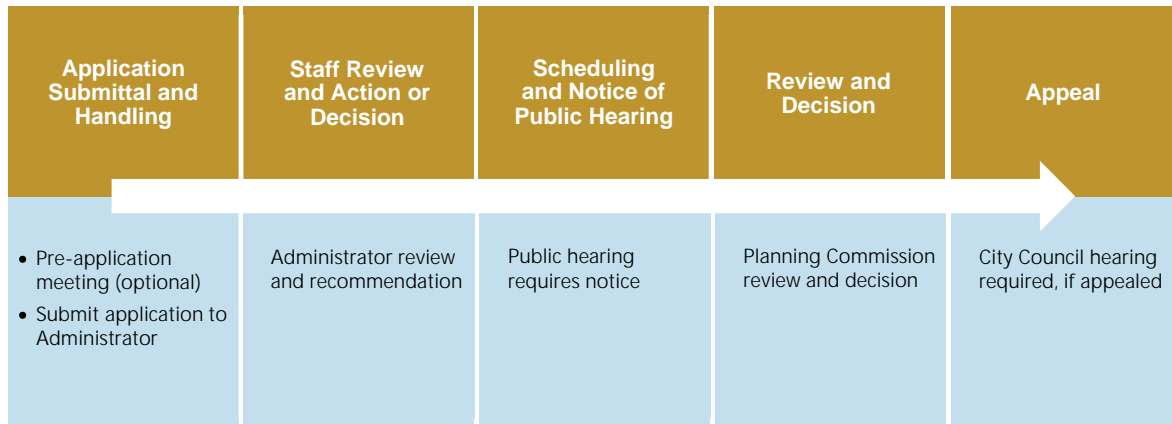
**(c) Application Submittal and Review Procedures<sup>626</sup>**

Figure 8-20, below, identifies the applicable steps from Article 3, *Common Review Procedures* that apply to the review of requests for variance from the land development standards of this Title. Additions or modifications to the common review procedures are noted below.

<sup>625</sup> Moved here from Sec. 18.06.408 to be with other procedures of flexibility and relief.

<sup>626</sup> New.

Figure 8-20: Summary of Variance Procedures



**(1) Application Submittal and Handling**

Variance applications shall be initiated by the property owner and be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Staff Review and Action**

The Administrator shall review variances and provide a recommendation to the Planning Commission.

**(3) Scheduling and Notice of Public Hearing**

The application for variance shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(4) Review and Decision**

The Planning Commission shall hold a public hearing within 65 days of the date of application and shall either approve or deny the application for variance within 30 days from the date of the hearing in accordance with Section 18.08.306, *Review and Decision*.

**(5) Appeal**

The decision of the Planning Commission may be appealed in accordance with Subsection 18.08.307(j), *Appeal*.

**(6) Modifications and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply.

**a. Time Limitations and Extensions<sup>627</sup>**

**1. Time Limitations**

- [a] Variances that accompany tentative maps shall be valid as long as the tentative map is valid.
- [b] The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the variance application and maintain the validity of that permit, or the variance

<sup>627</sup> Existing standards updated to match similar section for conditional use permits for conditional use permits.

approval shall be null and void unless a different time limitation was established at the time of final approval based on the characteristics and complexity of the project.

2. Extension by the Administrator

- [a] The Administrator may extend the time limit by 12 months if an application is received 30 days prior to the expiration of the time limit to apply for a building permit under a variance, provided that:
  - i. The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
  - ii. The applicant agrees to pay all applicable fees.
- [b] No more than one administrative time extension shall be approved for any project or project phase.

3. Extension by the Planning Commission

- [a] The Planning Commission may extend the time limit by six additional months if an application is received by the Administrator 45 days prior to the expiration of the extension granted by the Administrator, and the Planning Commission approves a schedule indicating that the applicant will apply for a building permit for the entire project or the relevant phase within the six-month extension.
- [b] In reviewing any such extension request, the Planning Commission shall consider the continued appropriateness of the project in the approved location and may add conditions to ensure that the project does not adversely impact other properties and to protect the public interest.
- [c] No more than one six-month time extension shall be approved for any project or project phase.

(d) **Findings**

- (1) In addition to meeting the approval criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a variance:
  - a. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness, or shape, or it has exceptional topographic conditions at the time of enactment of the regulations;
  - b. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property;
  - c. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity; and
  - d. The proposed variance is consistent with the intent and purpose of this Title per Chapter 18.01 Article 2, *Purpose*.
- (2) In granting variances, the decision-making body shall have no power to take action which has the effect of allowing a use of land in contravention of the applicable zoning district or which in any other way changes the applicable zoning district. Any action that has in effect changed the zoning district shall be deemed a violation of powers of this Section and be of no force and effect.

- (3) The fact that a building exists or was constructed or expanded in a manner which does not conform with this Title prior to the consideration of a variance application may not be used as a basis for the granting of a variance.
- (4) Where the variance pertains to an application marked as a First Amendment application by the applicant, the Planning Commission shall consider the following in lieu of Subsection (1)(c), above:
- a. Granting the variance will not be materially detrimental to property or improvements in the vicinity.
- (e) **Conditions**
- (1) In approving a variance the decision-making body may require conditions under which the lot or parcel may be used, or the building constructed, which, in the decision-making body's opinion, will prevent material damage or prejudice to adjacent properties, and provide suitable safeguards to the public health, safety and general welfare. These conditions may include:
    - a. Architectural considerations;
    - b. Access provisions;
    - c. Off-street parking;
    - d. Landscaping requirements; or
    - e. Other controls.
  - (2) All conditions must be satisfied and violation of the conditions shall result in revocation of the permission granted by the variance. Further use shall constitute a violation of this Chapter and shall be enforceable under Chapter 1.05, *Code Enforcement*.
- (f) **Construction Prior to Approval**
- If a structure exists or is under construction in violation of the provisions of this Title, the decision-making body, in granting a variance for the property, may condition such approval upon the payment of a fine of ten percent of the value of such structure, as determined by the Administrator in accordance with current practices for assessing building permit fees.

### 18.08.802 Major Deviation<sup>628</sup>

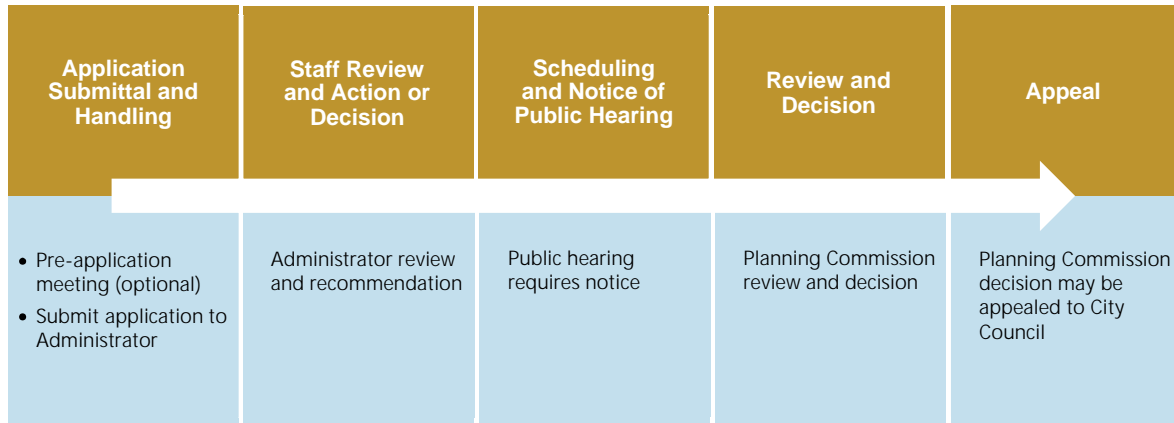
- (a) **Purpose**
- Major deviations provide an opportunity for adjustments to quantifiable development standards when modifications enabled by the approval are not impactful to nearby properties or the general public. This is not a general waiver of regulations. Rather, this authorizes targeted deviations from standards when the changes benefit the overall project design.
- (b) **Applicability**
- (1) The Planning Commission may approve or deny major deviations of no more than 50 percent from quantifiable development standards in this Title.

<sup>628</sup> New public hearing process to consider deviations up to 50 percent from certain quantifiable development standards. Per direction from Master Plan and Issue Sheet 3 to increase flexibility of the Code in specific cases.



- (2) The Planning Commission shall not allow major deviations from density standards, lot size standards, building height limitations, sign regulations, or the minimum number of required trees.
- (c) **Application Submittal and Review Procedures**<sup>629</sup>  
 Figure 8-21, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of major deviation applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-21: Summary of Major Deviation Procedures**



**(1) Application Submittal and Handling**

Major deviation applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

**(2) Staff Review and Action**

The Administrator shall review the application and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.

**(3) Scheduling and Notice of Public Hearing**

The major deviation application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(4) Review and Decision**

- The Planning Commission shall hold a public hearing within 65 days of application.
- The Planning Commission shall approve, approve with conditions, or deny the application within 30 days from the date of the hearing in accordance with Section 18.08.306, *Review and Decision*, based on the general approval criteria in subsection 18.08.304(e), *Approval Criteria Applicable to all Applications* and the specific findings for major deviation in subsection 18.08.605(e), *Findings*, below.

<sup>629</sup> New.

(5) **Appeal**

The decision of the Planning Commission may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

(6) **Post-Decision Actions and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

a. **Time Limitations and Extensions**<sup>630</sup>

1. **Time Limitations**

- [a] Major deviation applications that accompany tentative maps shall be valid as long as the tentative map is valid.
- [b] The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the major deviation review application and maintain the validity of that permit, or the major deviation approval shall be null and void unless a different time limitation was established at the time of final approval based on the characteristics and complexity of the project.

2. **Extension by the Administrator**

- [a] The Administrator may extend the time limit by 12 months if an application is received 30 days prior to the expiration of the time limit to apply for a building permit under a major deviation, provided that:
  - i. The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
  - ii. The applicant agrees to pay all applicable fees.
- [b] No more than one administrative time extension shall be approved for any project or project phase.

3. **Extension by the Planning Commission**

- [a] The Planning Commission may extend the time limit by six additional months if an application is received by the Administrator 45 days prior to the expiration of the extension granted by the Administrator, and the Planning Commission approves a schedule indicating that the applicant will apply for a building permit for the entire project or the relevant phase within the six-month extension.
- [b] In reviewing any such extension request, the Planning Commission shall consider the continued appropriateness of the project in the approved location and may add conditions to ensure that the project does not adversely impact other properties and to protect the public interest.
- [c] No more than one six-month time extension shall be approved for any project or project phase.

(d) **Findings**<sup>631</sup>

In addition to meeting the approval criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to approving a major deviation:

<sup>630</sup> Existing standards updated to match similar section in conditional use permits.

<sup>631</sup> New findings similar to variance findings but without a requirement for a "hardship" or "exceptional situation."

- (1) Granting the major deviation will not significantly impact nearby property;
- (2) Project changes enabled by the major deviation enhance the overall design of the project, operations of the project or the public benefits resulting from the project;
- (3) Granting of the major deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located; and
- (4) Granting the major deviation will not be materially detrimental to the public health, safety, or welfare.

**18.08.803 Alternative Equivalent Compliance<sup>632</sup>**

(a) **Purpose**

To encourage creative and unique design, “alternative equivalent compliance” allows development to occur in a manner that meets the intent of this Title, yet through an alternative design that does not strictly adhere to the specific design standards. This is not a general waiver of regulations. Rather, this authorizes a site-specific plan that is equal to or better than the strict application of the standard.

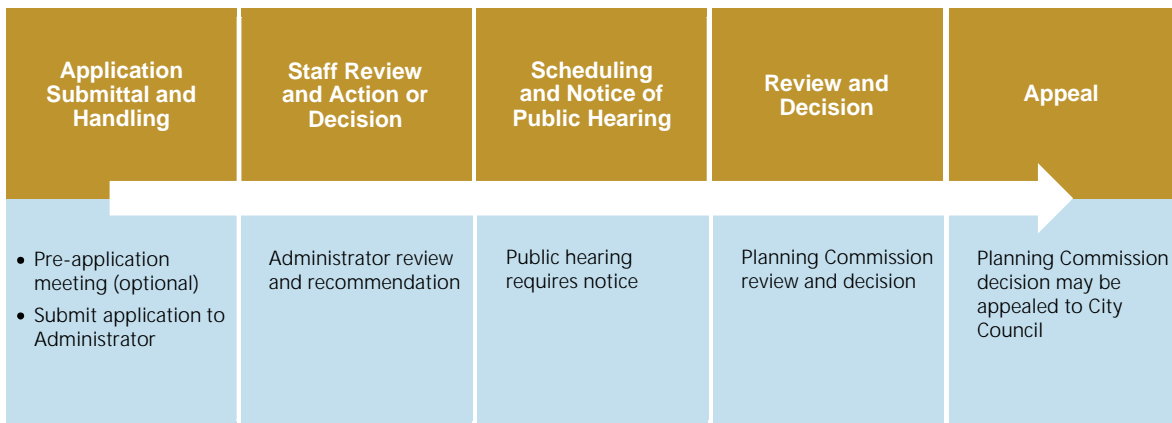
(b) **Applicability**

The alternative equivalent compliance procedure is available only for the standards in Articles 8-10 of Chapter 18.04 *Development Standards*.

(c) **Application Submittal and Review Procedures**

Figure 8-22, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of alternative equivalent compliance applications. Additions or modifications to the common review procedures are noted below.

**Figure 8-22: Summary of Alternative Equivalent Compliance Procedures**



(1) **Application Submittal and Handling**

Alternative equivalent compliance applications shall be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

<sup>632</sup> New public hearing process to consider alternative design proposals. Per direction from Master Plan and Issue Sheet 3 to increase flexibility of the Code in specific cases.

**(2) Staff Review and Action**

The Administrator shall review the application and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.

**(3) Scheduling and Notice of Public Hearing**

The alternative equivalent compliance application shall be scheduled for a public hearing before the Planning Commission and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.

**(4) Review and Decision**

- a. The Planning Commission shall hold a public hearing within 65 days of application.
- b. The Planning Commission shall approve, approve with conditions, or deny the application within 30 days from the date of the hearing in accordance with Section 18.08.306, *Review and Decision*, based on the general approval criteria in subsection 18.08.304(e), *Approval Criteria Applicable to all Applications* and the specific findings for alternative equivalent compliance in subsection 18.08.605(e), *Findings*, below.

**(5) Appeal**

The decision of the Planning Commission may be appealed to the City Council in accordance with Subsection 18.08.307(j), *Appeal*.

**(6) Post-Decision Actions and Limitations**

All common procedures in Section 18.08.307, *Post-Decision Actions and Limitations*, shall apply, with the following modifications:

**a. Time Limitations and Extensions<sup>633</sup>**

**1. Time Limitations**

- [a] Alternative equivalent compliance applications that accompany tentative maps shall be valid as long as the tentative map is valid.
- [b] The owner or developer shall apply for a building permit for the entire project within 18 months of the date of approval of the alternative equivalent compliance application and maintain the validity of that permit, or the application approval shall be null and void unless a different time limitation was established at the time of final approval based on the characteristics and complexity of the project.

**2. Extension by the Administrator**

- [a] The Administrator may extend the time limit by 12 months if an application is received 30 days prior to the expiration of the time limit to apply for a building permit under alternative equivalent compliance, provided that:
  - i. The applicant agrees to comply with all requirements of this Title and all conditions of approval; and
  - ii. The applicant agrees to pay all applicable fees.
- [b] No more than one administrative time extension shall be approved for any project or project phase.

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<sup>633</sup> Existing standards updated to match similar section for conditional use permits.

3. Extension by the Planning Commission

- [a] The Planning Commission may extend the time limit by six additional months if an application is received by the Administrator 45 days prior to the expiration of the extension granted by the Administrator, and the Planning Commission approves a schedule indicating that the applicant will apply for a building permit for the entire project or the relevant phase within the six-month extension.
- [b] In reviewing any such extension request, the Planning Commission shall consider the continued appropriateness of the project in the approved location and may add conditions to ensure that the project does not adversely impact other properties and to protect the public interest.
- [c] No more than one six-month time extension shall be approved for any project or project phase.

(d) **Findings**<sup>634</sup>

Alternative equivalent compliance may be approved if the applicant demonstrates that following criteria have been met by the proposed alternative:

- (1) Achieves the intent of the subject standard to the same or better degree than the subject standard;
- (2) Advances the goals and policies of this Title to the same or better degree than the subject standard;
- (3) Results in benefits to the community that are equivalent to or exceed benefits associated with the subject standard;
- (4) Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this Title; and
- (5) Is not be materially detrimental to the public health, safety, or welfare.

(e) **Effect of Approval**

- (1) Alternative equivalent compliance shall apply only to the specific site for which it is requested and shall not establish a precedent for approval of other requests.
- (2) Granting of the alternative equivalent compliance approval does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

**18.08.804 Minor Deviation**<sup>635</sup>

(a) **Purpose**

This section describes the process by which requests for minor deviations from strict compliance with the land development standards are reviewed for compliance with this Title and that potential impacts are considered.

<sup>634</sup> New findings to require that alternative compliance proposals be as good or better than would otherwise be required.

<sup>635</sup> Moved here from Sec. 18.06.411 to be with other procedures of flexibility and relief.

(b) **Applicability**

(1) **Minor Deviations from Code Requirements**<sup>636</sup>

The Administrator may approve or deny minor deviations of less than ten percent from quantifiable development standards in this Title and in accordance with NRS Section 278.319.

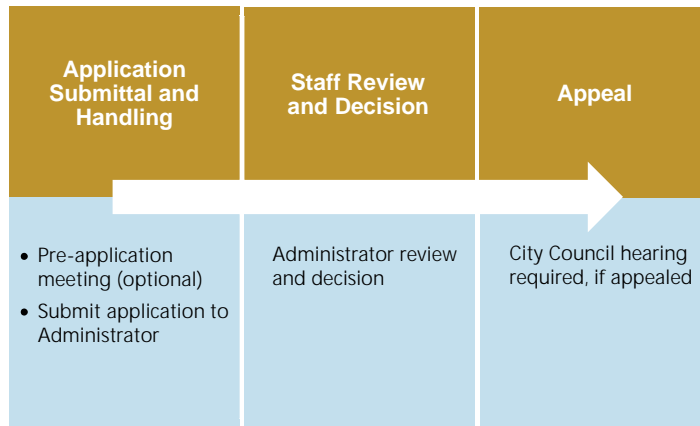
(2) **Minor Deviations in PUD or Specific Plan Districts**

The Administrator shall not grant minor deviations related to properties and land uses in Planned Unit Development (PUD) or Specific Plan (SPD) zoning districts unless the Administrator finds that there will be no significant effect on adjacent land uses located outside of the districts.

(c) **Application Submittal and Review Procedures**<sup>637</sup>

Figure 8-23, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of requests for minor deviation from the land development standards of this Title. Additions or modifications to the common review procedures are noted below.

**Figure 8-23: Summary of Minor Deviation Procedures**



(1) **Application Submittal and Handling**<sup>638</sup>

Minor deviation applications shall be initiated by application of the property owner with the written consent of the owner of any real property that would be affected by the deviation and be submitted, accepted, and revised, and may be withdrawn, in accordance with Section 18.08.303, *Application Submittal and Handling*.

(2) **Staff Review and Decision**

- a. The Administrator shall review applications for minor deviations and approve or deny the minor deviation within 30 days of application submittal. In approving the minor deviation, the Administrator may require conditions as outlined in Subsection 18.08.804(e), below.
- b. No hearing is required for a minor deviation of less than ten percent per NRS Section 278.319.

<sup>636</sup> Updated to expand opportunities for minor deviations in accordance with NRS.

<sup>637</sup> New. The current appeal process to the hearings examiner, then City Council is replaced with direct appeals to the City Council.

<sup>638</sup> Updated to remove optional notice of additional neighbors.

(3) **Appeal**

- a. The decision of the Administrator may be appealed in accordance with Subsection 18.08.307(j), *Appeal*.
- b. In addition to the right to appeal, an applicant may apply contemporaneously for a variance as provided in Section 18.08.801, *Variance*.

(d) **Findings**

In addition to meeting the approval criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to approving a minor deviation:

- a. Granting the minor deviation will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity; and
- b. The proposed minor deviation is consistent with the intent and purpose of this Title.

(e) **Conditions**

- (1) In approving a minor deviation, the Administrator may require conditions under which the lot or parcel may be used, or the building constructed, which, in the Administrator's opinion, will prevent material damage or prejudice to adjacent properties, and provide suitable safeguards to the public health, safety, and general welfare. These conditions may include:
  - a. Architectural considerations;
  - b. Access provisions;
  - c. Off-street parking;
  - d. Landscaping requirements; or
  - e. Other controls.
- (2) All conditions must be satisfied, and violation of the conditions shall result in revocation of the permission granted by the minor deviation. Further use shall constitute a violation of this Chapter and shall be punishable as provided in Chapter 1.05, *Code Enforcement*.

**18.08.805 Development Agreement<sup>639</sup>**

(a) **Purpose and Intent**

The purpose of this chapter is to provide an alternative mechanism, when deemed appropriate by the city council, to give assurance to a property owner who has obtained the necessary approvals for a project that he may proceed with and complete development, as specified in and in accordance with the development agreement, under the specified laws, ordinances, codes, resolutions, rules, regulations, plans, and conditions of approval adopted by the city council and in effect at the time the project was originally approved in return for specified benefits pursuant to the terms of a development agreement.

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<sup>639</sup> This section has been modified to reflect the recently adopted ordinance for Development Agreements.



- (b) **Applicability**
- (c) **Pursuant to the provisions of NRS 278.0201 through 278.0207, the City Council may enter into development agreements to regulate the development of land within the City. The agreements and the procedures applicable thereto shall be governed by and must conform to NRS 278.0201 through NRS 278.0207 and the provisions of this Chapter. The administrator, subject to review and input from other City departments, has authority to apply, administer and enforce this section, including the negotiation and enforcement of development agreements.**  
**Development Agreements in Existence at Time of Annexation**

Upon annexation, the city may adopt with or without modifications, a development agreement in existence between a property owner and another jurisdiction. The development agreement shall be administered consistent with provisions of RMC Title 18 to the extent that Title 18 is not in conflict with provisions of the development agreement.

- (d) **Initiation**  
 An applicant shall file an application for a development agreement, along with the proposed development agreement and filing fee, as established by City Council resolution. Applications shall include an agreement to sponsor the application by the City Council member for that Ward, the Mayor, or the At-Large Council member. Sponsorship of an application does not bind a council member to support the application during review proceedings.
- (e) **Application Submittal and Review Procedure**  
 Figure 8-24, below, identifies the applicable steps from Article 3, *Common Review Procedures*, that apply to the review of development agreements. Additions or modifications to the common review procedures are noted below.

**Figure 8-24: Summary of Development Agreement Procedures**



**(1) Filing Requirements**

- a. An application for a development agreement shall be filed on forms prescribed by the administrator and shall include the following:
  1. The legal description of the property involved;
  2. The most recent assessor's maps with the subject property highlighted along with a list of the assessor's parcel number of all of the parcels involved;
  3. A written description of the proposed development and statement of objectives and reasons for the request;
  4. If the property has already received the associated approvals named above, copies of letters from the city clerk confirming the approvals and any related terms and conditions of approval;
  5. A copy of the map, site plans and materials submitted for the proposed development project;
  6. A statement of the proposed duration of the agreement;
  7. The proposed development agreement;
  8. Any other information required to provide a complete understanding of the proposed development agreement;
  9. A filing fee as established by the city council by resolution.
- b. The administrator shall review the application, and may reject it is inaccurate or incomplete for processing. Such rejection shall be in writing and shall be accompanied by the reasons for rejection. The applicant may modify or amend the application in accordance with the administrator's rejection without paying an additional filing fee or may appeal the administrator's rejection for inaccuracy or incompleteness in accordance with Section 18.08.307(j)(2)- *Appeal*

## (2) Contents and Approval Procedure

- a. A development agreement shall:
  1. Describe the land subject to the development agreement;
  2. Specify the permitted uses of the property, the density, or intensity of the uses, and the maximum height and size of proposed buildings;
  3. Provide, where appropriate, for reservation or dedication of land for public purposes, including, but not limited to rights-of-way, easements or public facilities, as may be required or permitted pursuant to laws, ordinances, resolutions, rules, or plans adopted by the city and in effect at the time of entering into the agreement;
  4. Specify the duration of the agreement and, if desired, terms for modification and extension of the agreement; provided, that the parties shall not be precluded from extending the termination date by mutual agreement or from entering into subsequent development agreements or supplements thereto;

5. Specify the laws, ordinances, codes, resolutions, regulations, design and improvement standards by name and date of adoption applicable to the development of the land for which the applicant intends to establish a vested private development right;
  6. Specify other conditions, terms, restrictions, and requirements for other discretionary actions;
  7. Commit no vested rights other than those allowed in the agreement and otherwise provided under the laws of the City of Reno, the State of Nevada, or other state or local governmental or quasi-governmental bodies.
  8. Not be used to circumvent the entitlement and/or discretionary review process.
- b. A development agreement may:
1. Specify progress thresholds based upon the construction of specific public or private improvements or the submission of specific plans or data prior to the exercise of certain vested rights;
  2. Provide for commencement and completion of various portions of the proposed development. Each portion or phase of development or improvement contemplated should be able to stand alone, independent of proposed further phases or improvements. Subsequent phases of development may be added to completed phases to achieve independent status;
  3. Include conditions imposed by other land use and permit approvals allowed by law as of the effective date of the development agreement;
  4. If required by the city, be accompanied by a form of security as defined in Chapter 18.09 of this title as subsequently amended, or require submittal of a security with project phases. The security shall be posted by the property owner, to insure provision of some or all of the public facilities;
  5. Contain an indemnity or insurance clause requiring the developer, applicant and/or property owner to indemnify the city against certain claims arising out of the development process;
  6. Contain a clause regarding remedies to each party in the event of a default;
  7. Include provision or provisions which inure(s) to the benefit of the city or community which might not otherwise be provided by the developer to the city or community in the absence of the agreement.
- c. The development agreement also may cover any other matter not inconsistent with this chapter.

