

# Chapter 18.01 General Provisions

## 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

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:

- (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 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

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

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

### 18.01.306 Exceptions

#### (a) Prior Development Approvals

- (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.

## Article 4 Nonconformities

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### 18.01.401 Purpose

The purpose of this article 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

(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.

(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**

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.

(b) **Change of Use**

Any nonconforming use may be changed to a use allowed in the applicable zoning district.

(c) **Expansion or Establishment of a Nonconforming Use**

(1) **Conditional Use Permit Required**

Except as provided in this article, 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:

- 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.

(2) **Nonconforming Gaming Use**

- 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) 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**

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**

- (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:
  - 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**

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:

- (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**

- (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.
- (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.

**18.01.404 Nonconforming Structures**

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**

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:

- 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**
  - (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:

- (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**

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**

See Section 18.05.115, *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**

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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.

### 18.01.502 Violations

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.
- (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**
  - (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 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**

- (1) 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, as applicable, after notice and opportunity to be heard, for any of the following reasons:
  - a. Inability to make applicable findings required by this Title;
  - b. Developing, establishing, or conducting a use of land contrary to the conditions of the permit or in violation of any law or ordinance;
  - c. 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
  - d. 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**

- (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**

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### **18.01.601 Prior Development Approvals**

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**

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**

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**

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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.