### (3) Review Process

- a. **General.** The procedure for review of development agreements shall be in accordance with Chapter 18.08 of this title.

- b. **Administrator.** The Administrator shall review the application and prepare a staff report and recommendation in accordance with Section 18.08.304, *Review and Action*.
- c. **City Council.**
  - 1. The City Council shall hold a public hearing on all proposed development agreements. The development agreement application shall be scheduled for a public hearing before the City Council and noticed in accordance with Section 18.08.305, *Scheduling and Notice of Public Hearings*.
  - 2. There are no time limits for public hearings or decisions on development agreements.

(4) **Findings**

The City Council may enter into a development agreement when it can make the following findings:

- a.

- a. A development agreement is an appropriate mechanism to implement the project's development due to the project's complexity such as:
  1. Public and/or private infrastructure requirements;
  2. Proposed phasing and/or build-out schedules;
  3. Conditions of approval;
  4. Some other way which would be of benefit and in the best interest of the city;
- b. The development agreement is not in conflict with and supports the objectives, policies, general land uses, and programs specified in the master and regional plans;
- c. The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district(s) in which the property is proposed to be located and is consistent with the associated approvals;
- d. The development agreement is in conformity with the public convenience and good land use practices;
- e. The development agreement will not be detrimental to the public health, safety, and general welfare;
- f. The development agreement will not adversely affect the orderly development of property and adequate consideration has been given to projected infrastructure capacity demands in the immediate area;
- g. The development agreement is consistent with the provisions of NRS Chapter 278.
- h. The city council shall approve an agreement by adoption of an ordinance. The agreement shall take effect upon the effective date of the ordinance.

**(5) Applicable Laws and Ordinances**

- a. Where specified in the development agreement, the laws, ordinances, codes, resolutions, regulations, design, and improvement standards listed by name and date of adoption apply to the development of the land. Unless specified in the agreement or unless directly in conflict with what is specified in the agreement, the laws, ordinances, codes, resolutions, rules, regulations, and design and improvement standards adopted by the city council and in effect at the time of issuance of any required construction or building permit shall apply.
- b. A development agreement shall not prevent the city from adopting new laws, ordinances, codes, resolutions, design, and improvement standards or regulations that alter or amend those laws, ordinances, codes, resolutions, design and improvement standards and regulations in effect at the time the development agreement is made. A development agreement does not prevent the city, in subsequent actions applicable to the property from applying new laws, ordinances, codes, regulations, resolutions, design, or improvement standards which do not conflict with those laws, ordinances, codes, regulations, resolutions, design, or improvement standards applicable to the property under the development agreement, nor does a development agreement prevent the city from denying or conditionally approving any subsequent development project application on the basis of such existing or new rules, regulations and policies.

- c. The city may suspend the issuance of building permits for the development project after a noticed public hearing if it finds in good faith that it is necessary to protect the residents of the project or of the immediate community, or both, from a condition hazardous or perilous to the residents' health and/or safety.
- d. In the event that state or federal laws or regulations enacted after a development agreement has been entered into prevent or preclude compliance with one or more of the provisions of the development agreement, such provisions may be modified or suspended as may be necessary to comply with the new state or federal laws or regulations after the city and the property owner have attempted to mutually agree upon the modification or suspension. Any such action may only be taken by the city council after a public hearing.

**(6) Mutual Amendment or Cancellation**

- a. The development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties or their successor in interest in accordance with NRS 278.0205.
- b. Notice of the intention to amend or cancel any portion or all of a development agreement must be given in accordance with Section 18.08.805(e)(3), above. The city council may, after conducting a public hearing, approve any amendment or cancel any portion or all of an agreement by ordinance if the amendment or cancellation is consistent with the findings set forth in Section 18.08.805(e)(4), above.

**(7) Cancellation by City**

- a. If at any time during the term of a development agreement, the city council finds by substantial evidence that the property owner has not complied with the terms and conditions of the development agreement, and such noncompliance has not been cured after notice and an opportunity to cure as specified in the development agreement, then the city may amend or cancel the agreement without the consent of the property owner.
- b. Prior to amending or canceling a development agreement due to noncompliance, notice of intention to amend or cancel shall be provided as follows:
  1. In writing to the property owner at least 30 days prior to the hearing; and
  2. The city council shall conduct a public hearing at which the property owner and any other interested person shall be entitled to submit such evidence and testimony as may be germane to the issue of the property owner's compliance with the terms of the development agreement.
- c. After conducting a hearing, the city council may amend or cancel the agreement, in whole or in part, or take other action considered necessary to protect the interests of the city.

**(8) Rights of the Parties After Cancellation or Termination**

In the event that a development agreement should be canceled, or otherwise terminated, unless otherwise agreed, all rights, except those already vested, of the property owner under the development agreement shall terminate. The property owner can proceed with the development pursuant to permits issued prior to the date of termination and under the existing rules, regulations and ordinances of the city absent the development agreement.

## Article 9 Review and Decision-Making Bodies

### Commentary

The following section is generally based on Article I of Chapter 18.06 but has been reorganized and rewritten where necessary to maintain a consistent structure. No major changes are proposed.

#### 18.08.901 Purpose

This article establishes and describes the organization, authority, duties, and operating procedures of the offices and decision-making bodies responsible for administering and enforcing this Title.

#### 18.08.902 City Council

(a) **Roles and Duties**

In addition to the roles and duties shown in Table 8-1, *Summary Table of Review Procedures*, the City Council shall have the following responsibilities in administering this Title:

(1) **Land Use Plans**

Review and approve, or deny new Master Plan elements, including citywide plans, neighborhood plans, center and corridor plans, and similar plans, and any updates or amendments to such plans.

(2) **Appointment**

As authorized by Nevada law and this Title, and subject to the provisions of this article appoint:

- a. Members and alternates to boards and commissions intended to administer and enforce this Title, including without limitation the Planning Commission and Historical Resources Commission.
- b. Hearing Examiner(s) intended to administer and enforce this Title.

(3) **Public Improvements**

Accept public improvements following their satisfactory completion.

(4) **Schedule of Fees**

Approve a schedule of fees necessary to effectively administer and enforce the provisions of this Title.

#### 18.08.903 Planning Commission

(a) **Authority**

The provisions of this section are adopted pursuant to NRS Sections 278.030 to 278.080, inclusive.

(b) **Purpose**

The purpose of the Planning Commission is to carry out the duties and functions outlined under NRS Chapter 278.

(c) **Roles and Duties**

In addition to the roles and duties shown in Table 8-1, *Summary Table of Review Procedures*, the Planning Commission shall have the following responsibilities in administering this Title:



- (1) To serve, advise, and make recommendations to the City Council on matters pertinent to reasonable and practical means for putting into effect the Master Plan or part thereof to serve as a pattern and guide for orderly physical growth and development of the city which will cause the least amount of natural resource impairment and will conform to the adopted population plan and ensure an adequate supply of housing and a basis for efficient expenditure of funds relating to the subject of the Master Plan.
  - (2) To consider, advise, and make recommendations to the City Council on matters relating to urban planning including, but not limited to policy development, community design, natural resource conservation and enhancement, economics, housing, land use, population, streets, zoning, subdivision regulation, transportation, the Master Plan, and other matters authorized by state law.
- (d) **Composition**<sup>640</sup>  
The Planning Commission shall be composed of seven Commissioners representing each of the five wards and two from the City at large. The City Manager shall appoint the members at the direction of the Mayor, or City Council member representing the ward or office experiencing a vacancy, subject to confirmation by the City Council.
- (e) **Qualifications for Office**
- (1) Each Planning Commissioner shall be appointed in accordance with NRS Section 278.040;
  - (2) Each Planning Commissioner shall be a resident of the city at the time of their appointment and shall maintain such residency throughout their term; and
  - (3) No Planning Commissioner shall hold another public office;
  - (4) If there are not adequate qualified voters for a particular ward or at-large position at the time the vacancy occurs, the City Manager may recommend the appointment subject to the approval of the City Council.
- (f) **Term of Office**
- (1) The term of office of each Planning Commissioner shall be four years, expiring on June 30th, or until their successor takes office.
  - (2) No Planning Commissioner shall be appointed for more than two full consecutive terms.
- (g) **Compensation**  
Pursuant to NRS Section 278.040, the City shall compensate each Planning Commissioner in the amount of \$80.00 for each Commission meeting attended and the total compensation for each Planning Commissioner shall not exceed \$300.00 per month.
- (h) **Removal**
- (1) Upon the third consecutive absence, the Administrator shall report the absences to the City Council, make recommendation regarding the absences of the Planning Commissioner to the City Council, and set the matter for public hearing before the City Council; and

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<sup>640</sup> Updated to reflect approved Resolution 7919.

- (2) Planning Commissioners may be removed in accordance with NRS Section 278.040(5).
- (i) **Vacancies**  
Vacancies occurring other than through the expiration of term must be filled for the unexpired term. Any vacancy must be filled within 30 days of the date the vacancy was created.
- (j) **Meetings**
- (1) All meetings shall be conducted in accordance with state and local open meetings laws;
- (2) The Planning Commission shall hold at least one regular meeting in each month and such other meetings as it deems necessary to transact the business of the Commission; and
- (3) Minutes shall be kept of all meetings.
- (k) **Records**  
The Planning Commission shall keep a record of its minutes, decisions, resolutions, recommendations, transactions, findings, and determinations and shall file its records in the City Clerk's office.

### 18.08.904 Historical Resources Commission

#### Commentary

This section details the composition, authority, and duties of the Historical Resources Commission. Standards and procedures for historic preservation are detailed in Chapter 18.07.

Commentary boxes in this section refer to recommended strategies in the new Master Plan for refining the City's preservation regulations. Strategy 1 recommends: "Revise and clarify the Powers and Duties of the Historical Resources Commission to assist in reconfirming the Commission's purpose."

The powers and duties of the HRC are revised and clarified in Section 18.06.104. Following a review of the existing list of powers and duties, code language was simplified, some powers and duties were combined into more general responsibilities, and some powers and duties were eliminated due to redundancy or irrelevance.

- (a) **Creation of Historical Resources Commission**  
There is hereby created an Historical Resources Commission (HRC).
- (b) **Powers and Duties of the Historical Resources Commission**<sup>641</sup>  
The HRC shall have the following powers and duties:
- (1) Contribute to the development and review of plans, bylaws, rules, ordinances, regulations, and implementation programs affecting historic resources; Survey districts, areas, places, buildings, structures, sites, landscapes, objects and properties having historic, community, architectural, archaeological, or aesthetic value;
- (2) Administer on behalf of the city, a register of historic resources to include information concerning historic resources, and make nominations to the National Register of Historic Places;
- (3) Review and act upon applications for designation, demolition, alteration, and maintenance of historic resources;

<sup>641</sup> Every effort was made to maintain the key responsibilities of the HRC while reducing redundancy and eliminating those powers that are implicit.

- (4) Advise and assist owners or other persons, entities, or governmental, or private agencies concerned with historic resources, and confer recognition upon those involved in exceptional historic preservation efforts;
- (5) Inform and educate the community concerning historic resources through promotion, signage and wayfinding, publishing information, and by developing interpretive programs and holding events;
- (6) Administer, in accordance with a budget approved by the City Council, gifts, grants, money, and contracts as may be appropriate for the purposes of the commission and this Chapter;
- (7) Present, hear evidence, testify, or assist as appropriate before all boards, commissions, committees, councils, and related public and private entities on any matter affecting historic resources; and
- (8) Work with City staff to implement adaptive reuse policy by incentivizing the use and preservation of existing building stock in new and creative ways.
- (9) Play a significant role in the renaming of public facilities with potential historical significance, resources listed on the local register, or resources within a local register historic district.

#### Commentary

Strategy 2 recommends: "Modify the composition of the Historical Resources Commission to include representation of other professionals and the public."

The composition of the HRC is modified in Section 18.06.104(c) to include two positions to be held by "residents of the City of Reno" and two positions to be held by persons who have "demonstrable interest, competence, or knowledge of historic preservation in the disciplines of landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines." This was done to allow for a wider variety of professions to be represented and to allow for a greater pool of potential commissioner candidates.

In addition, the requirements that one position be held by an architectural historian, one position be recommended by the state historic preservation officer, and two positions be held by persons with historic preservation experience are replaced by the above requirements. The position dedicated to a person with a graduate degree in history is modified to allow for "an historian with knowledge of local history" to allow more flexibility.

#### (c) Composition

- (1) The HRC shall consist of seven members, who are residents of the State of Nevada, each appointed by an affirmative vote of no less than four members of the City Council, which includes the mayor. At all times, five commissioners shall be residents of the City of Reno.
- (2) At a minimum, the HRC shall be composed of the following positions:
  - a. One position held by a person who is a registered architect in the State of Nevada;
  - b. One position held by a person who is an historian with knowledge of local history.
  - c. One position held by a structural or civil engineer licensed in the State of Nevada; and,
  - d. Two positions held by persons who have demonstrable interest, competence, or knowledge of historic preservation in the disciplines of landscape architecture, real estate, construction, community development, urban planning, archeology, law, finance, cultural geography, cultural anthropology, or related disciplines.

(d) **Terms of Office**

- (1) The regular term of membership on the HRC shall be three years.
- (2) A commissioner may serve two consecutive regular terms on the HRC.
- (3) A person may serve more than two consecutive regular terms on the HRC in accordance with this subsection provided such regular terms are separated by a period of not less than three years.
- (4) A member of the HRC may hold only one position set forth in Section 18.06.104(c)(2).
- (5) At the time of adoption of this ordinance, the City Council shall appoint current commissioners of the HRC to the positions set forth in Sections 18.06.104(c)(2)a.— e. for the remaining balance of their unexpired terms of office. Any commissioner, who is not qualified to hold such a position, shall remain on the HRC for the balance of their unexpired term and will be appointed to the positions set forth in Section 18.06.104(c)(2)e. Each current commissioner may be reappointed for one additional term. If the number of current commissioners exceeds the number of positions set forth in Section 18.06.104(c)(2)e., then the number of such positions will be expanded to accommodate the number of current commissioners so appointed. The number of positions in Section 18.06.104(c)(2)e. will be reduced as each current commissioner completes the balance of their term or resigns, or if re-appointed, that term, until only two positions remain in this category.

(e) **Designation of Alternate Commissioner**

- (1) The City Council, which includes the mayor, may designate an alternate commissioner to serve on the HRC when a commissioner is temporarily absent. The commissioner's temporary absence shall not exceed three months. The designated alternate commissioner shall meet the same requirements of the position as the commissioner who is temporarily absent.
- (2) A commissioner is temporarily absent when they will be absent at a regular meeting for a consecutive third time or longer.
- (3) Either the chair of the HRC or the temporarily absent commissioner may seek the designation of an alternate commissioner. Before any such alternate commissioner may serve on the HRC, the City Council shall have appointed the alternate commissioner for a specific period. The period of designation shall be three months.
- (4) An alternate commissioner may be designated for more than one three-month period.
- (5) Once an alternate commissioner is designated, the alternate shall sit as a commissioner on the HRC for the period of the designation.

**18.08.905 Hearing Examiner**

(a) **Authority**

The provisions of this section are adopted pursuant to NRS Sections 278.262 to NRS278.265, inclusive, 278.278.300 to 278.35, inclusive, 278.310, and 278.3195.

- (b) **Roles and Duties**  
In addition to the roles and duties shown Table 8-1, *Summary Table of Review Procedures*, the Hearing Examiner shall hear and decide appeals where it is alleged by the appellant that there is an error in any order, requirement, decision, and refusal made by an administrative official or agency based on, or made in, the administration or enforcement of any zoning regulation or any regulation relating to the location or soundness of structure.
- (c) **Qualifications**  
A Hearing Examiner shall:
  - (1) Be appointed in accordance with NRS Section 278.262, as amended.
  - (2) Possess qualifications similar to those of a licensed architect, attorney, engineer, or a member of the American Institute of Certified Planners, and
  - (3) Be appointed by the Mayor, subject to confirmation by the City Council.
- (d) **Term of Office**  
Hearing Examiners serve at the pleasure of the City Council in accordance with an appropriate personnel ordinance or regulation.
- (e) **Compensation**  
Hearing Examiners are entitled to receive such compensation as is considered necessary by the City Council.
- (f) **Final Authority**  
The Hearing Examiner shall have final authority unless a decision is appealed within the time allotted for appeals as set forth elsewhere in this chapter.
- (g) **Records**  
Hearing Examiners shall keep a record of its minutes, decisions, and recommendations, and shall file its records in the City Clerk's office.

#### **18.08.906 Administrator**

The Administrator shall have those administration and review roles as shown in Table 8-1, *Summary Table of Review Procedures*, and as may be specified in other provisions of this Title.

# Chapter 18.09 Rules of Construction and Definitions

## Article 1 Rules of Construction and Interpretation

### Commentary

This carries forward provisions from the current 18.02.110, with additional suggested new provisions noted.

In addition to the rules of interpretation and definitions stated in Title 1 of the Reno Municipal Code, the following rule shall apply in this Title:

#### 18.09.101 Meanings and Intent<sup>642</sup>

All provisions, terms, phrases, and expressions contained in this Title shall be construed according to the general purpose set forth in Chapter 18.01 Article 2, *Purpose*, and the specific purpose statements set forth throughout this Title. When, in a specific section of this Title, a different meaning is given for a term defined for general purposes in this Title, the specific section's meaning and application of the term shall control.

#### 18.09.102 Text Controls<sup>643</sup>

In case of any difference of meaning or implication between the text of this Title and any heading, caption, figure, illustration, table, or map, the text shall control.

#### 18.09.103 Lists and Examples<sup>644</sup>

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

#### 18.09.104 Computation of Time

The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. The following time-related words shall have the meanings ascribed below:

- (a) "Day" means a calendar day unless otherwise stated.
- (b) "Week" means seven calendar days.
- (c) "Month" means one calendar month.
- (d) "Year" means one calendar year, unless a fiscal year is indicated.

#### 18.09.105 Mandatory and Discretionary Terms

The words "shall" and "will" are always mandatory. The term "may" is discretionary.

#### 18.09.106 Conjunctions

Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:

- (a) "And" indicates that all connected items or provisions apply; and

<sup>642</sup> New.

<sup>643</sup> Current text broadened to specifically mention a variety of other graphic aids.

<sup>644</sup> New.

- (b) "Or" indicates that one or more of the connected items or provisions may apply singularly.

#### 18.09.107 Technical and Non-Technical Terms

Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law, city planning, or land development shall be construed and understood according to such meaning.

#### 18.09.108 Tenses, Plurals, and Gender<sup>645</sup>

Whenever appropriate with the context, words used in the present tense include the future tense. Words used in the singular number include the plural. Words used in the plural number include the singular, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

#### 18.09.109 Titles and Headings<sup>646</sup>

All titles and headings of chapters, sections, or subsections of this Title are to be used for convenience in arrangement only and shall not be construed to alter the intended meaning.

## Article 2 Rules of Measurement and Exceptions

### Commentary

The following material is based generally on the current Chapter 18.12, Article 1: Bulk/Dimensional, Density, and Intensity Standards. In previous drafts of this Code it was placed in the districts chapter since it relates directly to the district dimensional tables, however, it was determined that it made the most sense to include in this Chapter as a new article. Some standards were relocated to Chapter 18.04, Development Standards .

#### 18.09.201 Purpose

The purpose of this Section is to provide uniform requirements for measuring dimensional standards and to list any exceptions to the dimensional standards in this Title.

#### 18.09.202 Related Zoning District or Use-Specific Regulations

Applicants for development should refer to Chapter 18.02 *Zoning Districts*, and Chapter 18.03 *Use Regulations*, for any applicable bulk/dimensional, density or intensity regulations specific to a particular zoning district or use. In case of conflict with the general measurement/exception standards in this Article, the more specific zoning district or use standard in Chapter 18.02 and Chapter 18.03 shall apply unless otherwise expressly stated.

#### 18.09.203 Density

##### (a) Calculation

##### (1) Generally<sup>647</sup>

Except for mixed-use projects, residential density is calculated by dividing the gross area designated as residential by the number of dwelling units proposed to be built. Density shall be calculated based on the entire development site, which shall include all of the lots, parcels, and land area proposed for annexation or development according to the provisions of this Title, and which is in a single ownership or has multiple owners, all of whom join in an application for annexation or development.

<sup>645</sup> New.

<sup>646</sup> New.

<sup>647</sup> New. A baseline density calculation is necessary to help determine the baseline from which bonuses will be available.



The term "site" does not include portions of a parcel not included in an annexation or development request.

(2) **Calculation for Mixed-Use Projects**

For mixed-use projects, density shall be calculated based on the floor-to-area ratio of proposed buildings, and shall be calculated based on the entire development, as described in subsection (1), above.

### 18.09.204 Lots and Site Area Requirements

(a) **Measurement**

(1) **Lot Area**

Lot area is measured as the amount of gross land area contained within the property lines of a lot or parcel, but not including streets, primary access easements, or other rights-of-way.

(2) **Lot Width**

Lot width is measured as 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.

(3) **Lot Depth**

Lot depth is measured as the distance between the front and rear lot lines measured in the mean direction of the side lines.

(4) **Net Land Area**

When used in this Title, "net land area" shall be measured as the total gross area of a parcel or lot less area devoted to public rights-of-way including public access easements.

(5) **Floor Area Ratio (FAR)**

Floor area ratio (FAR) is measured as the gross floor area of all buildings on a lot or parcel, divided by the lot area.

(6) **Site**

All of the lots, parcels, and land area proposed for annexation or development according to the provisions of this Title, and which is in a single ownership or has multiple owners, all of whom join in an application for annexation or development. The term "site" does not include portions of a parcel not included in an annexation or development request.

(b) **Minimum Lot Standards**

(1) No lot or parcel shall be so reduced in area as to be less in any dimension than is required by the zoning district in which the lot is located, unless one of the specified exceptions to minimum lot sizes in Subsection (c), below, applies.

(2) Calculation of minimum area requirements shall not include area devoted to public access or roadway easements.

(c) **Exceptions to Minimum Lot Standards<sup>648</sup>**

(1) **Parcels Created for Public Agencies and Utilities**

Parcels created for public agencies and for utilities regulated by the Public Utilities Commission are exempt from the minimum lot size requirements. Upon cessation of

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<sup>648</sup> Consolidation of several exceptions found in current code.

the use, the parcel created for the public agency or utility shall be reverted to acreage or abandoned in accordance with Nevada law. Parcels previously created for this purpose shall be recognized under and subject to the provisions of this Subsection.

(2) **Cluster Development**

Cluster development may modify lot standards and density as specified in Subsection 18.04.903(a)(6), *Cluster Development*.

(3) **Neotraditional Development**<sup>649</sup>

To promote neotraditional development and compensate for the otherwise developable land that is used for alleys, minimum lot sizes and dimensions may be reduced by 20 percent and maximum lot coverage may be increased to 50 percent for parcels that abut a primary street but restrict vehicular access to be provided exclusively from alleys.

(4) **Dimensional Standards for Attached Single-Family, Condominiums, and Townhouse Units.**

Reduced lot sizes, reduced lot widths, and zero-foot setbacks may be provided for single-family, attached; townhouse; and condominium units, including commercial, industrial, and multi-family condominium projects, if:

- a. Common areas are maintained in a consistent manner by an association, master developer, or similar mechanism;
- b. Reciprocal parking and access agreements are recorded for use of the common areas; and
- c. All other development standards are addressed and met by the larger project. This subsection may be utilized for residential and non-residential developments.

(d) **Split Parcels**

No portion of any parcel of land that is a part of the required area for an existing building shall be used as a part of the required area of any other parcel or proposed building. When a portion of any parcel is sold or transferred and the area of that portion or the portion remaining no longer conforms to the required area as defined in the zoning district in which the parcel is located, the portion sold or transferred and the portion remaining shall be considered as one parcel only in determining the permissible number and location of buildings allowed to be placed on both parcels.

(e) **Number of Principal Buildings or Uses per Lot**

- (1) In single-family zoning districts, only one principal building is permitted except for approved multi-family projects. Every dwelling shall have legal means of access to a right-of-way.<sup>650</sup>
- (2) Where a lot or tract of land is used for multi-family, mixed-use, commercial, or industrial purposes, more than one principal building may be located upon the lot but only when such buildings conform to all requirements of this Title applicable to the uses and district.
- (3) No lot shall be divided to contain more dwelling units than are permitted by the regulations of the zoning district in which they are located.

<sup>649</sup> Relocated from Section 18.04.806, *Supplemental Standards for Single-Family Residential Structures*. Updated to clarify and reflect other code changes (e.g., reduced setback from alleys).

<sup>650</sup> Updated to clarify.

### 18.09.205 Property Line Setback/Yard

(a) **Measurement**<sup>651</sup>

(1) **Generally**<sup>652</sup>

- a. Required yards and property line setbacks for buildings shall be measured as the horizontal distance between the property line and the nearest portion of a building or structure on the property.
- b. Where the parcel or lot includes a private roadway or access easement serving any nonresidential development other than minor utilities, or more than four residential parcels or units, yards or setbacks shall be measured from the edge of that roadway.
- c. Except for front setbacks in certain mixed-use districts specified below, all required yard setbacks shall be measured from parcel boundaries. Where the parcel includes a private roadway or access easement serving any nonresidential development other than minor utilities, or more than four residential parcels or units, setbacks shall be measured from the edge of that roadway.

(2) **Measurement of Front Setbacks in Certain Mixed-Use Districts**

In the MD-, MU, MU-MC, and MU-RES districts, front setbacks shall be measured from the back of the curb. See Subsection 18.04.1003(a)(2)a, *Measurement of Front Setbacks in Downtown, Mixed-Use Urban, and Mixed-Use Midtown Districts*.

(3) **Exception for Transit System and School Bus Shelters**

The setback requirements of each zoning district shall not apply to public transit system, post office, or school bus shelters provided these shelters have first been approved by the Administrator. Public transit system or school bus shelters may be placed within the public right-of-way if approved by the City Engineer.

(b) **Irregularly Shaped Lots**<sup>653</sup>

(1) **Generally**

Structures on irregularly shaped lots shall comply with the following:

- a. Lots with multiple street frontages, except for corner lots, shall be required to comply with front setbacks along each lot line abutting a street.
- b. Lots with multiple side and/or rear lot lines not abutting a street shall comply with side setback requirements for all lot lines except that any lot line abutting a street

<sup>651</sup> Figure 18.12-1 Yard Determination will be moved into the definitions section and a new legible graphic created.

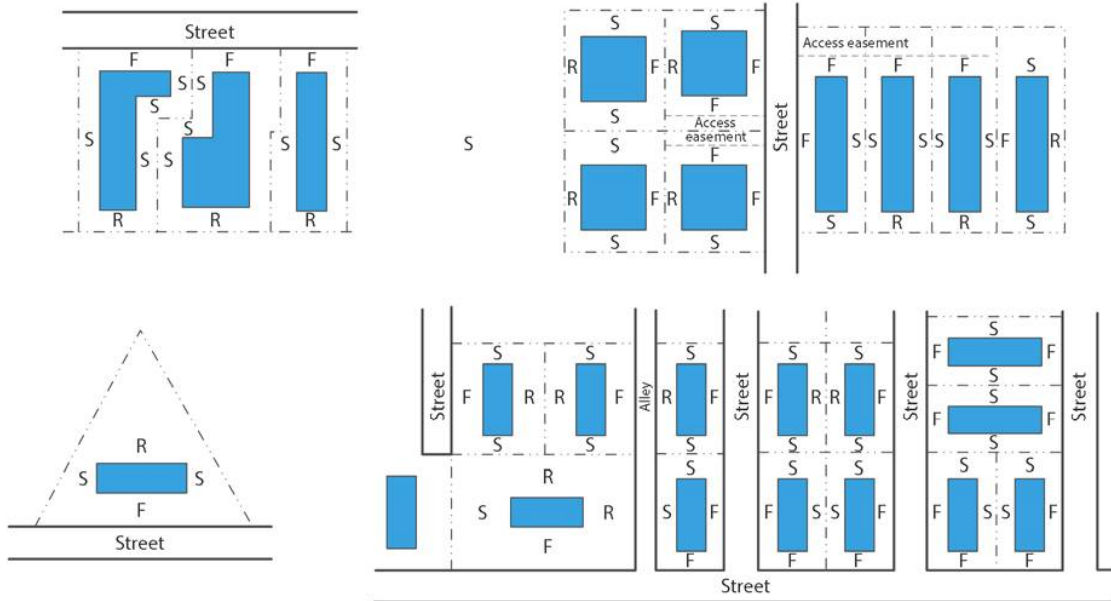
<sup>652</sup> Updated to clarify "separately mapped" language and to not require setbacks from private easements serving minor utilities or four or fewer units.

<sup>653</sup> New.

shall comply with the front setback and the lot line farthest from the front lot line shall comply with the rear setback. See Figure 9-1.

(2) **Alternatives Approved by Administrator**

The Administrator may establish alternative setbacks for properties with irregularly



**Figure 9-1: Irregular Yard Determination**

shaped lots based on unique site and/or lot conditions.

(c) **Self-Contained Yards**

No required yard or open space around an existing building or any building hereafter erected shall be considered a yard or open space for any other building on an adjoining lot or parcel.

(d) **Development Restrictions**

Where yards are required by this chapter, all structures shall be prohibited, except as specified by this Title.

(e) **Intrusions into Yards**<sup>654</sup>

The following intrusions are permitted into a required yard setback:

- (1) Cornices, canopies, chimneys, eaves, or other similar architectural features may extend into a required yard not to exceed two feet.
- (2) Outside stairs, landing places or patio areas may encroach into the setback for a distance not to exceed 3 feet, provided the improvements do not extend above the elevation of the ground floor level plus a railing with a maximum height of 3 feet.

<sup>654</sup> Reverted to existing standards (previously a much larger list of exceptions was proposed). Adjustment made to paragraph (2) and paragraphs (3) – (5) added.

- (3) Mobility improvement for existing buildings shall allow covered or uncovered mobility and access ramp/lift retrofits to extend into the required yards, with any roof structure maintaining a two-foot minimum setback.
  - (4) Mechanical equipment, including screening, not exceeding 4 feet in height may extend into the required side or rear yard, with all equipment maintaining a 2-foot minimum setback.
  - (5) Solar panel assemblies no taller than six feet above ground level may extend into the required side or rear yards with a solid screen fence that is at least as tall as the solar panels provided along the property line.
- (f) **Distance or Spacing Requirements**
- Whenever a regulation requires a proposed use or activity to be located a specified distance from an existing use, zoning district boundary, or activity, such distance or spacing requirement shall be measured as follows:
- (1) For a proposed use that will be located in an individual structure or building, the required minimum distance shall be measured from the closest point of the structure or building housing the proposed use to the closest edge of the principal structure housing the existing use or to the closest lot line.
  - (2) For a proposed use that will be located within a building also occupied by other uses, such as within a shopping center, the required minimum distance shall be measured from the closest point of that portion of the building housing the proposed use to the closest edge of the principal structure housing the existing use or to the closest lot line.
  - (3) Drive-through lanes drives for gas stations, and other similar areas accessory to a principal use subject to a distance or spacing requirement shall also be located outside the minimum distance required.

#### 18.09.206 Building Coverage

- (a) **Measurement**
- Building coverage is measured as the amount of the total property area covered by the floor plates of all principal and accessory structures, expressed as a percentage of gross property area.

#### 18.09.207 Height

- (a) **Measurement, Building Height**
- 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. The reference datum shall be selected by either of the following, whichever yields a greater height of building:
- (1) The elevation of the highest adjoining sidewalk or ground surface within a five-foot (1,524 mm) horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than ten feet (3,048 mm) above lowest grade.
  - (2) An elevation ten feet (3,048 mm) higher than the lowest grade when the sidewalk or ground surface described in a. is more than ten feet (3,048 mm) above lowest grade.
  - (3) The height of a stepped or terraced building is the maximum height of any segment of the building. See Figure 9-2.

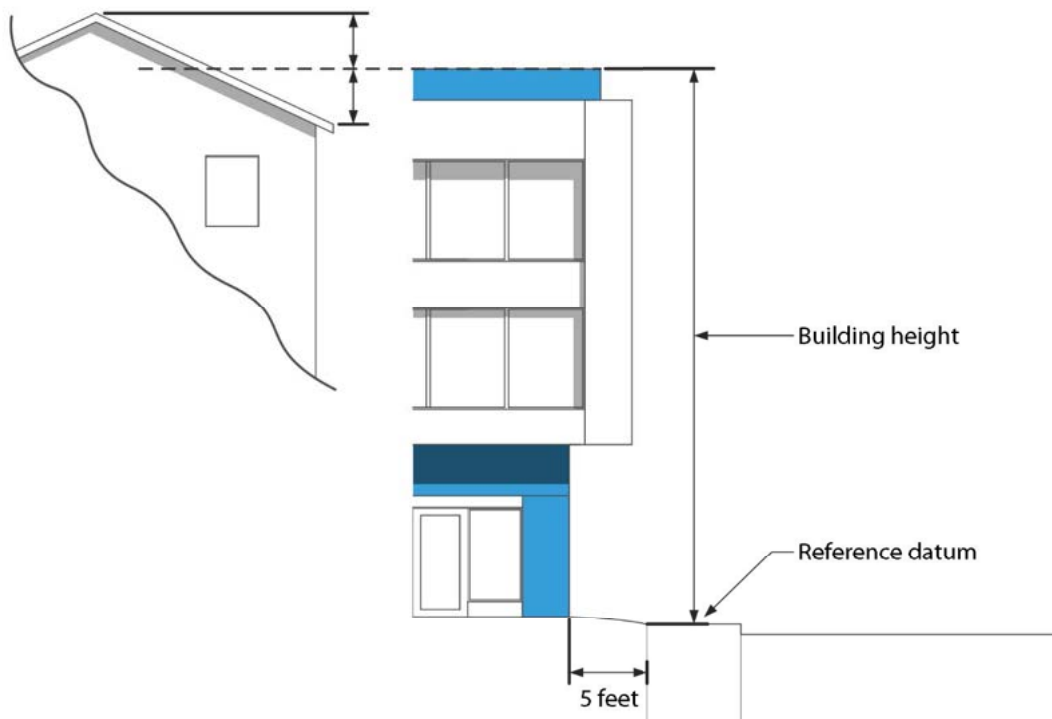


Figure 9-2: Building Height Determination

(b) **Exclusions from Building Height Limits**

- (1) Church spires, belfries, cupolas, domes, chimneys, flues or flagpoles, or to water towers, radio towers, and the like, except where such may be deemed a hazard.
- (2) Parapet walls extending four feet or less above the limiting height of the building on which they rest.
- (3) Bulkheads, elevator towers, one-story penthouses, water tanks, or similar structures, provided that the features are not used for living space and the aggregate floor area of such structures is not greater than 25 percent of the total roof area.

(c) **Plant Material Height**

Material height is measured from the top of the root ball or, if the plant is in a container, from the soil level in the container.

(d) **Sign Height**

The vertical distance from the topmost part of a sign face, cabinet, or copy (whichever is higher) to the grade of the sign foundation or the nearest point on a street or road other than an elevated roadway.

**18.09.208 Open Space<sup>655</sup>**

Each owner of a project that includes a requirement to maintain land as open space shall deed restrict the use of the property to preclude its future use for anything other than open space,

<sup>655</sup> Updated to clarify interpretation and current practice.

recreational purposes, vegetation management, utilities, and roadway infrastructure. The deed restriction shall not be amended or the open space reduced or withdrawn from use as open space without the consent of the City Council.

### 18.09.209 Rounding<sup>656</sup>

Unless specifically stated otherwise, and only where the Administrator finds the result is not contrary to the intent of the subject standard, any requirement of this Title that results in a fraction of a unit, a fraction of five-tenths or more shall be considered a whole unit and a fraction of less than five-tenths shall be disregarded. This standard shall not apply to the following measurements:

- (a) Minimum lot size.
- (b) Density or intensity, maximum or minimum.
- (c) Building or structure height, maximum or minimum.
- (d) Setbacks, maximum or minimum.
- (e) Parking, maximum or minimum.
- (f) Landscaping.

## Article 3 Definitions of Use Categories and Use Types

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### 18.09.301 Residential Uses

#### Household Living<sup>657</sup>

Uses characterized by residential occupancy of a dwelling unit by a “family.” Tenancy is arranged on a month-to-month or longer basis. Common accessory uses include recreational activities, raising of household pets, personal gardens, personal storage buildings, hobbies, and resident parking. Specific use types include:

#### Dwelling, Duplex<sup>658</sup>

A building with two dwelling units located on a single lot designed or arranged to be occupied by two families living independently.

#### Dwelling, Fourplex<sup>659</sup>

A building with four dwelling units located on a single lot designed or arranged to be occupied by four families living independently.

#### Dwelling, Live/Work<sup>660</sup>

A dwelling unit combining both a residential living space and an integrated workspace principally used by one or more of the residents. The unit typically has a storefront, workspace or studio, and public display area on the ground floor, with residential located either on the upper floor or in the back of the workspace.

#### Dwelling, Multi-Family

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<sup>656</sup> New. Added to address staff need for clear direction on rounding procedures.

<sup>657</sup> A use category definition is added here and for each use category to improve user friendliness and aid Administrator with interpretations. Cluster Development has been relocated to Article 3 of this Chapter.

<sup>658</sup> New definition for new use.

<sup>659</sup> New definition for new use.

<sup>660</sup> New definition for new use.



A building used or designed as two or more dwelling units, or at least two detached single-family structures on one lot. Does not include condominiums, cluster development, or lots with one primary unit and one accessory dwelling.

#### **Dwelling, Single-Family Attached**

A dwelling unit attached to one or more other dwelling units located on a separate lot. Each dwelling has its own front and rear access, no unit is located over another unit, each unit is separated from other units by one or more vertical common walls (not to include a common fence), and each dwelling is located on a separately owned lot. A single family attached complex may include common areas and facilities owned by all owners on a proportional, undivided basis.

#### **Dwelling, Single-Family Detached<sup>661662</sup>**

A dwelling, located on a separate and individually owned lot, for the exclusive use of a single family maintaining a household. No single-family dwelling may have more than one kitchen and all rooms used for human habitation must have interior access to one another, except for the provision of an attached accessory dwelling as permitted in this Title. The term "single-family detached dwelling" includes the definitions set forth in NRS Sections 278.0209, 278.02095, and 278.021.<sup>663</sup>

#### **Dwelling, Triplex<sup>664</sup>**

A building with three dwelling units located on a single lot designed or arranged to be occupied by three families living independently.

#### **Manufactured Home<sup>665</sup>**

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 and Construction and Safety Standards in effect on the date of manufacture. A manufactured home is further defined by NRS Section 489.113.

Whenever this Title refers to mobile homes, manufactured homes that are not single-family dwellings, as defined in this chapter, shall be considered as having the same restrictions and privileges.

#### **Manufactured or Mobile Home Park**

A parcel or tract of land having as its principal use the rental, leasing, or occupancy of space by two or more manufactured or mobile homes on a permanent or semi-permanent basis, including customary accessory buildings and uses.

#### **Mobile Home Subdivision**

A subdivision of land platted in conformance to NRS Chapter 278 and applicable City ordinances for the purpose of providing mobile home lots.

### **Group Living**

Uses characterized by residential occupancy of a structure by a group of people who do not meet the definition of "household living." Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a "family." Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses commonly include

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<sup>661</sup> This modified use and definition consolidates definitions for "Dwelling, Single Family Detached" and "Dwelling, Single Family Zero Lot Line."

<sup>662</sup> The "Cluster Development" use has been eliminated as a standalone use type (it is more of a development type than a use). Development standards can be used under the various dwelling types to provide for cluster development.

<sup>663</sup> NRS references are to recent statutes for inclusion of factory-built housing into definition of Single-Family Residence.

<sup>664</sup> New definition for new use.

<sup>665</sup> This modified use and definition consolidates definitions for "Manufactured Home or Housing (General)," "Manufactured Home (for Floodplain Management Purposes)," "Mobile Home (General)," and "Mobile Home (for Floodplain Management Purposes)."

recreational facilities and vehicle parking for occupants and staff. The group living category is not to be construed as a “group home.” Specific use types within the group living use category include:

**Assisted Living Facility**

A residential facility providing food and shelter, personal guidance, care, rehabilitation services, or supervision of over six clients. Shall be licensed by the city, county, or state or operated by a non-profit organization.

**Boarding or Rooming House**

A building or portion thereof (not a hotel or motel) where, for reasonable compensation, lodging is provided for more than five guests. Cooking facilities may or may not be available.

**Convent or Monastery**

A building housing a community of persons living under religious vows, such as nuns or monks.

**Fraternity or Sorority House**

Any building occupied and maintained by a social association of college students, or where organization-sponsored functions are regularly held.

**Group Home**

A community-based dwelling use providing food and shelter, personal guidance, care, rehabilitation services, or supervision. Group homes shall have a maximum of six clients plus two staff residing in a house, except where federal and/or state law requires otherwise. Group homes serving persons with disabilities may have a maximum of ten clients with house parents or guardians and shall be licensed by the city, county, or state.

**Private Dorm**

A residential facility used for training purposes.

**Single-Room-Occupancy**

A commercial residential hotel providing sleeping and living facilities that may rent on a weekly or monthly basis as a primary residence. Cooking and sanitary facilities shall be provided within the unit. Does not include any building, structure, or property in which persons are housed or detained under legal restraint or hospitalized or otherwise under medical, nursing, or psychiatric care.

**Transitional Living Facility**

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. 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.

**18.09.302 Public, Institutional, and Civic Uses**

**Community and Cultural Facilities**

Uses including buildings, structures, or facilities to provide a service to the public. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

**Cemetery or Mausoleum<sup>666</sup>**

Land used for burial of the dead, whether human or animal, including a mausoleum or columbarium.

**Funeral Parlor**

<sup>666</sup> This modified use and definition consolidates definitions for “Cemeteries,” and “Pet Cemeteries,” using the definition of the latter.

An establishment engaged in the preparation of the deceased for burial or cremation, for the display of the deceased, and/or for related ceremonies or services.

**Library, Art Gallery, or Museum<sup>667</sup>**

A facility or area that is open to the public and is intended for collections of books, manuscripts, and similar materials for study and reading, or for the acquisition, preservation, study, and exhibition of works of artistic, historic, literary, or scientific value.

**Major Government Facility**

Public facilities provide a significant service and have a substantial impact on the community. Typical uses are sanitary landfills, airports, and detention and correction facilities.

**Minor Government Facility<sup>668</sup>**

An office or facility that is operated by the federal, state, county or city, or other public entity.

**Prison or Custodial Institution**

A place where persons convicted or accused of crimes are confined.

**Private Club, Lodge, or Fraternal Organization<sup>669</sup>**

An organization and its premises operating on a membership basis for the promotion of interests of the members including facilities for business organizations; facilities or spaces for physical exercise and recreational activities; civic, social, and fraternal organizations, and other similar organizations.

**Public Meal or Homeless Services Provider**

Any use of land whether in a structure, tent or any enclosed or unenclosed private or public area, where for no charge or for only a token charge (provision of meals where the charge for the meal is less than the actual cost to provide the meal) meals are provided to the public for a period exceeding more than 24 days in any year. A building that is used or intended to be used to provide to homeless individuals temporary accommodations, shelter, meals or any combination thereof. For purposes of this chapter, a "homeless individual" includes an individual who lacks a fixed, regular residence.

**Public Park or Recreation Area<sup>670</sup>**

Land designated and used by the public for active and/or passive recreation.

**Religious Assembly**

Any building used for religious worship services, religious education, fellowship activities, and programs of a religious organization. The term does not include any class of childcare center, general education classrooms and facilities, or commercial activities.

**Educational Facilities**

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or vocational or trade schools. Accessory uses commonly include cafeterias, indoor and outdoor recreational and sport facilities, auditoriums, and day care facilities. Specific use types include:

**Adult Education**

<sup>667</sup> This use and definition consolidate the following similar uses: "Nature Center" and "Cultural and Library Services."

<sup>668</sup> This use and definition consolidate the following similar uses: "Government Facility," "Post Office," and "Safety Services."

<sup>669</sup> New definition to consolidate two different definitions for "Club" and "Lodge or Fraternal Organization." Use table and standards already consolidate these terms/uses.

<sup>670</sup> This modified use and definition consolidates definitions for "Active Recreation," "Passive Recreation," "Park or Recreation Area, Active," and "Park or Recreation Area, Passive." A new definition is provide from the Clarion library of definitions.

Adult literacy, language, and education for adult students who have not graduated from high school and are working towards adult diplomas after earning credits and passing proficiency exams.

**Childcare Center<sup>671</sup>**

Any place, home, institution, business, or establishment in which children are received, cared for, or maintained for any period of time with or without compensation. A Childcare Center does not include accessory, in-home childcare uses as defined in this Chapter.

**College, University, or Seminary<sup>672</sup>**

A college or university is an academic institution of higher learning beyond the level of secondary school. A seminary is an institution for the training of candidates for the priesthood, ministry, rabbinate, or other religious order.

**School, Primary**

An educational institution at which attendance satisfies the compulsory education laws of the State of Nevada. A facility or area for kindergarten and elementary education supported by a public, church, or parish organization.

**School, Secondary<sup>673</sup>**

An educational institution at which attendance satisfies the compulsory education laws of the State of Nevada. A facility or area for secondary education supported by a public, church, or parish organization.

**School, Vocational or Trade**

A business operating for profit and offering instruction and training in a service or art, such as a secretarial school, barber college, commercial art school; or offering instruction and training in a trade such as welding, brick laying, machinery operation, and other similar manual trades.. For purposes of this Title, this use differs from business schools in that large equipment and outdoor activities are associated with vocational/trade schools.

**Healthcare Facilities**

Uses characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

**Blood Plasma Donor Center**

A building used for the collection of human blood plasma from plasma donors. The term does not include a facility for the provision of medical care or treatment.

**Hospital, Acute and Overnight Care**

A building used for accommodation of sick, injured, or infirm persons, including, sanatoria, convalescent, and rest homes. An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

**Medical Facility, Day Use<sup>674</sup>**

An outpatient medical facility which is used only during the day, and which does not provide overnight care. This includes surgery centers, outpatient care facilities, urgent care, etc. that

<sup>671</sup> The term has been updated to match that used in the use table. The use and definition consolidates the “Child Care Center/Facility” and “Child Care Center” uses.

<sup>672</sup> The term “Education” has no definition but is consolidated under each of the school-related terms.

<sup>673</sup> This use and definition consolidates “School, Secondary, Non-traditional (Public or Private).”

<sup>674</sup> The “Blood Plasma Donor Center” use is consolidated under this use. There shouldn’t be a significant difference in impact and the use standards will be consolidated.

are typically standalone medical facilities that include medical care beyond routine consultation and may be in connection with surgery.

### 18.09.303 Commercial Uses

#### Agriculture, Animals, and Farming

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Agricultural uses involve urban farming, beekeeping, horticulture, floriculture, viticulture, and animal husbandry. Animal-related uses include the boarding and care of animals on a commercial basis. Accessory uses may include confinement facilities for animals, parking, and storage areas. Specific use types include:

##### **Animal Clinic, Shelter, Hospital, Boarding Kennel, or Training Facility<sup>675</sup>**

A place where animals or pets are given medical or surgical treatment, are cared for during the time of the treatment, or are boarded, trained, bred, kept, or fed.

##### **Farm<sup>676</sup>**

Land area devoted to raising, breeding, or producing an animal or plant, including accessory processing, preparation, and sale of animal products, feed, grain, timber, fruit, and vegetables.

##### **Stable, Commercial**

Barns and equestrian facilities to house horses and provide riding classes or equestrian activities to the public.

##### **Stable, Private**

A stable to house horses for the private use of the owner.

##### **Urban Farm<sup>677</sup>**

The growing, raising, keeping, producing, and selling of agricultural, horticultural, viticultural, fruit and vegetable products, including bees and up to 12 fowl.

#### Food and Beverage

Establishments involved in serving prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking. Specific use types include:

##### **Bakery, Retail<sup>678</sup>**

A facility which sells bakery and related items. Items sold on site may be made at the facility. Catering is permitted.

##### **Bar, Lounge, or Tavern**

An eating and drinking establishment which sells alcoholic beverages for consumption on the premises in which the sale of food products is secondary. The establishment may also authorize the sale, to consumers only and not for resale, of alcoholic beverages, in original sealed or corked containers, for consumption off the premises where the same are sold. A bar, lounge, or tavern may be operated in conjunction with a live entertainment use. The use does not include any use defined under *Adult Business*.

##### **Commercial Kitchen<sup>679</sup>**

<sup>675</sup> This use and definition are consolidated to include "Commercial Kennels" and "Veterinary Services, Agricultural."

<sup>676</sup> This use and definition consolidates the following uses/terms: "Agricultural Processing," "Agricultural Sales," "Animal Production," "Crop Production," "Game Farms," "Poultry and Hog Farm," "Produce Sales."

<sup>677</sup> Existing definition for Temporary Urban Farm is modified for clarity and to allow beekeeping.

<sup>678</sup> Moved from Accessory.

<sup>679</sup> New definition for new use/term.

An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site. No business consumption of food or beverages is permitted on the premises.

**Microbrewery, Distillery, or Winery<sup>680</sup>**

A small brewery, winery, or distillery operated separately or in conjunction with a drinking establishment or restaurant.

**Restaurant<sup>681</sup>**

A retail business licensed to serve food and beverages for on-premises consumption and which uses a kitchen on the premises for food preparation with a minimum floor area of 200 square feet. Includes cafes, coffee shops, sandwich shops, ice cream parlors, fast food take-out (i.e., pizza), and similar uses.

**Restaurant with Alcohol Service**

A restaurant where alcoholic beverage drinks are prepared for service at tables for consumption only in connection with a meal served on the premises. May include a lounge area where customers wait to be seated for a meal. Alcoholic beverages are not purchased directly from the bar or for off-premise consumption.

**Lodging**

Uses in this category provide lodging services for a defined period of time with incidental food, drink, and other sales and services intended for the convenience of guests. Specific use types include:

**Bed and Breakfast Inn**

Overnight accommodations and a morning meal in a dwelling unit provided to tourists for compensation.

**Hotel-Condominium**

A hotel-condominium is an establishment meeting the criteria for a "Hotel" as set forth in this Title but subdivided into individual rooms or suites for separate ownership. Hotel-condominiums are a commercial condominium development for which the units are primarily used to derive commercial income from, or provide service to the public, and may not be used as a dwelling by an Owner for 28 days or more within any 12-month period. Hotel-condominiums are subject to transient lodging standards and requirements. When hotel-condominiums are not occupied by the owner, owners shall make them available for transient rental lodging use through a hotel rental management program or otherwise.

**Hotel, with or without Gaming**

A building or group of buildings occupied or intended to be occupied for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere. Hotels have an interior hall and lobby with access to each room from the interior hall or lobby.

**Motel, with or without Gaming**

A building or group of buildings 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 the outside porch or landing is enclosed with screen, glass, plastic or similar material)

<sup>680</sup> New definition for new use/term. Updated with staff feedback that the size should be limited in the use standards and definition should be less restrictive.

<sup>681</sup> This use consolidates the "Restaurant without Alcohol Service" use. Restaurant with Alcohol Service is returned to a standalone primary use to avoid concerns about how multiple primary uses would be handled.



and with accessible parking spaces on the premises, or adjacent premises under the same ownership, for each unit, as provided for in this chapter.

### Office and Professional Services

Uses in this category provide executive, management, administrative, governmental, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building. Specific use types include:

#### Call Center

A primary point of contact with customers via phone or Internet for purposes of selling merchandise characterized by most employees processing orders via phone or Internet.

#### Financial Institution

An establishment authorized to receive and safeguard money or other valuables, lend money at interest, execute bills of exchange, and provide other similar services.

#### Laboratory

A facility for conducting medical or scientific research, investigation, testing, or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. This definition also includes labs for the manufacture of dentures and prosthesis.

#### Office, General

An office facility other than specifically listed or defined elsewhere in this Chapter or Title. This includes medical offices that are typical of routine office visits including physicians, dentist, chiropractors, psychiatrists, and related medical disciplines, as distinguished from medical facilities and outpatient surgery centers.

#### Recording Studio

A building or portion of a building used as a place to record music and videos. This definition does not include broadcasting facilities.

### Personal Services

Uses in this category provide individual services related to personal needs directly to customers at the site of the business, or that receive goods from or return goods to the customer, which have been treated or processed at that location or another location. Specific use types include:

#### Cleaners, Commercial

A facility or area for cleaning items in bulk quantities such as clothes and linens. This definition includes cleaning for hospitals, restaurants, hotels, diaper cleaning services, and other similar accounts, as well as rug and dry-cleaning plants where on-premise retail services to individual households are incidental to the operation of the plant.

#### Personal Service, General<sup>682</sup>

A facility for the sale or provision of personal services, but not including personal service uses otherwise listed or specifically defined in this Chapter. Typical personal services include, but are not limited to, barber or beauty salon, massage parlor, shoe repair, tailor, instructional arts studio, photography studio, custom and craft work studio, safe deposit boxes, copy center, travel bureau, house cleaning services, self-service laundry or laundry

<sup>682</sup> This use and definition consolidates the following uses: "Astrologer, Hypnotist, or Psychic Art and Science," "Barber/Beauty Shop," "Copy Center," "Laundry, Drop-off or Pick-up," "Laundry, Self-service,""



drop-off/pick-up, weight reduction centers, florists (excluding greenhouses), astrologer, hypnotist, psychic, and other similar uses as determined by the Administrator.

#### **Tattoo Parlor, Body Painting, and Similar Uses**

A facility which provides personal services such as tattoos, body painting, body piercing, and other similar uses – but not permanent makeup – as the primary function.

#### **Wedding Chapel**

A facility which is principally rented to perform wedding ceremonies. Facilities may include a chapel, dressing rooms, offices, and/or gardens.

### **Recreation and Entertainment**

This category includes indoor and outdoor recreation and entertainment activities. Accessory uses may include limited retail, concessions, parking, and maintenance facilities. Specific use types include:

#### **Adult Business<sup>683</sup>**

Terms related to adult businesses are defined as follows:

- 1) "Adult bookstore," "Adult novelty store," or "Adult video store" means an establishment which has as its stock in trade, or derives a portion of its revenues from, or devotes a portion of its interior business or advertising to, or maintains a sales or display space for the distribution, display, or presentation of any one or more of the following:
  - a. Books, magazines, periodicals, or other printed matter, pictures, drawings, photographs, sound recordings, films, negatives, slides, motion pictures or other video recordings or visual representations that are distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas"; and
  - b. Instruments, objects, devices, or paraphernalia, that are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.
- 2) "Adult characterized business" means any business wherein it is intended, for any form of consideration or gratuity, alone or in combination with an otherwise established fee, to employ persons, whether as an employee or independent contractor, to perform business activities or be present in conjunction with the performance of a business activity not requiring a special license under Title 4, *Business License Code*, and Chapter 5.11, *Gaming*, where such performance or presence involves the display of "specified anatomical areas" or "specified sexual activities".
- 3) "Adult drive-in theater" means a drive-in theater used for presenting materials distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 4) "Adult hotel or motel" means a hotel or motel which holds itself out to the public through advertising as an establishment wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" and rents or allows subrentals of rooms for periods of ten hours or less.
- 5) "Adult interactive cabaret" means any fixed place of business which offers to patrons on a regular basis or as a substantial part of the premises activity, the opportunity to view adult interactive cabaret performers whose attire, costume, clothing or lack thereof

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<sup>683</sup> Definition updated to latest adopted ordinances (No. 6516 & No. 6517).

exposes "specified anatomical areas," whose performance emphasizes exposure of and focus on "specified anatomical areas" and whose performance or exposure of "specified anatomical areas" while providing services is designed specifically to arouse sexual passions, all of which is typically associated with allowing the performer to solicit from patrons present anything of value such as drinks, tips, gratuities, or other compensation whether monetary or otherwise.

- 6) "Adult motion picture arcade" means any portion of an adult business to which the public is permitted or invited wherein coin or slug-operated or electronically, electrically or mechanically controlled still or motion picture machines, projectors, video cassettes, computer displays, slides, photographic reproductions, or other image-producing devices are maintained to show images to ten or fewer persons per machine at any one time whether or not for remuneration, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".
- 7) "Adult motion picture theater" means an enclosed building with a capacity of greater than ten persons used for presenting material distinguished or characterized by their emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
- 8) "Model studio" means any place, excluding those places used for art instruction purposes associated with an art curriculum at an accredited university, college or trade school, where, for any form of consideration or gratuity, figure models who display "specified anatomical areas" or perform "specified sexual activities," are provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration or gratuity.
- 9) "Sexual encounter center" means any business, agency, or person who, for any form of consideration or gratuity, provides a place where two or more persons, not all members of the same family, may congregate, assemble or associate for the purpose of engaging in "specified sexual activities" or exposing "specified anatomical areas".
- 10) Specified anatomical areas means and includes:
  - a. Less than completely or opaquely covered: human genitals or pubic region; buttock; or female breast below a point immediately above the top of the areola; and
  - b. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.
- 11) "Specified sexual activities" means any of the following:
  - a. Intercourse, oral copulation, masturbation or sodomy; or
  - b. Excretory functions as a part of or in connection with any of the activities described in (a), above.
- 12) "Regular basis" means the consistent and repeated doing of an act on an ongoing occurrence.

#### **Amusement or Recreation, Inside<sup>684</sup>**

An enclosed facility or area for sport, entertainment, games of skill, or recreations to the general public for a fee. Examples include, but are not limited to, theaters (without drive-through), bowling alleys, video arcades, indoor miniature golf, roller and ice-skating rinks, game courts, swimming pools, or physical fitness centers and gyms. Shall include instruction

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<sup>684</sup> This modified use and definition consolidates the following uses/terms: "Fitness Center," "Theater (No Drive-In)," and "Video Arcades."

such as gymnastics, karate and like activities/uses. This use does not include facilities that provide amplified performances, music, or similar events (Daytime Entertainment Venue or Live Entertainment).

**Amusement or Recreation, Outside<sup>685</sup>**

An outdoor facility or area for sport, entertainment, games of skill, or recreations to the general public for a fee. Examples include but are not limited to game courts, water slides, miniature golf courses, drive-in theaters, batting cages, practice/instructional fields, driving ranges and sports events, such as a stadium or arena. This use does not include facilities that provide amplified performances, music, or similar events (Daytime Entertainment Venue or Live Entertainment).

**Daytime Entertainment Venue<sup>686</sup>**

An establishment providing limited daytime opportunities for amplified performances, music, or similar events such as banquets, weddings, and sporting events. This use may be operated independently or in conjunction with another principal use such as a restaurant or an amusement or recreation facility. This use may include kitchen facilities for the preparation or catering of food or the provision or sale of food or alcoholic beverages for on-premises consumption during an event. Daytime entertainment does not include any use defined under *Adult Business*.

**Casino (See Hotel with Nonrestricted Gaming)**

A nonrestricted gaming operation where gaming is made available for play by the public and which shall be associated with a hotel. Restricted gaming operations are not included in the definition of "casino."

**Convention Center<sup>687</sup>**

A facility dedicated to the hosting of conventions including service areas, such as common areas, kitchens, and coat check rooms.

**Country Club, Private**

A facility used for recreational or athletic purposes with limited membership and the use of which is primarily restricted to members and their guests. Accessory uses include retail facilities that do not have separate signage or advertising, and a club house.

**Escort Service/Outcall**

Any business, agency, or person who, for a fee, commission, hire, or profit furnishes or arranges for escorts or entertainers.

**Gun Range, Indoor**

A facility for the sport of shooting at targets to test accuracy in rifle, pistol or other firing device, or for the practice of archery, owned or operated by a corporation, association, or individuals.

**Night Club**

An establishment operated as a place of entertainment, characterized by any of the following as a principal use:

- 1) Live, recorded, or televised entertainment, including performance by magicians, musicians or comedians.
- 2) Dancing.

**Live Entertainment**

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<sup>685</sup> This modified use and definition consolidates the following uses/terms: "Outdoor Sports and Recreation" and "Outdoor Sports Club."

<sup>686</sup> New definition for new use.

<sup>687</sup> This modified use and definition is primarily from the existing term: "Convention Space," because there is no definition for "Convention Center."

A facility that provides live performances and entertainment subordinate to the primary commercial use of the establishment. This use may be operated independently or in conjunction with another principal use such as a restaurant or an amusement or recreation facility. Live entertainment does not include any use defined under *Adult Business*.

**Recreational Vehicle Park**

A parcel or tract of land, having as its principal use the transient rental or occupancy of space for no more than 90 days by two or more recreational vehicles, including accessory buildings, structures, or uses customarily incidental thereto.

**Sports Arena, Stadium, or Track**

A facility where sports such as football, baseball, soccer, or track are played.

**Retail**

Uses involving the sale, lease, or rent of new or used products directly to the final consumer for whatever purpose but not specifically or exclusively for the purpose of resale. Accessory uses may include offices, parking, storage of goods, assembly, repackaging, or repair of goods for on-site sale. Specific use types include:

**Building, Lumber, and Landscape Material Sales**

A facility for the sale of home, lawn and garden supplies, and construction materials such as brick, lumber, and other similar materials.

**Cannabis Dispensary, Medical**

A business that is licensed by the Cannabis Compliance board pursuant to NRS 678B.210 and acquires, possesses, cultivates, delivers, transfers, supplies or sells cannabis and related supplies to: a) medical cannabis dispensaries, medical cannabis production facilities, or other medical cannabis cultivation facilities.

**Cannabis Retail Store, Adult-use**

A business that is licensed by the Cannabis Compliance board pursuant to NRS 678B.250 and acquires, possesses, delivers, transfers, supplies, sells or dispenses cannabis or related supplies to a consumer or to another adult-use cannabis retail store.

**Convenience Store**

A retail store containing less than 5,000 square feet of gross floor area that is designed and stocked to sell a limited amount of primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic. Illustrative examples of convenience stores are those operated by the "7-11" and "AM-PM" chains. A store of less than 5,000 square feet, which deals primarily with the retail sale of alcohol would also be categorized as a convenience store.

**General Retail, Less than 10,000 Square Feet<sup>688</sup>**

A facility, of less than 10,000 square feet, for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, antiques and collectables, flowers and household plants, dry goods, groceries, convenience and specialty foods, toys, furniture, books and stationery, hardware, pets and pet supplies, used goods,

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<sup>688</sup> This modified use and definition consolidates definitions for "Antique/Collectable Store" and "Pet Store."

and other similar uses as determined by the Administrator. This use does not include retail or commercial uses specifically listed or defined elsewhere in this chapter or Title.

**General Retail, 10,000 Square Feet or More<sup>689</sup>**

A retail sales facility of 10,000 square feet or more. Typical general merchandise sold to the general public for direct consumption and not for wholesale may include those listed under General Retail, less than 10,000 square feet. This use does not include retail or commercial uses specifically listed or defined elsewhere in this chapter or Title.

A facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

**Plant Nursery/Garden Supply**

A facility for the growing, display, or sale of plant stock, seeds, or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

**Transportation, Vehicles, and Equipment**

This category includes uses primarily associated with train, bus, and aircraft facilities. Examples include airports, depots, terminals, or other facilities which serve as a hub. Specific use types include:

**Airport Operations and Facilities**

Any structure or facility built in conjunction with the daily operation of an airport on RTAA-owned property.

**Auto Service and Repair<sup>692</sup>**

A facility for the service or repair of any type of motorized vehicle. This use can include mechanical repair, service facilities, collision services, painting of vehicles, emissions testing, tire sales and installation, window tinting, stereo installation, and repairing and installing elements of an automobile such as engines, transmissions, wheels, brakes, and differential.

**Automobile, Truck, Mobile Home, RV, Boat, and Trailer Sales or Rental**

The sale or rental of automobiles, trucks, RVs, boats, and other similar equipment. Automobiles kept on the lot for sales or rental purposes are not considered to be outside storage.

**Bus or Other Transportation Terminal**

Any premises for the transient housing and/or parking and maintenance of buses or other vehicles used for the movement of people (not freight) and where passengers are picked up or discharged and tickets sold.

**Car Wash<sup>693</sup>**

The use of a site for washing, cleaning, and detailing of passenger vehicles, recreational vehicles, or other light-duty equipment.

**Gas Station**

An area used exclusively for retail sales of fuels or oils, having storage tanks and pumps located thereon and may include minor automotive repairs and washing, but not including body repairs or battery rebuilding. Gas station means any building, land area or other

<sup>689</sup> This is a new definition for a new use. Modified from "General Retail, less than 10,000 square feet."

<sup>692</sup> This modified use and definition consolidates definitions for "Auto Repair Garage," "Auto Paint Shop," and "Service Station."

<sup>693</sup> This new definition replaces the two, unique definitions for "Full Service" and "Self-Service" Car Washes, which were not listed separately in the use table. Also, "Outdoor Wash Rack" is consolidated here as a similar car wash use.

premises, or portion thereof, used or intended to be used for the dispensing or sale of personal vehicular fuels or the sale or installation of lubricants, tires, batteries and similar accessories, but not including body repair or battery rebuilding. This use does not include truck stops as defined elsewhere in this chapter or Title.

#### **Parking Lot, Open**

A facility for parking that is not associated with a building on the same lot, or is operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers, or employees of a particular establishment or premises.

#### **Public Transit or School Bus Shelter**

A shelter to provide cover for persons waiting to use public transit services, including school buses.

#### **Truck Stop or Travel Plaza<sup>694</sup>**

A development oriented to the service of trucks, including the sale of fuel to truck drivers, and provision for support facilities for truck drivers as set forth in Section 18.03.304(h)(6). Truck stops are designed to accommodate trucks and truck drivers, and may also be utilized by non-truck traffic and the interstate traveler. This facility allows for the temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system, for free or for a fee that may be independent of any other use on the premises. The term "truck" shall mean a commercial vehicle driven by a 'truck driver' who is required to have a Class "A" CDL (Commercial Drivers License) license or equivalent.

### **18.09.304 Public and Quasi-Public Utilities and Services**

#### **Communications and Broadcasting**

Uses including all towers, transmission devices, buildings, easements, or structures used or intended to be used by any public or private communications and broadcasting operation. Specific use types include:

##### **Communication Facility, Equipment Only**

Satellite, microwave, cellular telephone, or other radio transmission devices and equipment, excluding satellite dishes for individual use.

##### **TV Broadcasting and Other Communication Service**

A building or portion of a building used as a place for television broadcasting and similar activities.

#### **Utilities**

Uses including all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar public services at a local level. Specific use types include:

##### **Utility, Major<sup>695</sup>**

A facility that generates, as a principal use, electricity from mechanical power produced by solar, wind, gas, coal, hydraulic, nuclear fission franchised by the city, or other fossil or non-fossil fuel power sources. Also, electric utility substations, electric lines 60 kv or greater,

<sup>694</sup> This modified use and definition consolidates definitions for "Truck Stop" and "Truck Stop/Travel Plaza."

<sup>695</sup> Use table term "Energy Production" is undefined in the current Code. This modified use and definition consolidates definitions for "Electric Generating Plant," "Energy Production," "Electric Utility Substation," and "Wells and Transmission Lines related to Geothermal Energy Development."



natural gas lines greater than 100 psi, water lines greater than 30 inches in diameter and greater than five miles in length, and geothermal lines and facilities.

**Utility, Minor**

A facility, structure, or utility service that is not listed as a Major Utility in this chapter, including, but not limited to, utility boxes, well houses, transmission lines, substations, pipelines, and irrigation water ditches.

**18.09.305 Industrial Uses**

**Manufacturing and Processing**

Uses in this category includes the excavation, transporting, manufacture, fabrication, processing, reduction, destruction or any other treatment of any article, substance, or commodity, to change its form, character or appearance. Accessory uses may include retail sales, offices, storage, cafeterias, employee amenities, parking, warehousing, and repair facilities. Specific use types include:

**Animal and Animal By-Product Processing**

A facility that processes animals or animal by-products.

**Cannabis Cultivation Facility, Adult-use**

A business that is licensed by the Cannabis Compliance Board pursuant to NRS 678B.250 and acquires, possesses, cultivates, delivers, transfers, supplies or sells cannabis and related supplies to: a) adult-use cannabis retail stores, adult-use cannabis production facilities, or other adult-use cannabis cultivation facilities.

**Cannabis Cultivation Facility, Medical**

A business that is licensed by the Cannabis Compliance board pursuant to NRS 678B.210 and acquires, possesses, cultivates, delivers, transfers, supplies or sells cannabis and related supplies to: a) medical cannabis dispensaries, medical cannabis production facilities, or other medical cannabis cultivation facilities.

**Cannabis Independent Testing Laboratory, Adult-use**

A business that is licensed by the Cannabis Compliance board pursuant to NRS 678B.250 and tests: a) cannabis intended for the medical use of cannabis; and b) medical cannabis products.

**Cannabis Independent Testing Laboratory, Medical**

A business that is licensed by the Cannabis Compliance board pursuant to NRS 678B.210 and tests: a) cannabis intended for the adult use of cannabis; and b) adult-use cannabis products.

**Cannabis Production Facility, Adult-use**

A business that is licensed by the Cannabis Compliance board pursuant to NRS 678B.250 and acquires, possesses, manufactures, delivers, transfers, supplies or sells adult-use cannabis products to adult-use cannabis retail stores.

**Cannabis Production Facility, Medical**

A business that is licensed by the Cannabis Compliance board pursuant to NRS 678B.210 and acquires, possesses, manufactures, delivers, transfers, supplies or sells medical cannabis products to medical cannabis dispensaries.

**Chemical Processing and/or Manufacture**

A facility in which chemical processing is used or where chemicals are manufactured.



### **Collection Station<sup>696</sup>**

A facility used for the collection and temporary storage of empty beverage containers, aluminum, glass, paper or clothing for recycling purposes conducted totally within an enclosed structure or container. This definition does not include processing except for "can banks" that crush cans as they are deposited. Excludes recycle containers for the convenience of patrons.

### **Crematorium**

A facility where human and/or animal corpses are cremated.

### **Custom and Craft Manufacturing<sup>697</sup>**

The on-site production of goods by hand manufacturing or artistic endeavor which involves only the use of hand tools or domestic mechanical equipment and the incidental sale of these goods directly to consumers. Examples include, but are not limited to, ceramic studios, custom cabinet making, candle making shops, custom jewelry manufacturing, textiles, pottery, furniture repair or refinishing, woodworking, sculpting and other work or wood products on an individualized single item basis.<sup>698</sup>

### **Food Processing or Wholesale Bakery**

A facility in which food for human consumption is provided in its final form, such as candy, baked goods, tortillas, and ice cream, and the food is distributed to customers on-site or to retailers or wholesalers for resale on or off the premises. Food or beverage processing using mechanized assembly line production of canned or bottled goods, which occupies more than ten percent of the facility's floor area, is excluded from this definition.

### **Hazardous Waste Facility<sup>699</sup>**

A facility or a part of a facility that is used for the manufacture, processing, transfer, treatment, storage, or disposal of explosives or hazardous substances.

### **Indoor Manufacturing, Processing, Assembly, or Fabrication<sup>700</sup>**

A manufacturing processing or assembly facility in which all activities and storage of materials occurs indoors. This use may include accessory retail sales as defined in this section.

### **Maintenance, Repair, or Renovation Business<sup>701</sup>**

A facility for contracting services such as building repair, renovation and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, and janitorial services.

A manufacturing, processing, or assembly facility in which activities and storage of materials occurs outdoors.

### **Printing and Publishing<sup>703</sup>**

A commercial facility which reproduces a large quantity of copies of books and other printed material. Does not include a facility which provides custom copy and printing services.

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<sup>696</sup> This use and definition consolidates "Remote Collection Facility" under this term.

<sup>697</sup> The "Custom and Craft Work" use is consolidated under this term.

<sup>698</sup> This definition from District Specific Standards (UT district permitted uses), not Chapter 18.24. The definition for "Custom and Craft Work" is incorporated here.

<sup>699</sup> New definition with modifications to incorporate the language from the existing term.

<sup>700</sup> The "Indoor Manufacturing, Processing, Assembly, or Fabrication, Light" use, which is not in the use table, is consolidated under this use.

<sup>701</sup> The "Welding Repair" use is consolidated under this use.

<sup>703</sup> Use relocated from Commercial: Office and Processional Services per staff direction.

## Resource and Extraction

Uses relating to the removal or materials from the natural environment often including logging and mining rocks, soils, minerals, and other similar materials. Specific use types include:

### Asphalt or Concrete Batch Plant

A facility or area, which is not temporary in nature, for mixing concrete, or asphalt.

### Mining Operations<sup>704</sup>

The activity of surface, underwater, or underground extraction and treatment of deposits of minerals, ores, and other solid matter using techniques including, but not limited to, excavating, dredging, drilling, crunching, grinding, sorting, sifting, sizing, washing, drying, blasting, trimming, punching, splitting, gauging, and sawing and cutting of stone. The term also includes the construction and use of buildings, facilities and equipment to carry out similar activities, exclusive of manufacturing processes, and includes the removal of overburden to provide access to minerals. The term also includes processes related to the preparation or processing of mineral aggregates obtained from the site, including, but not limited to, stockpiling of materials, dewatering, and grading of land. The term does not include the excavation, removal, and disposition of minerals from construction projects or excavations in aid of agricultural activities.

## Storage, Distribution, and Warehousing

Uses in this category are engaged in the storage or movement of goods for themselves or other businesses. Goods are generally delivered to other businesses or the final consumer, except for some will-call pickups. There are typically few customers present. Accessory uses may include offices, truck fleet parking, and maintenance areas. Specific use types include:

### Heavy Machinery and Equipment Rental, Sales, and Service

A facility for the display, sale, and rental of tools, heavy machinery, dump trucks, or commercial and heavy equipment such as those used in building construction, farming, restaurants, or manufacturing.

### Mini-warehouse

A facility for the storage of personal effects and household goods within an enclosed storage area having individual access, but excludes workshops, hobby shops, manufacturing, or commercial activity. This use may also include the outdoor storage of operable vehicles such as recreational vehicles, boats, and similar vehicles, but not including heavy-duty trucks or semi-trailers.

### Outdoor Storage

Property used for the long term (more than 72 hours) retention of materials, machinery, large vehicles, including boats and recreational vehicles, and/or equipment; regardless of whether materials, machinery, large vehicles, or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage if the vehicles are operable.

### Railroad Yard or Shop

A facility or area for the maintenance, repair, or storage of rail vehicles, and associated with a working railroad.

### Salvage or Reclamation of Products, Indoors

Reclamation of products means a facility or area for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment not listed elsewhere in this chapter. Scrap or discarded materials includes, but is not limited to, metal, paper, rags, tires, bottles,

<sup>704</sup> The "Mining, Sand, and Gravel Excavation" use is consolidated under this broader term. Definition from Clarion Library.

or inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances. This definition includes facilities for recycling recoverable resources, such as newspapers, magazines, books, and other paper products; glass, metal cans, and other products, to return the products to a condition in which they may again be used for production.

**Septic Tank Services**

A facility which provides installation, maintenance, and cleaning services for septic tanks.

**Towing and Impound Yard**

A facility where towing trucks are stored and where towed vehicles are stored on a temporary basis.

**Transfer Station**

A facility for the collection and transfer of solid waste.

**Truck Terminal**

A business, service, or industry involving the use of commercial vehicles in the loading, unloading, and transportation of cargo. May also include the fueling, maintenance, servicing, storage, or repair of commercial vehicles or the storage of cargo. This use does not include truck stops as defined elsewhere in this chapter or Title.

**Warehouse or Distribution Center**

An enclosed structure for the loading, unloading, and storage of goods for distribution or transfer to another location. This use may include accessory retail sales as defined in this Section.

**Wholesale<sup>705</sup>**

The sale of goods in large quantities for resale by a retailer or the sale of construction materials to general or subcontractors for use in the construction industry. Goods are sold in bulk quantities usually at a lower cost. This use may include accessory retail sales as defined in this section. This use does not include retail sales by membership clubs, which are classified as a retail use. Lumber, plywood and millwork yards such as building material establishments whose primary operations are directed to the general public as opposed to builders are also classified as a retail use.

**Wrecking Yard, Salvage Yard, or Junk Yard**

A yard or building where automobiles, machinery, appliances, or other used commodities and equipment are stored, dismantled, and/or offered for sale as whole units or as salvaged parts.

**18.09.306 Accessory Uses**

The purpose of this section is to establish minimum standards for accessory uses and structures that are incidental and subordinate to principal uses. These standards are intended to minimize adverse impacts on surrounding properties and the community.<sup>706</sup>

**Automated Teller Machine, Freestanding**

A freestanding machine where financial transactions may be performed; not necessarily located within a financial institution.

**Ball Court**

A facility to play court games such as tennis and basketball.

<sup>705</sup> This use and term is carried forward and the “Wholesale of construction materials” and “Wholesale of products manufactured or assembled on site” uses, which have no definitions in the current Code, are consolidated here.

<sup>706</sup> This is new content.

**Caretakers Quarters**<sup>707</sup>

An independent, self-contained dwelling unit located on the same lot as a principal multi-family dwelling or nonresidential use or structure and which provides residential accommodations for property manager or security personnel.

**Child Care, In-Home (1-6 Children)**<sup>708</sup>

A childcare center or facility in the permanent residence of the provider or accessory to a principal business for the purpose of providing day care and training for a child or children away from their primary residence for less than 24 hours per day. An in-home childcare facility for one to six children shall provide care, protection, and supervision to no more than six children at one time, including the children of the provider.

**Child Care, In-Home (7-12 Children)**<sup>709</sup>

A childcare center or facility in the permanent residence of the provider or accessory to a principal business for the purpose of providing day care and training for a child or children away from their primary residence for less than 24 hours per day. An in-home childcare facility for seven to 12 children shall provide care, protection, and supervision to no more than 12 children at one time, including the children of the provider.

**Commercial Amusement/Recreation (Inside), other than listed**

An enclosed facility or area for sport, entertainment, games of skill, or recreations to the general public for a fee. Examples include, but are not limited to, bowling alleys, inside miniature golf, roller and ice-skating rinks, game courts, swimming pools, or physical fitness centers and gyms. Shall include instruction such as gymnastics, karate and like activities/uses. Video arcades are not included in this use.

**Commercial Amusement/Recreation (Outside)**

An outdoor facility or area for sport, entertainment, games of skill, or recreations to the general public for a fee. Examples include but are not limited to game courts, water slides, miniature golf courses, drive-in theaters, batting cages, practice/instructional fields, driving ranges and sports events, such as a stadium or arena.

**Community Center, Private**<sup>710</sup>

A facility associated with a planned development, subdivision, or multi-family development that provides for community activities for residents of the development.

**Drive-Through Facility (Food Service)**

An accessory feature of an establishment that permits customers to obtain food or beverage services or goods while remaining in or on a motor vehicle. Includes stacking spaces and queuing lanes.

**Drive-Through Facility (Non-Food Service)**<sup>711</sup>

An accessory feature of an establishment that permits customers to obtain services or goods, except food or beverage but including groceries, while remaining in or on a motor vehicle. Includes stacking spaces and queuing lanes.

**Gaming Operation, Nonrestricted**

A gaming operation authorized to operate by the Nevada Gaming Commission under the terms of a nonrestricted license, as defined in NRS Section 463.0177. A nonrestricted

<sup>707</sup> "Accessory Dwelling or Caretakers Quarters/Domestic or Security Unit" use has been consolidated here.

<sup>708</sup> Definition for "Childcare, In-Home" is adapted for this more specific use.

<sup>709</sup> Definition for "Childcare, In-Home" is adapted for this more specific use.

<sup>710</sup> This use was previously listed as a primary and accessory use, but it is truly an accessory use to PUDs and multi-family development.

<sup>711</sup> New definition. Existing term had no definition.

gaming operation shall be combined with and operated in conjunction with a principal hotel use. Also referred to as a "casino."

#### **Gaming Operation, Restricted**

A gaming operation consisting of the operation of 15 or fewer slot machines, and no other gaming devices, when the machines are operated as incidental to the business of the primary or principal commercial or lodging use. A restricted gaming operation is authorized to operate by the Nevada Gaming Commission under the terms of a restricted license, as defined by NRS Section 463.0189.

#### **Guest Quarters**

An accessory use consisting of one or more rooms contained within the primary building or a detached accessory building located on the same parcel as a single-family detached dwelling (e.g., a casita), intended for guest occupancies only and not leased or rented for commercial gain. Guest quarters are not "accessory dwelling units" because guest quarters do not contain separate and independent cooking (kitchen) facilities and may not be rented, and therefore, are not "dwelling units" as defined in this Chapter.

#### **Helipad<sup>712</sup>**

A facility for helicopter landing, taking off, fueling, maintenance, or other accessory services for helicopters.

#### **Home Occupation**

An accessory to a primary residential use; a businesses establishment conducted within a home by the home's occupants.

#### **Outdoor Storage**

Property used for the long term (more than 72 hours) retention of materials, machinery, and/or equipment; regardless of whether materials, machinery, or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. New or used motor vehicle sales and rental display and parking shall not be defined as outside storage as long as the vehicles are operable.

#### **Retail Sales Associated with a Primary Use**

Sale of products manufactured, produced, wholesaled, distributed, or warehoused in conjunction with an allowed principal manufacturing, wholesaling, distribution, or warehousing use. The accessory retail use shall not exceed 20 percent of the gross floor area of the principal use, with a maximum floor area not to exceed 5,000 square feet.

#### **Satellite Dish**

A signal-sending or receiving device for communicating with orbiting satellites.<sup>713</sup>

#### **Sidewalk Café<sup>714</sup>**

The use of public sidewalks and public rights-of-way for the consumption of food and beverages.

#### **Stable, Private**

A stable to house horses for the private use of the owner.

#### **Utility, Alternative Systems**

A common or individual solar, wind, or other non-fossil fuel utility system that requires a building permit for installation, is intended to reduce the costs of energy for a principal

<sup>712</sup> This modified use and definition consolidates definitions for "Heliport," which does not allow for fueling or maintenance, and "Helistop," which does. The definition is updated to allow fueling, maintenance, and services.

<sup>713</sup> New definition – previous term was undefined.

<sup>714</sup> Existing RMC definition for "Outdoor Dining" used since outdoor dining is not a listed use.

structure as an accessory use, and is not otherwise defined in this section as Electric Generating Plant, Electric Utility Substation, Utility Box/Well House, or Major Utilities.

### 18.09.307 Temporary Uses

The purpose of this section is to allow certain uses and structures of a limited duration subject to specified conditions. This section is intended to ensure that such uses or structures do not negatively impact surrounding properties and are discontinued upon the expiration of a set time period.<sup>715</sup>

#### Asphalt or Concrete Batch Plant

A facility or area for mixing concrete or asphalt.

#### Carnival, Circus, Entertainment Event, or Amusement Ride

Uses such as amusement arcades and parks, automobile shows, horse, dog, or pet shows, carnivals, exhibitions, art shows, fairs, theater events, and other similar temporary uses.

#### Christmas Tree Sales Lot and Similar Uses

A lot used to temporarily sell Christmas trees and other similar items.

#### Construction Field Office<sup>716</sup>

A temporary building used as an on-site construction office.

#### Garage Sale

A sale of personal property from a residence or residential property within a residential zoning district which has been owned or used previously by an individual or resident residing on the premises where the sale is conducted. A yard, patio, or tag sale shall be included within the definition of "garage sale."

#### Parking Lot, Open

An area, other than a street, alley, or parking structure designed or used primarily for the temporary parking of vehicles.<sup>717</sup>

#### Real Estate Sales Office

An office or a model home used to sell homes or buildings while the property is under development.

#### Stockpiling<sup>718</sup>

The temporary outdoor storage of soil, paving materials, wood, or other similar displaced materials generated during a construction project which is located in the public right-of-way or on a separate parcel. This includes the temporary storage of vehicles and supplies related to the associated construction project; and may include material processing as regulated in Section 18.01.101.

#### Urban Farm

The growing, raising, and selling of agricultural, horticultural, viticultural, and vegetable products of the soil and up to 12 fowl in an urban setting as a temporary principal land use.

#### Vegetation Management<sup>719</sup>

The practice of thinning, clearing, or treating vegetation, debris, and combustible fuels, including defensible space activities like mowing, seeding, targeted herbicide treatments, and the temporary use of cattle, sheep, goats, or other similar animals on fields for the

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<sup>715</sup> This is new content.

<sup>716</sup> Definition for "Temporary Construction Field Office" is listed in the use definitions, but not in the use table. That definition has been removed.

<sup>717</sup> Definition is from Clarion Library and modified.

<sup>718</sup> Definition for "Temporary Stockpiling" and "Stockpiling" are the same and the uses are consolidated here."

<sup>719</sup> New use and definition adapted from agriculture use definitions. Alternatively, the definition for "Farm" can be expanded to include similar activities, which would be permitted as a temporary use.



purpose of vegetation management. This term may include temporary overnight caretaker lodging, including cowboy camps, but shall not include feed lot, animal husbandry, forestry, or silviculture activities.

## Article 4 All Other Terms Defined

### Commentary

This Article is the second phase of the effort to update Chapter 18.09, *Rules of Construction and Definitions*, which will be addressed in an on-going manner throughout the Code update process. Article 2, *Definitions of Use Categories and Use Types*, was previously updated during Module 1 alongside updates to Chapter 18.03, *Use Regulations*. Existing definitions for terms were employed wherever possible, but some existing definitions are updated to reflect regulatory changes in Module 2, or to incorporate definitions that were developed as part of the Master Plan and Targeted Assessment Report process. Those definitions that are being replaced have been footnoted with the previous definition referenced so staff can review and provide feedback.

### General<sup>720</sup>

Certain words and phrases are defined and certain provisions shall be construed as herein set out unless it shall be apparent from the context that they have a different meaning. The word "used" includes the words "arranged," "designed" or "intended to be used"; the word "construct" includes the word "erect," "reconstruct," "alter," "move in" and "move upon."

### Abandonment

As relates to rights-of-way and easement, "abandonment" means to abandon or vacate a public right-of-way or easement through the procedures stated in Chapter 18.08 *Administration and Procedures*. When a right-of-way is abandoned, the ownership of the property reverts to the abutting properties as contemplated by NRS Section 278.479 et seq. When an easement is abandoned, the right to use the property established in the easement is terminated. Easements or rights-of-way that have been dedicated to the public may only be abandoned by ordinance of the City Council.

### Abuse of Discretion

Abuse of discretion means the Administrator acted arbitrarily and capriciously and without substantial evidence. Substantial evidence means that evidence which a reasonable mind might accept as adequate to support a conclusion.

### Abut or Abutting

Bordering or touching, such as sharing a common lot or property line.

### Access

A way or means of approach to provide vehicular or pedestrian physical entrance to a property.

### Access, Emergency

An access way designated or intended for use by authorized emergency vehicles.

### Access, Primary

The access way abutting a development that carries the most average daily traffic volumes. If a development abuts two streets that have average daily traffic volumes within 20 percent of each other, the applicant shall designate for purposes of development review which street is the "primary access."

### Access, Secondary

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<sup>720</sup> May be appropriate to relocate into other definitions.



An access way abutting a development that is not a "primary access" as defined in this chapter.

#### **Accessible Route**

A continuous, unobstructed path connecting all accessible elements and spaces of a building or facility, as required by the federal Americans with Disabilities Act of 1990, as amended.

#### **Accessory Building**

A subordinate building on the same lot with a principal building or use, the use of which is customarily incidental to the principal building or use.

#### **Accessory Structure**

A subordinate building on the same lot with a principal building or use, the use of which is customarily incidental to the principal building or use.

#### **Accessory Use**

A use that is subordinate in purpose to the principal use or uses, contributes to the operations of the principal use or uses, and is located on the same site as the principal use or uses.

#### **ADA**

Americans with Disabilities Act of 1990, a Federal law.

#### **Adaptive Reuse**

The process of converting a building to a use other than that for which it was originally designed.

#### **Adjacent**

Sharing a common property line or separated by a public street, private street or access easement, railroad corridor, or other right-of way.

#### **Adjoining**

See definition of "abut or abutting" above.

#### **Adjusted Median Income**

Median income for the City of Reno or Reno Metropolitan Statistical Area adjusted for family size in accordance with housing and urban development department standards.

#### **Administrative Change**

A change in development that is not substantial in nature for which the Administrator or authorized designee has the authority to approve or deny.

#### **Administrator or Administrative Officer**

For purposes of administering and enforcing this Title, the City of Reno Director of Community Development, or their authorized designee, is the designated administrative officer and referred to in this Title as "the Administrator."

#### **ADT**

Average Daily Traffic. An estimate or statistical value of traffic volume using a particular street or intersection that is adjusted to account for typical day of the week and month of the year variations. This term is also sometimes used to express the estimated daily trip generation for a particular land development.

#### **Advertising Display**

See definition of term under the general definition of "Sign."

### **Affordable Housing**

The relationship between the price of housing in a region (either sale price or rent) and household income. Affordable housing is that which is affordable to households of very low, low and moderate incomes. Generally, for housing to be affordable, shelter costs shall not exceed 30 percent of the gross annual income of the household. Specific definitions for affordable housing specific to Reno are to be defined (and periodically updated) as part of the City's Affordable and Workforce Housing Strategy.

### **Aggrieved Person**

An aggrieved person is one whose personal right or right of property is adversely and substantially affected by the action of a discretionary body.

### **Alley**

An access way which is used primarily for vehicular service access to the back side of properties otherwise abutting on a street; usually provides a secondary means of access to the abutting property.

### **Alluvial Fan**

An area subject to flooding when the floodplain is comprised of a series of low flow channels where sediment accompanies the shallow flooding and the unstable soils scour and erode during a flooding event.

### **Ambient Noise Level**

The composite of noise from all sources near and far. In this context, the ambient noise level constitutes the normal or existing level of environmental noise at a given location.

### **Amplified**

Louder than typical restaurant music but not as loud as a concert or wedding reception.

### **Annexation Commission**

As authorized by NRS Section 268.630, the body with the power and duty to review and approve or disapprove, with or without amendment, wholly, partially, or conditionally, proposals for the annexation of territory to cities within Washoe County pursuant to NRS Sections 268.610 to 268.668, inclusive.

### **Apartment**

A room, or suite of rooms, within an apartment house, which has facilities for the preparation of meals and is designed for and used or intended to be used by one family. The units are intended to be occupied on a rental basis with the duration of the rental to be no less than weekly.

### **Apartment House**

A structure arranged in several suites of connecting rooms, each suite designed for independent housekeeping, but with certain typical mechanical conveniences, such as air conditioning, heat, lights, or elevator services shared in common by all families occupying the building. An "apartment house" is a type of multi-family dwelling.

### **Applicant**

A person with a legal or equitable interest in land that is the subject of an application for land development or annexation brought pursuant to this Title.

### **Arcade**

An area contiguous to a street or plaza that is open and unobstructed, and that is accessible to the public at all times. Arcades may include building columns, landscaping, statuary and fountains. Arcades do not include off-street loading/unloading areas, driveways or parking areas.

#### **Archaeological Site**

A location that has yielded or may yield information on history or prehistory, or that contains physical remains of the past. A place containing evidence of previous human activity that has been or can be investigated by an archaeologist.

#### **Architect**

A registered professional architect in the State of Nevada.

#### **Architectural Element**

The architectural character and general composition of the exterior of a structure, including the kind and texture of the building material, and the type, design, and character of all windows, doors, landscape elements, light fixtures, signs, and appurtenant elements.

#### **Architectural Graphic**

See definition of term under the general definition of "Sign."

#### **Architectural Significance**

Importance of a property based on physical aspects of its design, materials, form, style, or workmanship.

#### **Area of Shallow Flooding**

Flooding with an average depth limited to 3.0 feet or less where no defined channel exists. The flood insurance rate map (FIRM) designations that are relevant to areas susceptible to shallow flooding are Zone A, Zone AO, Zone AH, and Zone X (shaded).

#### **Arterial Street**

See definition of the term "street, arterial" below.

#### **Articulate**

To give emphasis to or distinctly identify a particular element. An articulated facade would be the emphasis of elements on the face of a wall including a change in setback, materials, roof pitch, or height.

#### **Assessment Roll**

The list or record of taxable persons and property as defined in NRS Chapter 361 and compiled by the Washoe County Assessor's Office.

#### **Association**

The organization of persons who own a unit or right to exclusive occupancy in a community apartment project or stock cooperative.

#### **Automobile Parking Area**

A fully accessible space for the parking of an automobile.

#### **Awning**

See definition of term under the general definition of "sign" below.

#### **Banner**

See definition of term under the general definition of "sign" below.

### Base Flood

The computed elevation to which flooded water is anticipated to rise during the base flood. Base Flood Elevations (BFE's) are shown on Flood Insurance Rate Maps and on the flood profiles.

### Basement

Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. For purposes of administering Section 18.04.102, *Flood Hazard Areas*, "basement" shall be defined as any area of the building having its floor subgrade (below ground level) on all sides.

### Benefit District

The geographic area established and defined in the Regional Road Impact Fee Ordinance, within which regional road impact fees are required to be spent to ensure that fee payers receive sufficient benefit from regional road impact fees paid.

### Best Management Practices (BMP)<sup>721</sup>

Urban stormwater management techniques designed to minimize the adverse impacts of development are called best management practices (BMPs). BMPs incorporate strategies for regulating development, managing runoff, and creating supportive policies that minimize the impact of stormwater from both new development and already developed areas on local waterways. This is often accomplished by grading paved areas to direct runoff to swales lined with rocks and native vegetation that allow for on-site retention and infiltration of stormwater.

### Bicycle

A vehicle having two tandem wheels, either of which is more than 16 inches in diameter or having three wheels in contact with the ground any of which is more than 16 inches in diameter, propelled solely by human power, upon which any person or persons may ride.

### Bicycle Facilities

A general term denoting improvements and provisions made by public agencies to accommodate or encourage bicycling, including parking facilities, mapping all bikeways, and shared roadways not specifically designated for bicycle use.

### Bicycle Lane (Bike Lane)<sup>722</sup>

Also referred to as a Class II bikeway, a bike lane is a portion of a roadway that has been designated by striping, signage, and pavement markings for the preferential or exclusive use of bicyclists.

### Bicycle Path (Bike Path)

A bikeway physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent right-of-way.

### Bicycle Route (Bike Route)<sup>723</sup>

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<sup>721</sup> Old definition: Any program, technology, process, siting criteria, operating method, measure, or device that controls, prevents, removes, or reduces water pollution (IECA, 2002). Construction Site Best Management Practices are generally implemented to reduce or prevent erosion and to control the sediment and wastes that are generated from construction activities.

<sup>722</sup> Old definition: A portion of a roadway which has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicyclists.

<sup>723</sup> Old definition: A segment of a system of bikeways designated by the jurisdiction having authority with appropriate directional and informational markers, with or without specific bicycle route number.

Also referred to as a Class III bikeway, a bicycle route is a right-of-way usually shared with automobiles and designated with appropriate “bike route” directional and information signs.

### **Bikeway**

Any road, path, or way which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

### **Billboard**

See definition of term under the general definition of "sign" below.

### **Block**

An area of land within a subdivision bounded on all sides by a street, highway, railroad right-of-way, unsubdivided land or other definite boundary.

### **Buffer**

An area of land on the boundary of a parcel that adjoins a parcel which has more restrictive use zoning, such as where a parcel zoned for commercial uses adjoins a parcel zone for residential uses, or a residential zoned parcel that allows a certain number of units to the acre adjoins a parcel that allows a lesser number of units to the acre that the adjoining parcel. A buffer may consist of more restrictive development requirements or standards such as in height, bulk, landscaping, or setbacks. The intent of buffer is to mitigate the negative impacts of the more intense uses on the less intense uses.

### **Building**<sup>724</sup>

A resource, such as a house, barn, store, hotel, factory, or warehouse that shelters some form of human activity.

### **Building, Main or Principal or Primary**

A building or group of buildings devoted to the principal use of the lot on which it is situated.

### **Building Articulation**

To divide a building wall into distinct and significant parts.

### **Building Coverage**

Building coverage is measured as the amount of the total property area covered by the floor plates of all principal and accessory structures, expressed as a percentage of gross property area.

### **Building Division**

The officer, department or agency of the city charged with the enforcement of the provisions of all ordinances and regulations pertaining to the erection, construction, reconstruction, alteration, conversion, movement, arrangement, or use of the buildings or structures within the city.

### **Building Envelope**

The three-dimensional space within which a building may be constructed on a lot or parcel according to the regulations of this Title, including regulations addressing maximum building height, building coverage, yards, and required landscaped and open areas.

### **Building Façade**

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<sup>724</sup> Old definition: Any structure having a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer (mobile home).

The exterior wall of a building facing the street or parking lot including the parapet and wall area above canopies.

#### **Building Form**

The shape and structure of a building as distinguished from its substance or material.

#### **Building Frontage**

The length of the face or wall of a completely enclosed building which fronts directly on a public street or other public area.

#### **Building Height**

The vertical distance of a building measured as stated in Section 18.09.207, above.

#### **Building Mass**

The three-dimensional bulk of a building height, width, and depth.

#### **Building Permit**

The development permit issued by the city before any building or construction activity can be initiated on a parcel of land.

#### **Building Scale**

The size and proportion of a building relative to surrounding buildings and environs, adjacent streets, and pedestrians.

#### **Building Setback**

See definition of the term "yard," below.

#### **Business**

An operation conducted by an individual, partnership or corporation which functions as a single enterprise or activity or is owned and operated by a single individual, partnership, or corporation.

#### **Business Day**

See definition of "Working Day," below.

#### **Business Frontage**

The length of building frontage occupied by an individual building occupant. An occupant may have more than one business frontage if it occupies building frontage facing on two or more streets or public areas.

#### **Cabana**

Any portable, demountable, or permanent cabin, room, enclosure, or other building erected, constructed, or placed on any mobile home lot, mobile home space, or recreational vehicle space within six feet of any principal building.

#### **Caliper**

The diameter of a tree measured six inches above the ground.

#### **Camping Trailer**

A folding structure usually made of canvas, mounted on wheels, and designed for travel, recreation, and vacation use.

#### **Canopy (Building)**

A rigid multi-sided structure covered with fabric, metal or other material and supported by a building at one or more points or extremities and may be supported by columns or posts embedded in the ground at other points or extremities. May be illuminated by means of internal or external sources.

#### **Canopy (Freestanding)**

A rigid multi-sided structure covered with fabric, metal or other material and supported by columns or posts embedded in the ground. May be illuminated by means of internal or external sources.

#### **Capacity**

The maximum number of vehicles which have a reasonable expectation of passing over a given section of a street in one direction, or in both directions of a highway, during a given time period, under prevailing traffic conditions, expressed in terms of vehicles per hour or maximum critical turn volumes each of which is described under Level of Service. Capacity is measured in the Regional Road Impact Fee Ordinance and the Regional CIP during the PM Peak Hour.

#### **Carpport**

A one-story accessory structure entirely open on one or more sides used for vehicle parking or storage.

#### **CCFEA - Capital Contribution Front-Ending Agreement**

A pre-development agreement between the RTC and the Participating Local Government with any person who proposes to construct non-site related street project capital improvements or right-of-way dedication identified in the Regional Road Impact Fee CIP. The Agreement shall specifically describe: (1) the contribution, payment, construction, or land dedication; (2) the time by which the construction of roadway improvements or dedication of land shall be paid; (3) the amount of credit to be issued; and (4) the schedule for when credits shall be issued during phases of construction or dedication of land.

#### **Certificate of Appropriateness**

A document awarded by a preservation commission or architectural review board allowing an applicant to proceed with a proposed alteration, demolition, or new construction in a designated area, district, or site, following a determination of the proposal's suitability to applicable criteria.

#### **Certified Local Government**

A local government that has met special requirements set by the State Historic Preservation Office and the National Park Service, and is eligible to receive 10 percent of the Historic Preservation Fund to finance local historic preservation activities.

#### **Change in Use**

Any principal use that differs from the previous principal use of a building or land, as determined in Section 18.03.206, *Table of Allowed Uses*, or where the Administrator finds the new use differs substantially in the amount of required parking, traffic generation, number or frequency of customers/users, hours of operation, or other similar aspects of the use.

#### **City**

The City of Reno, Nevada.

#### **City Attorney**

That official elected to the office of City Attorney of the City of Reno, or his/her designee.

#### **City Clerk**



That official charged with the title of City Clerk of the City of Reno, or his/her designee.

#### **City Engineer**

The official charged with the title of City Engineer of the City of Reno, or his/her designee.

#### **City Register of Historic Places**

Established by ordinance 4313, the city register is a listing of properties important in the prehistory and history of the City of Reno.

#### **City Standards**

The current edition in effect at time of project approval of "Construction Standards" and "Standard Specifications" as defined and as adopted by the City Council. Upon construction, the most current standards shall apply.

#### **Civic Display**

See definition of term under the general definition of "sign" below.

#### **Clean Water Act (CWA)**

Federal Water Pollution Control Act enacted by Public Law 92-500 as amended by Public Laws 95-217, 95-576, 96-483, and 97-117, enacted at 33 USC 1251 et seq. and as subsequently amended.

#### **Clerestory Window**

A row of windows above eye level that allows light into a space. Clerestory windows provide light without the distraction of a view and without compromising privacy.

#### **Closed Intermittent Lake**

A substantial enclosed area that contains water on an intermittent basis without a means of outlet.

#### **Cluster Development<sup>725</sup>**

Moderate density attached or detached development, that is designed to protect sensitive areas to allow for common open space.

#### **CNEL, Community Noise Equivalent Level**

The average equivalent sound level during a 24-hour day, obtained after addition of approximately five decibels to sound levels in the evening from 7:00 p.m. to 10:00 p.m. and ten decibels to sound levels in the night before 7:00 a.m. and after 10:00 p.m.

#### **Commercial Center**

A group of two or more commercial sales and service establishments managed as a single entity; for example, a grocery-store anchored community shopping center. In addition to commercial sales and service uses, a commercial center may include recreation, entertainment, and amusement uses, or institutional, public and community service uses.

#### **Commercial or Commercial Use, Business, or Establishment**

An activity involving the sale of goods or services carried out for profit. Includes office, retail, services, lodging, wholesale trade, and other similar development.

#### **Common Element or Common Area**

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<sup>725</sup> Term and definition moved from Definitions of Use Categories and Use Types as part of the reorganization. This is more of a development type than an use.

The entire project excepting all units therein.

### Common Interest Community

A residential, business, or industrial development wherein persons purchasing any real estate identified as part of that development are required to purchase interest in real estate other than their specific unit, as further defined and regulated in NRS Chapter 116 including parking areas, open space, and public use areas.

### Common Open Space

A parcel or parcels of land or an area of water or a combination of land and water within the site designated for a planned unit development that is designed and intended for the use or enjoyment of the residents or owners of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the development.

### Community Facility

As used in relation to medical marijuana establishment regulations:

- 1) A licensed facility that provides day-care to children;
- 2) Public park;
- 3) Playground;
- 4) Public swimming pool as defined in NRS Section 444.065;
- 5) Center or facility, the primary purpose of which is to provide recreational opportunities or services to children or adolescents; or
- 6) Church, synagogue, or other building, structure, or place used for religious worship or other religious purpose.

### Complete Menu

A selection of foods primarily prepared on site and intended to be served as meals to restaurant patrons.

### Completed Application

An application that complies with the applicable policies and procedures the city has determined is complete.

### Condominium

A building or group of buildings in which units are owned individually, but the structure, common areas and facilities are owned by all owners on a proportional, undivided basis, as further defined and regulated in NRS Chapter 116 and NRS Chapter 117.

### Conservation District

A geographically definable area that conveys a distinct character that demonstrates its history and development patterns. Conservation Districts are suitable for design guidelines and/or standards adopted through zoning that preserve and enhance their character. However, new development or exterior modifications to existing structures do not require review or approval from the Historical Resources Commission (HRC).

### Construction Standards

"The Standard Details for Public Works Construction" (Orange Book) or as amended by the Supplemental Standard Drawing Details, and the "Public Works Design Manual" as adopted and amended by the City Council.

### **Construction Standards—Downtown Redevelopment District**

The most current standards, specifications and details available from the City of Reno Downtown Redevelopment Agency, also commonly called "Redevelopment Standards", "Downtown Standards", "Streetscape", etc.

### **Conversion, Condominium**

A change in the ownership of a parcel or parcels of property, together with the structures thereon, whereby the parcel or parcels and structures previously used as residential rental housing are changed into condominium ownership.

### **Council of Co-owners**

The co-owners acting as a group in accordance with the bylaws of the condominium association.

### **Critical Areas**

See Flight Path Area(s).

### **Critical Drainage Area**

The floodplain area where the existing drainage system is inadequate, or where some other unusual drainage pattern or criteria exists.

### **Critical Flood Zone 1**

The watershed as depicted in the latest version of the Truckee River Flood Project Floodplain Storage Areas, a part of the Elevation Maps.

### **Critical Root Zone**

The critical root zone is the area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line.

### **Curb Cut**

The opening along the curb line at which point vehicles or pedestrians may enter or leave the street, parking lot, or other paved area.

### **Cut-out**

Any portion of an advertising display which portion is connected to but extends from the main body of the display.

### **Decibel, Db**

A unit for describing the amplitude of sound, equal to 20 times the logarithm to the base ten of the ratio of the reference pressure, which is 20 micropascals (20 micronewtons per square meter).

### **Decision-Making Bodies**

Decision-making bodies are the Administrator, Planning Commission, Hearing Examiner, Historical Resources Commission, Board of Appeals, or the City Council.

### **Default**

Default means that the improvements listed in Exhibit A to the improvement agreement have not been completed by the subdivider/developer within the period concurred to by the City Council including any applicable extensions in time, and/or the security posted by the subdivider/developer to ensure that improvements will be completed has lapsed or been revoked by the surety.

### Demolition

The complete or constructive removal of any or part or whole of a building or structure upon any site when same will not be relocated to a new site.

### Density<sup>726</sup>

This refers to the number of housing units on a unit of land (e.g., ten units per acre).

### Density Bonus<sup>727</sup>

An incentive granted by the City that authorizes development at a greater density than would otherwise be allowed by the Code in return for the performance of certain, publicly desirable functions, such as the provision of a certain proportion of affordable housing.

### Design Guidelines

Criteria developed by a preservation commission, board, or review body to identify design concerns in a conservation or historic district, and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings or districts.

### Design Review

The process of ascertaining whether modifications to historic structures, sites, or districts meet standards of appropriateness established by a governing or advisory review board.

### Determination of Eligibility for Historic Register

An action through which the eligibility of a property for National, State, or City Register listing is confirmed without actual listing in a historic register.

### Disability

A long-lasting physical, mental, or emotional condition. This condition can make it difficult for a person to do activities such as walking, climbing stairs, dressing, bathing, learning, or remembering. This condition can also impede a person from being able to go outside the home alone or to work at a job or business.

### Developer

Any landlord, person, firm, partnership, association, joint venture or corporation or any other entity or combination of entities or successors thereto who at any time causes property to be improved and/or developed.

### Development

The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, dredging, grading, excavation, landfill, or other land disturbance; and any use or extension of the use of land; any other man-made changes being made to real property. For purposes of administering Section 18.04.102, *Flood Hazard Areas*, "development" also includes the storage of both equipment and materials within a flood hazard area.

### Development Agreement

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<sup>726</sup> Old definition: The number of residential dwelling units per unit of land, typically per gross acre unless otherwise circumscribed. Residential density is measured according to Section 18.24.101 above.

<sup>727</sup> Old definition: An incentive granted by the city to a developer of real property that authorizes the developer to build at a greater density than would otherwise be allowed under this Title in return for the performance of certain, publicly desirable functions, such as the provision of a certain proportion of affordable housing.

An agreement entered into by the city, at its discretion, to vest private development rights for projects of regional significance excluding those agreements entered into with the redevelopment agency.

#### **Development Impact Fee**

A one-time fee or charge imposed on new development projects by a jurisdiction to cover capital expenditures by the governmental unit on the infrastructure required to serve the new development.

#### **Development Right**

The right granted to a landowner or other authorized party to improve a property. Such right is usually expressed in terms of a use and intensity allowed under existing zoning regulation.

#### **Digital Flood Insurance Rate Map (DFIRM)**

The official map, in digital format, on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazards and the risk premium zones applicable to the community. The DFIRM is the legal equivalent of the FIRM in communities where a DFIRM is available (see flood insurance rate map).

#### **Director of Public Works**

The official charged with the title of Director of Public Works of the City of Reno, or designee.

#### **Discretionary Review**

A procedure for review and approval of a development application brought pursuant to this Title where the decision-making body is not the Administrator. Discretionary review includes, but is not limited to, procedures for zoning map amendments, site plan review, and conditional use permits review.

#### **Display Surface**

The total of the geometric areas of the display surfaces which make up the total sign or advertising display. Any borders, outlines, frames, embellishments, or other similar material constituting an area in excess of ten percent of the area of the display surfaces shall be included in the sum total. Necessary supports or uprights shall be excluded.

#### **District**

A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

#### **Divide Real Property**

For purposes of regulating condominiums, to divide the ownership thereof by conveying one or more condominiums therein but less than the whole thereof.

#### **Drainage Plan**

A plan prepared and sealed by a Nevada Registered Professional Civil Engineer, for the collection, transportation, treatment and discharge of storm water within and from a subdivision/development.

#### **Drainage Report**

A technical engineering report prepared and sealed by a Nevada Registered Professional Civil Engineer, whose purpose is to identify and define drainage characteristics associated with a proposed development and to define possible problems and conceptual solutions. In its final form, the drainage report shall transform the defined conceptual solutions to a final drainage plan.

### **Drainageway, Major**

Any drainageway which drains a land area of 100 acres or more. Major drainageways, are further classified into "natural", "disturbed" or "landscaped" major drainageways.

Specifically, the three major drainageway types are defined as follows:

- 1) "Disturbed" – Major drainageways which have been or will be significantly graded, filled, or otherwise altered by people.
- 2) "Natural" – Major drainageways that: 1) have not been altered by people, or; 2) have significant riparian vegetation, or; 3) by their nature provide for filtration, infiltration, or impoundment of storm waters.
- 3) "Landscaped" – Major drainageways that have been or will be formally improved with landscaping and irrigation.

Major drainageways generally operate in two conditions. The first condition marks the presence of storm waters. The second condition exists when waters have subsided which represents the predominant state of the natural system and its corresponding appearance. Major drainageway systems may also contain a variety of improvements, and range from a natural state, to developed on either side, to piped; however, these systems should not cease to be classified as a major drainageway because of a loss of their natural state or due to deterioration and regardless of the size. Furthermore, the process of disturbing the major drainageway, even if disturbance is later mitigated, can set up a chain of actions and reactions

### **Driveway**

A privately owned and maintained vehicular access not used for address assignment and excluding alleys.

### **Driveway, Shared**

Means a driveway serving more than one owner.

### **Driveway, Residential**

A vehicular access from a public or private street serving only one dwelling unit or, with the Administrator's approval, more than one dwelling unit if it is a part of a preferred design component in the implementation of LID objectives. An easement that grants the right of access to each served dwelling unit shall be recorded for each driveway serving more than one residential unit.

### **Dwelling**

Any building or portion thereof used exclusively as the residence of one or more families, but shall not include hotels, motels, or other lodging accommodations, or clubs, boarding or rooming houses, fraternity or sorority houses, or institutional living facilities such as private dorms or nursing homes.

### **Dwelling Unit**

One or more rooms located in a dwelling and containing one kitchen and one full bathroom intended to be rented, owned, or used by one family, including necessary employees of each such family.

### **Electronic Readerboard**

See definition of the term under the general definition of "sign," Below.

### **Elevation**

- 1) A vertical distance above or below a fixed reference level; or

- 2) A fully dimensional drawing of the front, rear, and sides of a building showing features such as construction materials, height, dimensions, windows, doors, and relationship of grade to floor level.

#### **Elevation Band**

Within ten vertical feet of a project's lowest natural elevation.

#### **Elevation Map**

The latest version of that portion of the Truckee River Flood Management Project's Ground Elevation and Flood Water Elevation Map Series within the Critical Flood Zone 1, on file with the City of Reno Community Development and Public Works Departments, as amended, and incorporated by reference.

#### **Engineer**

Any person who is retained as a consultant by the owner/developer and is legally authorized to practice civil engineering in the state in accordance with NRS Chapter 625 and includes Project Engineer and Engineer of Record as used in this Title.

#### **Engineer of Record**

Any person who is retained as a consultant by the owner/developer and is legally authorized to practice civil engineering in the State of Nevada in accordance with NRS Chapter 625 and maintains a valid City of Reno business license.

#### **Erect**

To arrange, build, construct, attach, hang, paint, place, suspend, affix, or otherwise establish an advertising display.

#### **Escort**

Any person who, for a salary, fee, commission, hire, or profit, makes themselves available to the public for the purpose of accompanying other persons for social engagements.

#### **Expansion of Street Capacity**

Any widening, intersection improvement, signalization, or other capital improvement designed to increase the existing street's capacity to carry vehicles.

#### **Exterior Alteration**

Any act or process that changes one or more of the exterior architectural features of a structure, including the erection, construction, reconstruction, or removal of any structure.

#### **Facility or Facilities, General**

One or more buildings, structures, uses of land, landscaping, or other site improvements that are built, installed, or established to serve a particular purpose or activity.

#### **Facilities (For Purposes of Interpreting Residential Construction Tax Requirements Only)**

For purposes of implementing this Title's residential construction tax for parks, playground and recreational facility improvements, "facility" means turf, trees, irrigation, playground apparatus, playing fields, play areas, picnic areas, horseshoe pits and other recreational equipment or appurtenances designed to serve the natural persons, families and small groups from the neighborhood from which the tax was collected.

#### **Facing**

For purposes of sign control under this Title, "facing" means a sign that is clearly visible and legible from the subject property (e.g., a sign that is "facing" a residential property means a



reasonable person can clearly see and read the sign from the property line of the residential property).

### Family

One person living alone; two or more persons related by blood, marriage or legal adoption; a group of unrelated individuals not exceeding five persons living together as a single housekeeping unit—except where federal and/or state law requires otherwise; or six or fewer persons who may be unrelated and are elderly or developmentally disabled and reside together as an independent support group. No more than two additional persons, who likewise need not be related to any of the elderly or developmentally disabled individuals as included in this definition, but who serve as guardians or house parents, as required, shall also be construed as family for the purpose of this chapter. On a single-family lot shall include occupants of all structures - primary and accessory.

### Fence

An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

### Fence, Open<sup>728</sup>

A fence that is less than 50 percent opaque when viewed perpendicularly to its vertical surface.

### Final Action

Final action means that action which could not be subjected to any further discretionary action by the city or the County of Washoe, as applicable.

### Final Authority

The right of the board of adjustment or Planning Commission to make the final decision on certain applications, such as variance, conditional use permit, or tentative maps if no appeal is filed.

### Final Plat

A map prepared in accordance with the provisions of NRS Chapter 278 and the provisions of this Title.

### Fire Chief

That official charged with the title of Fire Chief of the City of Reno, or designee.

### Flight Path Areas

Trapezoidal areas extending generally from the ends of runways as shown on the maps labeled Figure 2-1 and Figure 2-2 in Subsection 18.02.602(a), *Airport Flight Path (AF) Overlay District*. May also be called "critical area(s)."

### Flood or Flooding

A general and temporary condition of partial or complete inundation of normally dry land areas from:

- 1) The overflow of inland waters and/or
- 2) The unusual and rapid accumulation of runoff of surface waters from any source.

### Flood Boundary Floodway Map

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<sup>728</sup> New term and definition to define "open view fencing" standards, which have been changed to "open fencing."

See definition of "Flood Insurance Rate Map (FIRM)" below.

### **Flood Hazard Area**

Darkly shaded area on a flood hazard boundary map (FHBM) or flood insurance rate map (FIRM) that identifies an area that has a one-percent chance of being flooded in any given year (100-year floodplain). The FIRM identifies these shaded areas as FIRM Zones A, AO, AH, A1-A30, AE, A99, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO. See flood insurance risk zone designations.

### **Flood Insurance Rate Map (FIRM)**

The official map on which the federal insurance administration has delineated the flood hazard area, the limited flooding area, and the flood insurance risk zone designations applicable to the community. This definition includes digital flood insurance rate maps (DFIRMS).

### **Flood Insurance Risk Zone Designations**

The zone designations indicating the magnitude of the flood hazard in specific areas of a community (see flood hazard area). The zones are follows:

- 1) Zone A: Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.
- 2) Zone A1-30 and Zone AE: Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.
- 3) Zone AO: Special flood hazard areas inundated by the 100-year flood; with flood depths of one to three feet (usually sheet flow on sloping terrain); average depths are determined. For areas of alluvial fan flooding, velocities are also determined.
- 4) Zone AH: Special flood hazard areas inundated by the 100-year flood; flood depths of one to three feet (usually areas of ponding); base flood elevations are determined.
- 5) Zone AR: Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection.
- 6) Zones AR/A1-30, AR/AE, AR/AH, AR/AO, and AR/A: Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.
- 7) Zone A99: Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations determined.
- 8) Zone B and Zone X (shaded): Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.
- 9) Zone C and Zone X (unshaded): Areas determined to be outside the 500-year floodplain.
- 10) Zone D: Areas in which flood hazards are undetermined.

### **Flood Insurance Study (FIS)**

The official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map (FIRM), the flood boundary-floodway map, and the water surface elevation of the base flood.

### **Flood Storage Area**

Flood storage areas within Critical Flood Zone 1 are depicted on the Elevation Maps on file with the City of Reno Community Development and Public Works Departments, as amended, and incorporated here by reference.

### **Floodproofing**

Any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved property.

### **Floodway**

The channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. The floodway is delineated on the flood boundary floodway map.

### **Footcandle**

A unit of measurement referring to illumination incident to a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.

### **Freeway**

Freeways are intended to move large volumes of traffic at high speeds through and between urban centers. No direct access to abutting properties is permitted and all intersections are grade-separated. Speeds are normally 50—65 mph and right-of-way widths typically are 150—300 feet. More specifically, it is the portions of Interstate 80 and U.S. 395 within the City of Reno or its sphere of influence.

### **Frontage, Building**

See definition of "building frontage" above.

### **Frontage, Business**

See definition of "business frontage" above.

### **Gable**

A triangular wall section at the end of a pitched roof, bounded by the two roof slopes.

### **Gaming**

To deal, operate, carry on, conduct, maintain, or expose to play any game as defined in NRS Section 463.0152, as amended, or to operate an inter-casino linked system as defined in NRS Section 463.01643.

### **Garage, Private**

A space intended for or used by the private automobile of those who reside upon the lot.

### **Gateway**

A significant threshold entrance to the city, or the city's downtown area or urban core.

### **Gathering Space**

A gathering space is an area set aside for the leisure and recreational use of the residents and visitors of a multi-family development.

### **Glare**

The effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

### **Grade (Adjacent Ground Elevation)**

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 five feet (1,524 mm) from the building, between the building and a line five feet (1,524 mm) from the building.

### **Grading**

Rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

### **Greenway**

Linear open spaces with an improved recreational trail or bikeway. In addition to protecting sensitive natural features, greenways typically serve to connect parks, major drainageways, nature preserves, cultural facilities, and historic sites with each other, as well as with centers, corridors, and neighborhoods throughout the City and its sphere of influence. In this way, they serve as connectors between urban areas and open spaces at the city's periphery. Portions of some greenways feature improved landscaping, which may include small turf areas, benches, and signage.

### **Habitable Room**

A habitable room is a space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, storage or utility space, and similar areas, are not considered habitable space.

### **Half-Block**

One side of a block that is divided by an alley.

### **Hardscape**

Decorative materials included within a landscape area such as large boulders, public art, decorative walkways, turf blocks, and plazas, excluding public sidewalks.

### **Hazard Mitigation**

Any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards.

### **Hazardous Substances and Hazardous Wastes**

Hazardous Substances and Hazardous Wastes are defined in NRS Sections 459.428 to 458, inclusive as follows:

- 1) Hazardous substances include, without limitation, hazardous material, a regulated substance, a pollutant, and a contaminant (NRS Section 459.429).
- 2) Hazardous wastes include (NRS Section 459.430):
  - a. Any waste or combination of wastes, including solids, semi-solids, liquids or contained gases, that, because of its quantity or concentration or its physical, chemical, or infectious characteristics may:
    1. Cause or significantly contribute to an increase in mortality or serious irreversible or incapacitating illness; or
    2. Pose a substantial hazard or potential hazard to human health, public safety, or the environment when it is given improper treatment, storage, transportation, disposal or other management.

- 3) Is identified as hazardous by the Nevada Department of Conservation and Natural Resources as a result of studies undertaken for the purpose of identifying hazardous wastes. The term includes, among other wastes, toxins, corrosives, flammable materials, irritants, strong sensitizers, and materials which generate pressure by decomposition, heat, or otherwise.
- 4) Waste brought into the state which is designated as hazardous waste in the state of its origin.

Hazardous waste does not include ancillary waste produced as a by-product of a retail or commercial use such as photo finishing or biohazardous waste.

### Highly Hazardous Substances and Explosives

Highly Hazardous substances and explosives as defined in NRS Section 459.3816, include, but are not limited to:

- 1) Gunpowder, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powders, other explosive or incendiary devices and any chemical compound, mechanical mixture or device that contains any oxidizing or combustible units which could cause an explosion.
- 2) Explosives do not include: Ammunition for small arms or their components, black powder commercially manufactured in quantities that do not exceed 50 pounds and explosives manufactured under the regulations of the U.S. Military.

### Hear

To conduct a hearing.

### Hearing

A range of proceedings, open to and inclusive of the public, in which issues of fact or law are reviewed.

### Highest Adjacent Grade (for Floodplain Management Purposes)

The highest natural elevation of ground surface prior to construction next to the proposed walls of a structure.

### High Water Mark

The line which delimits the riverbed from its banks; the point to which the water rises at its average or mean highest annual stage.

### Highway

A highway means a highway as defined in NRS Section 484.065.

### Hillside Development

A development that has an average slope, as calculated in Article 4, *Hillside Development*, equal to or greater than ten percent or slopes that exceed 15 percent on 25 percent or more of the site.

### Hip Roof

A roof without gables.

### Historic

Related to the known or recorded past.

### **Historic District**

A significant concentration or continuity of sites, buildings, structures, and or objects united historically or aesthetically by plan or physical development. Historic Districts may encompass a neighborhood or may be comprised of individual elements separated geographically but linked by association or history. Historic Districts are regulatory by nature and new development or exterior modifications to existing structures require review or approval from the Historical Resources Commission (HRC).

### **Historic Function**

Use of a district, site, building, structure, or object at the time it attained historical significance.

### **Historical Resources Commission**

The board of citizens charged with enforcing provisions of local laws governing historic districts and buildings.

### **Historical Significance**

The importance of an element, building, or site owing to its involvement with a significant event, person, or time period, or as an example of a past architectural style.

### **Historic Resource (or property)**

Any prehistoric or historic district, building, site, structure, or object; specifically, any such resource that is listed in or eligible for listing in the National, State or City Registers of Historic Places.

### **Historic Structure (for Floodplain Management Purposes)**

Any structure that is:

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

### **Historic Survey**

A comprehensive survey or inventory involving the identification, research, and documentation of buildings, sites, and structures of any historical, cultural, archaeological, or architectural importance.

### **Holiday Decoration**

See definition of term under the general definition of "Sign."

### **Homeless Person or Individual**

An individual living outside or in a building not meant for human habitation, or which they have no legal right to occupy, in an emergency shelter, or in a temporary housing program which may include a transitional and supportive housing program if habitation time limits exist. This

definition includes substance abusers, mentally ill people, and sex offenders who are homeless. (U.S. House Bill 2163).

### **Hotel, with or without Gaming**

A building occupied or intended to be occupied for compensation, as the temporary residence for transient guests, primarily persons who have residence elsewhere. Hotels have an interior hall and lobby with access to each room from the interior hall or lobby.

### **Household<sup>729</sup>**

A household is made up of all persons living in a dwelling unit whether or not they are related by blood, birth or marriage.

### **Housing Unit**

A house, an apartment, a mobile home or trailer, a group of rooms, or a single room occupied as separate living quarters, or if vacant, intended for occupancy as separate living quarters. Separate living quarters are those in which the occupants live separately from any other individuals in the building and which have direct access from outside the building or through a common hall. For vacant units, the criteria of separateness and direct access are applied to the intended occupants whenever possible.

### **Housing and Urban Development (HUD)**

The United States Department of Housing and Urban Development is cabinet level department of the federal government that oversees program and funding for affordable housing laws, development, and federally funded financial assistance.

### **Improvement Agreement**

An agreement executed between the city and the owner/developer of land to be subdivided or developed where improvements are to be installed, modified or removed.

### **Improvement Plans of Record**

The plans accepted by the city as the official plans of the subdivision or development which are placed on file with the city.

### **Indirect Illumination**

Illumination which is cast on a sign from a source outside the sign with the source of the light that is substantially shielded from direct view.

### **Infill<sup>730</sup>**

Development on a vacant or substantially vacant tract of land surrounded by existing development.

### **Integrity**

The unimpaired authenticity of a property's historic or prehistoric identity evidenced by surviving physical characteristics.

### **Internal Illumination**

Illumination produced by a light source contained within a sign and not directly visible from outside.

### **Kiosk**

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<sup>729</sup> Definition of Housing for Working Families, Affordable Guidelines (below) is deleted because it is an outdated term no longer used.

<sup>730</sup> Old definition: Site development or redevelopment where a majority of property within 600 feet has been developed.



A structure not exceeding six feet in any horizontal dimension or 12 feet in vertical dimension which is used to provide surfaces for the posting of notices.

#### **Kitchen**

Any room or part of a room designed, built, used or intended to be used for food preparation and dishwashing but not including a bar area or similar room that is utilized primarily for the preparation of beverages and not for food preparation or storage. The presence of a range, oven, or utility connections suitable for servicing a range or oven, shall normally be considered as establishing a kitchen.

#### **Landfill**

A lot or premises used for the disposal of garbage, trash, refuse or waste material, but not including sewage, which is officially sanctioned by proper authorities of the jurisdiction in which it is located.

#### **Landing or Landing Place**

An unenclosed and level part of an exterior staircase, outdoor deck or porch, or similar exterior structure attached to a principal building and from which direct entry into the building is possible.

#### **Landmark**

A designated building, site, or structure having historical, architectural, or archaeological significance.

#### **Landscape Area**

An area comprised of any combination of living plants, inorganic material such as rocks or stones, and architectural features including fountains, pools, art works, screen walls, fences, street furniture and ornamental concrete or stonework.

#### **Landscape Material**

Living material including, but not limited to, grass, ground covers, shrubs, vines, hedges or trees; and non-living materials including, but not limited to, rocks, gravel, sand, tile, bricks, wood, textured hard surfaces and water features.

#### **Landscaping**

Preserving the existing trees, shrubs, grass, and decorative materials such as fences or walls on a lot, tract, or parcel of land, or the rearranging or modifying thereof by planting or installing more or different trees, shrubs, grass, or decorative materials.

#### **Large Retail Establishment**

A single-tenant building with at least 50,000 square feet of gross floor area for the purpose of retailing.

#### **Ldn, Day-Night Average Sound Level**

The average equivalent sound level during a 24-hour day, obtained after addition of ten decibels to sound levels in the night after 10:00 p.m. and before 7:00 a.m.

#### **Level of Service (LOS)**

A qualitative measure describing operational conditions, from "A" (best) to "F" (worst), within a traffic stream or at intersections, which is quantified for street segments by determination of a volume to capacity ratio (V/C), which is a measurement of the amount of capacity of a street which is being utilized by traffic, and which is quantified for signalized intersections in terms of either vehicle delay or total critical hourly volumes.

The V/C for LOS "A" through "F" for street segments are:

Table 9-1 Level of Service for Street Segments					
Level of Service	Maximum Volume/ Capacity Ratio	Hourly Vehicles Per Lane Mile			
		Major Arterial	Minor Arterial	Collector	Freeway Ramp
LOS "A"	0.60	435	390	390	960
LOS "B"	0.70	507	455	455	1,120
LOS "C"	0.80	580	520	520	1,280
LOS "D"	0.90	653	585	580	1,440
LOS "E"	1.00	725	650	650	1,600

Intersection level of service may be measured either in terms of vehicle delay or in terms of total critical turning movements, as follows:

Table 9-2 Level of Service for Street Intersections		
Level of Service	Delay (Seconds)	Maximum Critical Volume
LOS "A"	<10	900
LOS "B"	>10 - <20	1,050
LOS "C"	>20 - <35	1,200
LOS "D"	>35 - <55	1,350
LOS "E"	>55 - <80	1,500

### Licensee

A person holding a license subject to Section 5.07.125.

### Light or Lighting Fixture

A complete outdoor lighting unit consisting of a lamp or lamps together with the parts designed to distribute the light, to position and protect the lamps, and to connect the lamps to the power supply.

### Limited Flooding Area

The area between the limits of the base flood (100-year flood) and the 500-year flood; or certain areas subject to 100-year flooding with average depths less than one foot or where the contributing drainage area is less than one square mile; or areas protected by levees from the base flood. This area is designated as "shaded X" on the flood insurance rate map (FIRM).

### Living Area

The portion of a single-family dwelling that is habitable.

### Loading Space

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.

### Long Term Residential

A multi-dwelling unit for extended stay lodging, like a hotel or motel. This definition shall not include other dwelling units as defined by this chapter.

### Lot or Parcel

Any unit or contiguous units of land in the possession of or recorded as the property of one person. A distinct part of land divided with the intent to transfer ownership or for building purposes and which abuts upon a means of access.

#### **Lot, Corner**

A lot that abuts two or more streets that intersect at one or more corners of the lot.

#### **Lot, Front Line**

The narrowest lot dimension fronting on a street.

#### **Lot, Through**

A lot abutting two non-intersecting streets, as distinguished from a corner lot. Also referred to as a "double-frontage lot."

#### **Lot Depth**

The distance between the front and rear lot lines measured in the mean direction of the side lines.

#### **Lot Width**

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.

#### **Lowest Floor**

For purposes of regulation of flood hazard areas, 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 nonelevation design requirements of this chapter.

#### **Low Impact Development (LID)<sup>731</sup>**

Systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of stormwater in order to protect water quality and associated aquatic habitat. (See also Best Management Practices.)

#### **Maintain**

For purposes of this Title's sign regulations, maintain means to keep in a state of repair provided there is no increase in the movement of any visible portion of the off-premises advertising display nor any increase in the illumination emitted by the off-premises advertising display or any other characteristic beyond that allowed by the permit or law under which it exists.

#### **Major Drainage Facility**

See definition of the term "Drainageway, Major," above.

#### **Malt Beverage**

Beer, ale, porter, stout, and other similar fermented beverages of any name or description, brewed or produced from malt, wholly or in part.

#### **Massage Therapy**

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<sup>731</sup> Old definition: The principles and techniques used in designing sites (starting from site layout, and grading and compaction phases of construction) that disturb only the smallest area necessary, minimize soil compaction and imperviousness, preserve natural drainages, vegetation, and buffer zones, and utilize on-site storm water treatment techniques. LID sites reduce and compensate for development's impact(s) on hydrology and water quality.

A professional occupation that, for the purposes of this chapter, when licensed and operated in accordance with Reno Municipal Code, Chapter 4 (Massage Establishments), shall be deemed to meet the criteria for a professional office use.

### Master Plan

A comprehensive, long-term general plan for the physical development of the city in accordance with NRS Section 278.150 et seq. The form of the Master Plan is defined by NRS Section 278.200.

### Maximum Extent Possible

No feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic factors may be considered but shall not be the overriding factor in determining "maximum extent possible."

### Mean Sea Level

For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

### Mechanical Stabilization

The application or use of structural measures such as rock rip-rap, gabions, turfstone, or an approved equal, to provide sufficient soil cover to prevent soil movement by action of wind or water. Stabilization may include incorporation of vegetative measures if approved, so that in combination the structural and vegetative measures will provide an appropriate level of protection. The determination of whether the proposed methods are appropriate will be made by the Administrator.

### Merchandising Poster

See definition of term under the general definition of "sign" below.

### Mitigation

The following actions, prioritized in order of preference:

- 1) Avoiding Impacts. Avoiding an impact by not taking a certain action or parts of an action; or
- 2) Minimizing Impacts. Limiting the degree or magnitude of the action or its implementation, or by changing its location; or
- 3) Rectifying Impacts. Repairing, rehabilitating, or restoring the impact area, facility, or service; or
- 4) Reducing or Eliminating Impacts. Reducing or eliminating the impact over time by preservation and maintenance operations; and
- 5) Compensating For Impacts. Compensating for the impact by replacing or providing equivalent biological, social, environmental, and physical conditions, or a combination thereof.

### Mixed-Use<sup>732</sup>

This refers to different types of development (e.g., residential, retail, office, etc.) occurring on the same lot or in close proximity to each other. City and County's sometimes allows mixed-use in

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<sup>732</sup> Old definition: The development of a tract of land or building or structure with two or more different principal uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form. In a mixed-use development, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

commercial zones, with housing typically located above primary commercial uses on the premises.

#### **Mixed-Use Districts or Mixed-Use Zoning Districts**

Any of the following base zoning districts: MD-ED, MD-UD, MD-ID, MD-RD, MD-NW, MD-PD, MU, MS, GC, NC, PO, MU-MC, MU-RES, and any portion of a PUD or SPD District where the primary use is mixed-use development.

#### **Mobile Home Lot**

A portion of land within a mobile home subdivision used or intended to be used for parking of one mobile home, including required yards and parking area, attached or detached accessory building, and open space.

#### **Mobile Home Space**

A portion of land within a mobile home park used or intended to be used for the parking of one mobile home, including required yards and parking area, attached or detached accessory buildings, and open space.

#### **Model**

See Truckee River Flood Project Mitigation Model(s).

#### **Model Home**

A single-family dwelling, which is open to the general public for viewing within specified times on a regular basis and which was constructed for the purpose of encouraging the sale of similar homes within the same development. A model home is a type of temporary real estate sales office during the buildout of the community.

#### **Motor Home**

A portable, temporary dwelling used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

#### **National Pollutant Discharge Elimination System (NPDES) Permit**

A storm water discharge permit issued by NDEP in compliance with the federal Clean Water Act and its amendments.

#### **National Register of Historic Places**

The official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture.

#### **Natural Watercourse**

A natural creek, stream, or river, whether seasonal, intermittent, or perpetually flowing.

#### **NDOT**

Nevada Department of Transportation.

#### **Neighborhood Park**

A site not exceeding 25 acres designed to serve the recreational and outdoor needs of natural persons, families and small groups.

#### **Neighborhood Plan**

A neighborhood plan is a plan regarding land use designations and community development specific to a designed location within the city and has been adopted by the city as a part of the City of Reno Master Plan.

### **New Construction (for Floodplain Management Purposes)**

For purposes of floodplain management, structures for which the "start of construction" commenced on or after the effective date of Ordinance No. 3529.

### **No Adverse Impact**

As determined by the application and output of the Truckee River Flood Project Mitigation Model(s), Water Surface Elevation in the critical flood Zone 1 within the 1997 water surface elevation as determined by the Elevation Maps is not to be raised.

### **Noise Exposure Contours**

Lines drawn about a noise source indicating constant levels of noise exposure. Ldn contours are frequently utilized to describe community exposure to noise.

### **Nomination**

An official proposal to list a historic resource in a historic register.

### **Nonconforming Lot**

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of this Title, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements.

### **Nonconforming On-Premise Sign**

See the specific definition of the term "sign, nonconforming" under the general definition of "sign" below.

### **Nonconforming Site Improvement**

Any driveway, parking or loading area, landscaping, buffer, screening, exterior lighting or other site feature, except signs, that was legally established prior to the adoption of the Title but does not comply with current requirements of this Title.

### **Nonconforming Structure**

A legally established building or structure constructed or installed prior to adoption of this Title that does not comply with the current requirements of this Title.

### **Nonconforming Use**

A use or activity which was lawful prior to the adoption, revision, or amendment to this Title, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the zone district in which such use is located.

### **Nonconformity**

Generally, a nonconforming use, sign, lot, or site improvement.

### **Nonresidential Development or Use**

Any specific types of principal or accessory uses included within the following use categories, as shown in Section 18.03.206, *Table of Allowed Uses*:

- 1) Public, Institutional, and Civic Uses;
- 2) Commercial Uses;
- 3) Public and Quasi-Public Utilities and Services Uses; or
- 4) Industrial Uses.

### **Nonresidential District or Nonresidential Zoning District<sup>733</sup>**

Any of the following zoning districts: I, IC, ME, MA, or and any portion of a PUD or SPD District where the primary use is employment, and not residential or mixed-use.

### **Non-Site Related Improvements**

Capital improvements and right-of-way dedications for street improvements to the arterial streets and collector streets identified in the Regional CIP that are not site related improvements.

### **Notification**

Process through which property owners, public officials, and the general public are notified of nominations to, listings in, and determinations of eligibility for the National Register.

### **Nuisance**

See Title 1 of the Reno Municipal Code.

### **Open Fence**

See definition for the term "Fence, Open."

### **Open Space<sup>734</sup>**

Areas that preserve the special natural and environmental character and health of a particular location. Open space can involve a variety of areas including floodplains, aquifer recharge areas, steep slopes, ridgelines, wetlands and other water bodies, playas, and habitat areas. These are typically important habitat conservation areas, environmentally sensitive areas, or historical areas.

### **Open Space, Useable**

On-site land area, contained within lot lines or within common open space, which is absent of any building or structure. Usable open space could contain but is not limited to the following: private yards, walkways, trellises, swings, arbors, swimming pools, tennis courts, and landscaping. Surface parking areas or driveways are not usable open space.

### **Outdoor Dining**

The use of public sidewalks and public rights-of-way for the consumption of food and beverages. Also referred to in this Title as "sidewalk café."

### **Overlay Zoning District**

An overlay district, whether general or a planning area, is a zone which is superimposed on a base zone, thus establishing additional regulations which restrict, prohibit, or add to the base zoning regulations set forth in Chapter 18.08. If conflicts exist between base zoning districts and overlay zoning districts, provisions of zoning overlay districts shall apply.

### **Owner**

The person, partnership, firm, corporation, or association having sufficient proprietary interest in the land sought to be subdivided or developed to commence and maintain proceedings to subdivide or develop the same under this Title. The holder of an option or contract of purchase, a lessee having a remaining term of not less than 30 years, or another person having an enforceable proprietary interest in the land is an "owner" for the purposes of this Title.

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<sup>733</sup> Previous versions of this code update have used "Employment Districts" to categorize these zoning districts.

<sup>734</sup> Old definition: An area set aside and platted separately for the use of the general public or residents of a subdivision. Open space may be owned by a government entity or under common ownership.



### **Ownership**

Legal status in which an owner holds fee simple title to a property, or a portion of it.

### **Pad Site**

Typically used in the context of retail shopping center development, a building or building site that is physically separate from the principal or primary building and reserved for freestanding commercial uses, each such use containing no more than 25,000 square feet of gross floor area. Typical pad site uses include, but are not limited to, freestanding restaurants, banks, and auto services.

### **Parapet**

The portion of a wall that extends above the roofline.

### **Parcel Map**

A map filed pursuant to NRS Sections 278.461 to 278.469, inclusive, and City Code, which creates four or fewer lots, parcels, sites, units, plots or interest, but not including streets offered for dedication.

### **Parking Lot or Area**

A surface or structured facility for parking that is ancillary or accessory to a primary use. A parking lot does not include areas used for display or storage of vehicles that are owned by a licensed business on the site.

### **Parking Space**

See parking diagram in Section 18.04.707, *Off-Street Parking Layout and Design*.

### **Parkway**

The strip of land, regardless of whether currently paved, surfaced, or landscaped, and situated between the back of the curb and the sidewalk. In the absence of a curb, the curbline of a street shall be deemed to be the edge of the parkway.

### **Pedestrian Walkway**

A surfaced walkway, separate from the traveled portion of a public or private right-of-way or parking lot/driving aisle, intended for pedestrian or bicyclist use.

### **Pennant**

See definition of term under the general definition of "Sign."

### **Permanent Supportive Housing**

Long-term community-based housing and supportive services for homeless persons with disabilities. The intent of this type of supportive housing is to enable these special needs people to live as independently as possible in a permanent setting. The supportive services may be provided by the organization managing the housing or provided by other public or private service agencies. There is no definite length of stay. (U.S. House Bill 2163)

### **Person**

Any governmental entity, individual, firm, association, club, organization, corporation, partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

### **Pickup Coach**

A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

### **Plan**

For purposes of development of a planned unit development ("PUD"), a "plan" is the provisions for development, including a plat of subdivision, all covenants relating to use, location and bulk of buildings and other structures, intensity of use or density of development, private streets, ways and parking facilities, common open space and public facilities. The phrase "provisions of the plan" means the written and graphic materials referred to in this section.

### **Planned Unit Development (PUD)**

An area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both. The plan for a planned unit development does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one zoning district under this Title.

### **Planning Act**

NRS Chapter 278 as same is or may hereafter be amended.

### **Planning Commission**

The City of Reno Planning Commission.

### **PM Peak Hour**

The highest traffic volumes during four consecutive 15 minute periods usually between the hours of 4:00 PM and 6:00 PM.

### **Pollutant**

Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC 2011 et seq.)), heat, wrecked or discarded equipment, rock, sand, cellar dirt, sediment and industrial and municipal waste discharge into water.

### **Portico**

A porch or walkway with a roof supported by columns, often leading to the entrance to a building.

### **Predominant Use**

The main or primary purpose for which a tract of land or structure is designed, arranged, or intended, or for which it may be occupied or maintained, under this Title. When more than one principal use permitted in a zoning district is established on the same tract of land or in the same structure, the "predominant use" shall be the one use that occupies the larger percentage of gross land or floor area. When a standard in this Title requires the ground floor or pedestrian level of a building to be occupied by a specified "predominant use," the "predominant use" shall be the use that occupies the greater percentage of building frontage at the ground floor or pedestrian level.

### **Prehistoric**

Related to the period before recorded history.

### **Premise**

A parcel of real property, including improvements.

### **Preservation**

Generally, saving from destruction or deterioration old and historic buildings, sites, structures, and objects, and providing for their continued use by means of maintenance, restoration, rehabilitation, or adaptive use. Specifically, the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site.

### **Primary or Principal Use**

The specific primary purpose for a property is used. The primary or principal use of a property may occur in one or more buildings. All other uses not a "primary use" are accessory uses of the property.

### **Print**

Print means and includes a blueprint, white print, photostat, direct process print or other copy which reproduces the original drawing from which it is made.

### **Project**

For purposes of regulation of condominiums, the entire parcel of real property divided or to be divided into condominiums, including all structures thereon.

### **Property**

Area of land containing a single historic resource or a group of resources, and constituting a single entry in the National Register, State Register, or City Register of Historic Places.

### **Prospective Purchaser**

A tenant, subtenant or any person who visits the condominium project site for the purposes of inspection for possible purchase.

### **Public Lands**

Public lands shall mean lands owned and managed by the Bureau of Land Management (BLM), National Forest Service, Washoe County, or other local, state, or federal agency or non-profit organization.

### **Public and Semi-Public Parking**

A surface or structured facility for parking, either free or for remuneration, that is designated or otherwise identified for use by the general public, including tenants, employees, patrons, clients, or owners of the property.

### **Public Space**

The total qualifying area within a hotel with gaming or within a nonrestricted gaming operation which is accessible to the public, consisting of the area devoted to lobby, retail stores, restrooms, meeting and exhibitor rooms, restaurants, entertainment areas, indoor sports and recreation areas, and any other square footage determined to be qualifying public area.

### **Public Utility**

A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

### **Ramadas**

Any roof, or shade structure, installed, erected or used above a mobile home, recreational vehicle, lot, space, or portion thereto.

### **Reconstruction**

The act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or object, or part thereof, as it appeared at a specific period of time.

### **Recreational Vehicle**

A vehicle towed, or self-propelled on its own chassis, or attached to the chassis of another vehicle and designed or used for recreational or sporting purposes. The term recreational vehicle includes, but is not limited to, travel trailers, pick-up campers, camping trailers, motor coach homes, and converted trucks or buses. For purposes of administering Section 18.04.102, *Flood Hazard Areas*, a "recreational vehicle" shall also be 400 square feet or less when measured at the largest horizontal projection.

### **Recreational Vehicle Space**

A portion of land within a recreational vehicle park used or intended to be used for the transient parking of one recreational vehicle, including permitted accessory uses and structures.

### **Redevelopment**

Development on a tract of land with existing buildings where all or most of the existing buildings would be razed and a new building or buildings built.

### **Refuse Container**

A container designed and used for the collection of on-site trash until it can be picked up by a refuse service or taken directly to a solid waste disposal or recycling facility. The term includes such containers of all sizes but does not include boxes or other containers originally designed for another purpose

### **Regional Centers**

Locales in the city where higher intensity land uses are concentrated as determined in the Master Plan.

### **Regional Road Impact Fee**

A fee collected at the time of building permit issuance from traffic generating land developments. Fees are subsequently utilized to fund road capital improvements identified in the Regional Road Impact Fee CIP.

### **Regional Road Impact Fee CIP**

The Regional CIP is the listing of road capital improvements necessary to maintain regional level of service standards relative to traffic volume increases associated with land development activity.

### **Regional Road Impact Fee Network**

All major arterial streets and minor arterial streets, and collector streets that are within the Service Area, including proposed arterial streets and collector streets necessitated by projected future traffic generating land development activity as identified in the Regional Road Impact Fee CIP.

### **Rehabilitation**

The act or process of returning a property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those features of the property significant to its historical, architectural, and cultural values.

### **Remedy a Violation (for Floodplain Management Purposes)**

For purposes of floodplain management, to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to

reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

#### **Removal**

Any relocation of a structure on its site or to another site.

#### **Renovation**

Modernization of an old or historic building that may produce inappropriate alterations or eliminate important features and details.

#### **Renovation, Major**

An addition or renovation project to an existing structure that will contain a nonresidential use where the total gross floor area of the proposed addition is more than 50 percent of the total gross floor area of the existing structure before addition or renovation.

#### **Renovation, Minor**

An addition or renovation project to an existing structure that will contain a nonresidential use where the total gross floor area of the proposed addition is less than 50 percent of the total gross floor area of the existing structure before addition or renovation.

#### **Required Area**

Required area refers to the minimum size of lot or parcel of land as defined and required by city code.

#### **Residential Interface Area**

An area depicted on the development concept map within the Reno-Tahoe International Airport Regional Center Plan, a part of the Master Plan.

#### **Residential Unit or Residential Dwelling Unit**

See definition of the term "dwelling unit" above.

#### **Residentially Zoned District or Residential Zoning District**

Any area zoned LLR2.5, LLR1, LLR.5, SF3, SF5, SF8, SF11, MF14, MF21, MF30, or that portion of a PUD or SPD if residential is the primary use.

#### **Residentially Zoned Parcel or Property**

A lot or parcel contained in a residentially zoned district, as the term "residentially zoned district" is defined above.

#### **Resource**

Any building, structure, site, or object that is part of or constitutes a historic property.

#### **Responsible Person**

Any owner, foreman, superintendent, project manager, or other person with operational control over site activities and day-to-day operational control over plan requirements and permit conditions at the site of any construction activity.

#### **Restoration**

The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of removal of later work or by the replacement of missing earlier work.

### **Riverbank**

The elevated margin of land that confines the water when it rises out of the bed.

### **Riverbed**

The depression between the banks worn by the regular and usual flow of the river.

### **Riverfront Development**

Any manmade structure abutting the river.

### **Riverside**

That side of a riverfront development which is clearly visible from and parallel to the river.

### **Road Capital Improvement**

Includes the transportation planning of, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting, and construction of all necessary features for any street construction project on any arterial or collector street on the Regional CIP, undertaken to accommodate additional traffic resulting from new traffic generating land development, including: (a) construction of new through lanes, (b) construction of new bridges, (c) construction of new drainage facilities in conjunction with new street construction, (d) purchase and installation of traffic signals, including new and upgraded signalization, (e) construction of curbs, gutters, sidewalks, medians and shoulders, (f) relocating utilities to accommodate new street construction, (g) the construction and reconstruction of intersections, (h) the widening of existing streets, (i) bus turnouts, (j) acceleration and deceleration lanes, (k) interchanges, and (l) traffic control devices. Road Capital Improvement does not include sound walls or landscaping.

### **Road Grade**

The surface of the pavement of the road.

### **Roof Line**

The top edge of the roof, or top of the parapet, or the top of a mechanical penthouse, or any structure which is an integral part of the building, forming the top line of the building silhouette.

### **Room**

An un-subdivided portion of the interior of a dwelling, excluding bathrooms, kitchens, closets, hallways and porches.

### **Rounding**

As defined and described in Section 18.09.209, above.

### **Salesclerk**

Any principal, employee, or other agent of the business who participates in taking sales, operates the cash register, or is otherwise behind the counter of the business at any time during which the business is open to the public.

### **Security**

A notarized letter of credit furnished by a bank or financial institution authorized to do business in the state, in the form approved by the City Attorney; or in lieu thereof, a bond from an agent authorized to do business in the state, in the form approved by the City Attorney; a cashier's check or a certified check of the subdivider/developer made payable to the City of Reno; or a cash deposit with the city in lawful money of the government of the United States, provided further that under no circumstances shall the words be construed to authorize or permit a personal bond or other security other than that described herein.

### Senior Housing

Specific units in a development are restricted to residents over a certain age (as young as 55 years and over). Persons with disabilities may share certain developments with the elderly.

### Service Area

For purposes of administering Chapter 18.04 Article 12, *Improvement Standards for New Development*, the area encompassed within the boundaries of the Region is hereby designated as the Service Area for the imposition of regional road impact fees and the collection and expenditure of funds under the provisions of the Regional Road Impact Fee Ordinance. The Service Area specifically excludes the Washoe County High Desert Planning area, the Washoe County Truckee Canyon Planning Area, and the Washoe County Tahoe Planning Area. With regard to Citifare transit service, service area is defined as the area with ¼ mile of a bus route.

### Setback

See definition of the term "yard."

### Sidewalk

A public pedestrian walkway located adjacent to or immediately near a street.

### Sign

A design or device displayed to the public for the purpose of identifying, advertising or promoting the interests of any person, persons, firm, corporation or other entity by conveying an advertising message, a non-commercial message or attracting the attention of the public. This definition shall include all parts of such a device, including its structure and supports and shall also include balloons, flags, banners, building wrap, pennants, streamers, canopies, or other devices which are used to attract the attention of the public, whether or not they convey a specific advertising message.

The definition of "sign" above includes the following specific sign types, which are further defined below:

#### Abandoned Sign

A sign that has not been maintained in accordance with the provisions of this ordinance for a period in excess of 90 days following legal notice from the Administrator to the owner of property and the owner of the advertising display that said sign does not meet minimum maintenance standards or the cessation of the right to continue the use of an off-premises advertising display.

#### Advertising Display

Any arrangement of material or symbols erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation, or other entity, located in view of the general public. This definition shall include signs, billboards, posters, graphic advertising messages, flags, banners, balloons, building wrap, canopies, pennants, streamers, or other devices which used to attract attention, advertising copy, accessory signs and similar displays, but shall not include courtesy bus benches bearing advertising placed in public rights-of-way and covered by the City of Reno/Regional Transportation Commission Franchise Agreement. Advertising structure means any structure or device erected for the purpose of supporting any sign or other advertising display, and the framework of the sign. For the purposes of sign or advertising display removal, the removal shall include advertising structures.

#### Animated Sign



A sign which meets the definition of changeable sign as contained in this chapter or a television display.

**Architectural graphic**

A painted design, mural, relief, mosaic or similar feature of an artistic nature which is incorporated into the architectural design of a building and conveys no advertising message.

**Area Identification Sign**

A permanent, decorative sign used to identify a neighborhood, subdivision, commercial or office complex, industrial district or similar distinct area of the community.

**Awning**

See, Canopy Sign.

**Back-to-back sign**

A structure with two parallel and directly opposite signs with their faces oriented in opposite directions. A back-to-back sign shall constitute one off-premises sign or billboard.

**Banner**

A temporary sign made of any on-rigid fabric-like material that is mounted to a pole at one or more edges. National flags, state or municipal flags shall not be considered banners.

**Billboard**

See, Off-Premises Advertising Display.

**Building Wrap**

A sign applied to or painted on, all or a portion of a building exterior wall(s). Building wraps include the application of a flexible material to a building containing an off-premises advertising display.

**Canopy Sign**

A sign affixed or applied to the exterior facing surface or surfaces of a building or freestanding canopy. Canopy signs may not project above the roof line. Signs attached to a canopy will be considered a wall sign when flashed back to the canopy.

**Changeable Sign**

A sign whose informational content can be changed or altered by manual or electric, electro-mechanical, or electronic means. Changeable signs include the following types:

- a. Manually activated. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered by manual means.
- a. Electrically activated. Signs whose alphabetic, pictographic, or symbolic informational content can be changed or altered on a fixed display surface composed of electrically illuminated or mechanically driven changeable segments. Includes the following two types:
  - i. Fixed message electronic signs. Signs whose basic informational content has been preprogrammed to include only certain types of information projection, such as time, temperature, predictable traffic conditions, or other events subject to prior programming.
  - ii. Computer controlled variable message electronic signs. These are signs whose informational content can be changed or altered by means of computer-driven electronic impulses. A common example of this type of sign would be a digital advertising display.

- b. Mechanically changeable signs. These are signs that contain mechanically driven changeable segments. A common example of this type of manually changeable sign would be a Tri-Vision type display.

**Community Directory Sign**

A sign, or a group of signs designed as a single display, which gives information.

**Directional Sign**

A permanent sign which directs the flow of traffic or pedestrians on private property.

**Directory Sign**

A sign, or a group of signs designed as a single display, which gives information about the location of businesses, buildings or addresses within a residential, office, commercial or industrial complex.

**Drive-Through Sign**

Any permanent sign accessory to allowed drive-through facilities.

**Electronic Readerboard**

See, Changeable Signs, Electrically Activated.

**Facing or Surface**

The surface of a sign upon, against, or through which the message is displaced or illustrated.

**Flashing Sign**

A sign which uses blinking, flashing or intermittent illumination, either direct, or indirect or internal.

**Freestanding Sign**

A sign that is supported by its own structure apart from a building.

**Inflatable Sign**

Any device that is supported by air pressure or inflated with air or gas which is used to attract the attention of the public, whether or not it displays any specific advertising message.

**Mobile Sign**

A sign attached to or suspended from any type of vehicle, other than normal identification of the business owned and served by the vehicle. Mobile signs shall not include those normally painted on or attached permanently to a franchised mass-transit vehicle or taxicab, nor shall mobile signs include special events signs.

**Official Sign**

Any sign erected by or at the direction of a governmental agency.

**Off-Premises Advertising Display**

Any arrangement of material, words, symbols or any other display erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation or other entity, located in view of the general public, which is not principally sold, available or otherwise provided on the premises on which the display is located. An off-premises advertising display includes its structure. Off-premises advertising displays are commonly called billboards.

**Off-Premises Advertising Display, Permanent**

A permanent off-premises advertising display is a sign displayed for more than 12 hours in a day and for longer than 30 consecutive days, except signs for special events.

**Off-Premises Advertising Display, Conforming Permanent**

An off-premises advertising device that is constructed or erected in conformance with all applicable local ordinances and codes in effect on the date a building permit is issued for the off-premises advertising display.

**Off-Premises Advertising Display, Temporary**

A temporary off-premises advertising display is a sign displayed only temporarily and is not permanently mounted.

**Off-Premises Digital (also known as Digital Off-Premises) Advertising Display**

A type of computer controlled variable electronic message for off-premises signs whose informational content can be changed or altered by means of computer-driven electronic impulses.

**On-Premises Sign**

Any arrangement of material, words, symbols or any other display erected, constructed, carved, painted, shaped or otherwise created for the purpose of advertising or promoting the commercial interests of any person, persons, firm, corporation or other entity, located in view of the general public, which is principally sold, available or otherwise provided on the premises on which the display is located.

**Pennant**

A temporary sign made of any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other similar device usually in series, designed to move in the wind.

**Permanent Sign**

Any sign that is designed, constructed and affixed at the site in such a manner that it cannot be conveniently moved from place to place.

**Pole Sign**

Any sign that is supported by a pole (sometimes more than one) and otherwise separated from other structures, buildings, and the ground by air.

**Portable Sign**

Any sign that is designed and constructed in such a manner that it can conveniently be moved from place to place. This definition shall include cardboard, paper, fabric, canvas and plastic banners and signs.

**Projecting Sign**

Any sign, other than a wall sign, that projects from and is supported by a wall of a building or structure.

**Roof Sign**

Any sign located on the roof, of a building and either supported by the roof or by an independent structural frame. A sign which is attached flat against the wall of a penthouse or other similar roof structure or architectural blade shall not be considered a roof sign that does not extend above the roof line.

**Stacked Sign**

Two or more off-premises signs affixed to the same standards which are not back-to-back signs and which vary in height from the ground.

**Temporary Sign**

A sign which is which is not permanently mounted and is designed and constructed in such a manner that it can be conveniently moved from place to place and is allowed by Chapter 18.16 to remain in use for a limited time only.

**Wall Sign**

A sign attached to or erected against the wall of a building or structure with the exposed face of the sign in a parallel plane to the plane of the wall.

#### **Wind Sign**

Any display or series of displays, banners, flags, balloons or other objects designed and fashioned in such a manner as to move when subjected to wind pressure.

#### **Sign Structure**

Those parts of a sign designed to support it in place.

#### **Single-Family Development, Use, or Residence**

Development or use of land where the primary land use is single-family attached dwellings or single-family detached dwellings, as defined in this Chapter.

#### **Single-Family Zoned District or Single-Family Zoning District**

Any area zoned LLR2.5, LLR1, LLR.5, SF3, SF5, SF8, or SF11, or that portion of a PUD or SPD District if single-family residential is the primary use.

#### **Single-Family Zoned Parcel or Property**

A lot or parcel contained in a single-family zoned district, as the term "single-family zoned district" is defined above.

#### **Site**

All of the lots, parcels, and land area proposed for annexation or development according to the provisions of this Title, and which is in a single ownership or has multiple owners, all of whom join in an application for annexation or development. The term "site" does not include portions of a parcel not included in an annexation or development request.

#### **Site Plan**

The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, typically including topography, vegetation, drainage, floodplains, landscaping and open spaces, walkways, access, circulation, utility services, buildings and structures, signs, lighting, buffers and screening devices, surrounding development, and any other information that the Administrator may reasonably require in order for an informed decision to be made by the deciding body.

#### **Site-Related Improvements**

Those capital improvements and right-of-way dedications and/or site-related improvements not included in the Regional Road Impact Fee CIP that provide direct access to the development. Direct access improvements include but are not limited to the following: (a) site driveways and streets; (b) right and left turn lanes leading to those driveways and streets; (c) traffic control measures for those driveways; (d) frontage street; and (e) local and/or private streets.

#### **Skybuilding**

An elevated, occupiable structure, located over a right-of-way, used for occupancies that are not considered hazardous, as defined by the building code in effect in the city and Fire Code.

#### **Skytram**

An automated conveyance associated with an elevated structure, located over a right-of-way, used for the movement of people, and material that is not hazardous, as defined by the building code in effect in the city and Fire Code.

#### **Skyway**

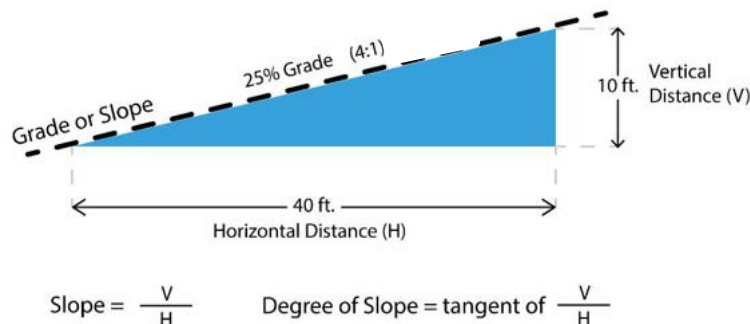
A walkway, in an elevated structure, used exclusively for pedestrian traffic that passes over a right-of-way. This skywalk shall not be used for any occupancy.

### Slope

The deviation of a surface from the horizontal, usually expressed in percent, degree, or as a ratio of horizontal distance (run) to vertical distance (rise or drop) of a slope.

- 1) Slope percent is computed by dividing the vertical distance (V) by the horizontal distance (H), times 100 ( $= V/H \times 100$ ). For example, a parcel of land that is 40 feet in length (H) that rises 10 feet in height (V) has a slope of 25 percent:  $10 / 40 \times 100 = 25$ . See Figure 9-3.
- 2) Degree of slope is the tangent of the vertical distance divided by the horizontal distance ( $= \text{tangent of } V/H$ ). See Figure 9-3.
- 3) The ratio horizontal distance (run) to vertical distance (rise) can be expressed, for example, as a 4:1 slope where the land has one foot of rise for every four horizontal feet. See Figure 9-3.

Figure 9-3: Slope Calculation



### Special Event

Any show, exhibition, fair, carnival, theatre, or similar activity of a temporary nature as more particularly described in Section 5.13.010, *Definitions*.

### Special Purpose District (SPD)

A special purpose district is a base zoning district which has unique characteristics because of a specialized use which require special zoning regulations to provide for the use.

### Stable Rock

A rock slope as certified by a Nevada registered engineer that will stand near vertical and provide perpetuity and stability against weathering.

### Standard Specifications

The "Standard Specifications for Public Works Construction" hereinafter referred to as S.S.P.W.C. (a.k.a., the orange book), as adopted by the City Council.

### Start of Construction (for Floodplain Management Purposes)

For purposes of floodplain management, "start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 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 piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured 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.

#### **State's General Permit**

The State of Nevada Division of Environmental Protection General Permit for Storm Water Associated with Construction Activity set forth in NRS Chapter 445A and Section 18.04.303, *Control of Construction Site Discharge*, as amended.

#### **State Coordinating Agency (for Floodplain Management Purposes)**

The agency of the state government (or other office designated by the Governor of the state or by state statute) that, at the request of the Federal Insurance Administrator, assists in the implementation of the National Flood Insurance Program in that state.

#### **State Register of Historic Places**

Created by NRS Chapter 383.085, the State Register is a listing of properties important in the prehistory and history of Nevada.

#### **Story**

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 feet (1,829 mm) above grade, as defined herein, for more than 50 percent of the total perimeter or is more than 12 feet (3,658 mm) above grade, as defined herein, at any point, such usable or unused under-floor space shall be considered as a story.

#### **Story, First**

Lowest story in a building that qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet (1,219 mm) below grade, as defined herein, for more than 50 percent of the total perimeter, or not more than eight feet (2,438 mm) below grade, as defined herein, at any point.

#### **Story, Half**

An additional and partial upper story that is limited to a story with a 12-foot maximum height between the floor and ceiling, a 6-foot maximum height between the floor and ceiling for no more than 50 percent of the building footprint, and used only on buildings with the first story floor elevation not exceeding the average ground level of the building perimeter by more than four feet.

#### **Street**

A way for vehicular access and address assignment whether designated as a street, freeway, highway, parkway, throughway, road, avenue, drive, lane, boulevard, place, or however otherwise designated, but not including alleys or driveways.

#### **Street, Collector**

A street functional classification which relates to Master Plan documents and design standards. Collectors link local streets in neighborhood areas to arterial streets and provide access to abutting properties. STOP signs are often found at intersections with local streets, and intersections with arterial streets may have traffic signals. Typical width (curb to curb) is 40 feet in residential areas and 50 feet in commercial areas, with speed limits of 25 or 30 miles per hour.

#### **Street Furniture**

Municipal equipment placed along streets, including light fixtures, fire hydrants, police and fire call boxes, signs, benches, and kiosks.

#### **Street, Local**

A low speed, low-traffic-volume street that provides access to abutting properties in neighborhoods.

#### **Street, Major Arterial**

A functional classification for a street that accommodates large volumes of through traffic between city districts. Direct access is discouraged to individual properties, although limited access to major projects (i.e., business park, shopping mall, etc.) is allowable, provided such access does not compromise the roadway's ability to handle large volumes of through traffic. Access, parking and loading may be restricted or prohibited to improve capacity. Traffic signals are located at intersections with other arterials and some collector streets. The typical width provides for six travel lanes; speed limits on major arterials are usually 40—50 miles per hour.

#### **Street, Minor Arterial**

A minor arterial provides traffic access between neighborhoods and city centers. The minor arterial street is subject to some access control, channelized intersections, and parking restrictions, and is signalized at intersections with major arterial streets, other minor arterial streets and some collector streets. The city standard width of 68 feet allows for left turn lane and four travel lanes. Speed limits on minor arterials are typically 30—45 miles per hour.

#### **Street, Private**

A street which is to be owned and maintained by parties other than the city or other government agency.

#### **Street, Public**

A street owned by the city or other government agency.

#### **Structure<sup>735</sup>**

Any construction principally above-ground, except a tent, trailer (mobile home), vehicle, or other portable object that is not left in place for greater than 14 consecutive days. An object constructed or installed including, but not limited to, a building, tower, crane, prefabricated storage container, smokestack, sign, overhead transmission line, and an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For the purposes of administering Section 18.04.102, *Flood Hazard Areas*, this definition shall include gas and liquid storage tanks.

#### **Subdivider**

A person who owns and causes land to be divided by means of a subdivision, parcel map or record of survey.

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<sup>735</sup> Updated to address storage containers.



### **Subdivision**

Pursuant to NRS Section 278.320, any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots for the purpose of any transfer, development, or any proposed transfer or development.

### **Substantial Damage (for Floodplain Management Purposes)**

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

### **Substantial Improvement (for Floodplain Management Purposes)**

For purposes of floodplain management, any repair, reconstruction, or improvement to a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started, or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes 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.

This term does not, however, include either: any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

### **Surveyor**

A person who is retained by the owner/developer and is currently licensed in the state as a land surveyor in accordance with NRS Chapter 625.

### **SWPPP**

Stormwater Pollution Prevention Plan.

### **Tandem Parking**

Up to three vehicles placed end-to-end.

### **Tenant**

A person entitled under a lease or rental agreement to occupy a dwelling unit to the exclusion of others.

### **Tentative Map**

A map made for the purpose of submittal to the city for application of a subdivision showing the conceptual design of the proposed subdivision and the existing and proposed physical conditions in and around it.

### **Traffic Calming**

The combination of mainly physical measures that reduce the negative effects of motor vehicle use, alter driver behavior and improve conditions for non-motorized street users.

### **Traffic Control Device**

A device as defined in NRS Chapter 484 and Chapter 6.06, *Rules of the Road*.

### **Transient Lodging**

Transient lodging is the rental of a room for a period of less than 28 consecutive days. Transient lodging is subject to the applicable provisions of Chapter 2.10, Article III: *Room Taxes*.

### **Transient Parking**

Parking intended to serve a transient use (e.g., parking for a temporary special event) or to serve transient persons or patrons (e.g., parking intended for the short-duration guests of a permitted hotel).

### **Transparency, Minimum**

Minimum transparency shall be measured using elevation views of the building facade. Ground level wall area shall mean the area up to the finished ceiling height of the fronting space or fifteen feet above finished grade, whichever is less.

### **Travel Trailer**

A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreation and vacation use; having a body width not exceeding eight feet, body length not exceeding 32 feet.

### **Trip**

A one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

### **Trip Generation**

The attraction or production of trips caused by a certain type of land development.

### **Truckee Meadows Region or "the Region"**

The entirety of the City of Reno, the entirety of the City of Sparks, and that area of unincorporated Washoe County that has been subject to transportation modeling in the development of the Regional CIP.

### **Truckee River Flood Project Mitigation Model(s)**

Hydraulic model or models, as amended, and incorporated here by reference, used to measure the effects of proposed mitigation outside the same storage area on the displacement of flood volume storage. Models are on file with the City of Reno's Community Development and Public Works Departments.

### **Undisturbed**

The ground surface in its original, natural state before any grading, excavation, or filling.

### **Uniform Fire Code**

The edition of the fire code as adopted by the City Council and in effect at the time of project approval.

### **Unit**

For purposes of describing a condominium project, the elements of a condominium which are not owned in common with the owners of other condominiums in the project and which are designed and intended for individual ownership and use.

### **Urban/Rural Interface**

Areas where urban and rural development and uses meet, and in some instances intermix.

### **U.S. EPA**

United States Environmental Protection Agency.

#### **Utility/Transmission Lines, Overhead (over 60 kv)**

Utility infrastructure primarily located above ground providing electrical power which is installed, operated and maintained by a municipality or a franchised utility company.

#### **Utility/Transmission Lines, Underground (60 kv and under)**

Utility infrastructure primarily located underground providing electrical power which is installed, operated and maintained by a municipality or a franchised utility company.

#### **Variance**

A grant of relief from the zoning, development, or design standards of this Title which permits construction in a manner that would otherwise be prohibited by this Title.

#### **Vegetation Area, Established or Re-established; or Re-vegetation Area**

A vegetation or re-vegetation area which has a visual vegetative coverage of 70 percent.

#### **Vegetative Coverage**

Coverage with perennial plant and second-year annual grass species. Invasive weeds do not contribute to coverage. Excessive rilling (ruts) and large areas of re-vegetated areas which have been impacted by trespass are not acceptable as established.

#### **Vicinity**

Vicinity means the area within 1,500 feet of a property line.

#### **Vested Private Development Right**

Right to undertake and complete the development and use of property under terms and conditions of a development agreement, which precludes any zoning or land use action concerning the subject land by the City of Reno which would alter, impair, prevent, diminish or otherwise delay the development or use of the property in the future.

#### **Violation**

The failure of a land use, building, structure, facility, or other development to be fully compliant with the regulations of this Title. For purposes of floodplain management, a structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this Title's floodplain management regulations is presumed to be in violation until such time as that documentation is provided.

#### **VMT**

Vehicle Miles Traveled; refers to the number of miles traveled by all vehicles within a specified area over a specified time.

#### **Water Supply Ditch**

A ditch conveying water for domestic or agricultural purposes that is owned and/or controlled by a ditch or utility company.

#### **Water Surface Elevation**

The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

#### **Wildland-Urban Interface (WUI)**

The wildland-urban interface, or WUI, is any area where man-made improvements are built close to, or within, natural terrain and flammable vegetation, and where high potential for wildland fire exists.

### **Working Day**

A calendar day, exclusive of Saturdays, Sundays, or city recognized holidays. Any other reference to days means calendar days.

### **Yard**

A required open space on the same lot or parcel with a building or structure, extending between each property line and the projection of a building or structure that is closest to each property line, measured along a line at right angles to the property line. Yards are to be unoccupied and unobstructed, except as provided in Subsection 18.09.205(e), *Intrusions into Yards*. Figure 9-1 illustrates a variety of lot types and indicates which are the front, rear and side yards.

### **Yard, Front**

A yard that extends the full width of a lot or site, the depth of which is the distance between the front property line that abuts a street, a freeway, or an access easement, and the projection of a building or structure that is closest to the front property line along a line at right angles to the front property line, excluding allowable projections set forth in Subsection 18.09.205(e), *Intrusions into Yards*. Access easements for purposes of this definition do not include access easements limited to emergency or secondary use or which are designed to facilitate proper circulation in parking lots, and do not provide primary access to any parcel.

### **Yard, Rear**

A yard that extends the full width of a lot or site, the depth of which is the distance between the rear property line, which may or may not abut an alley, and the projection of a building or structure that is closest to the rear property line along a line at right angles to the rear property line, excluding allowable projections set forth in Subsection 18.09.205(e), *Intrusions into Yards*. A rear yard is typically parallel or nearly parallel to the front yard. On corner lots that do not abut an alley, there will be no rear yard.

### **Yard, Side**

A yard other than a front or rear yard the depth of which is the distance between each side property line and the projection of a building or structure that is closest to each side property line along a line at right angles to the side property line, excluding allowable projections set forth in Chapter 18.12 of this Title.

### **Zone 1**

See definition for Critical Flood Zone 1.

### **Zoning**

Regulatory tool adopted by the City to direct and shape land development activities and implement the Master Plan.

### **Zoning Map Amendment**

An amendment to the official zoning map typically intended to change the zoning district designation of a particular parcel or lot.