



Code Outreach Program –Statewide Uniform Code vs. Local Zoning Codes

This edition of the Code Outreach program is intended to clarify the difference between the Statewide Uniform Code and Local Zoning Codes.

Uniform Code

The Uniform Fire Prevention and Building Code (Uniform Code) first took effect on January 1, 1984, prescribing statewide minimum standards for building construction and fire prevention. The Uniform Code is applicable throughout the State, except the City of New York.

The Uniform Code is administered and enforced at the local level, meaning generally, every city, town, village, and county administers and enforces the Code within their jurisdiction. More information about the Uniform Code may be found [here](#). Variances to the Uniform Code may be sought from a [Regional Board of Review](#).

DOS regulates the development of and the standards for enforcement and administration of the Uniform Code (Title 19 Parts [1201](#), [1202](#), [1203](#), and [1204](#)). DOS also provides [support](#) by answering specific questions pertaining to the Uniform Code.

Local Zoning Codes

Zoning codes are land use tools that regulate how land can be used in a municipality. In a broad sense, local zoning codes divide a municipality into zones and then dictates allowable uses within each zone. Zoning also regulates where buildings can be located on a parcel and the height and area of those buildings. Zoning codes are enforced at the local level and sometimes by the same public official in charge of administering the Uniform Code. When provisions of the zoning code cannot be met, local zoning boards stipulate a process by which variances may be sought. The DBSC does not regulate local zoning codes, does not have oversight of their enforcement, and does not have the ability to respond to questions pertaining to zoning codes.

Overlap

Besides often being administered by the same public official, there are a few areas where local zoning codes overlap with the Uniform Code. These similarities are often a source of confusion for code users. Some commonly confused overlapping provisions are discussed below. Please note, this is not intended to be a complete list of overlapping provisions, but simply a summary of those most frequently discussed.

The distances between buildings and property lines, are typically known as setbacks in local zoning codes and as fire separation distance in the Uniform Code. The Uniform Code addresses fire separation of buildings to property lines and to other buildings within the same property as a means of preventing fires spreading from one building to another. It prescribes fire resistance ratings necessary for construction elements based on the distances to property lines and to other buildings. Local zoning setbacks however, are typically more generic and simply state how far from a property line a building can be located. Local zoning may also include a provision for the number, size, and location of accessory structures within the property.

The Uniform Code provisions are limited to fences over 6-feet in height and fences serving as barriers to swimming pools. Local zoning provisions may extend to other fences and could include limitations on height, materials used, and avoiding interference with sight lines at street intersections.

Both local zoning laws and the adopted [2015 International Property Maintenance Code \(2015 IPMC\)](#) as modified by the [2017 Uniform Code Supplement](#), may address the number of inoperable motor vehicles which may be parked or stored on a property, and where work may be performed on them. While the amended 2015 IPMC allows one inoperable or unlicensed motor vehicle, it also permits other statutes, local laws, ordinances, or regulations to require something different. Therefore, local zoning may allow more than one inoperable or unlicensed motor vehicle, or none at all. In this instance, because the 2015 IPMC permits other statutes, local laws, ordinances, or regulations to permit something different, a more or less restrictive zoning provision is permitted. This is not typically the case.

Sometimes, a zoning law will inadvertently include a provision for building construction or property maintenance. If the provision imposes a standard which is more restrictive than the Uniform Code, the municipality must request approval from the Code Council according to Section 379 of the Executive Law. Conversely, a less restrictive standard under zoning law does not invalidate the requirements of the Uniform Code.

Which to Comply With

The Uniform Code is a regulation that provides requirements on *how* to build a building, whereas a local zoning or land use laws or ordinances regulate *where* to build a building. Buildings must comply with both the Uniform Code and any local zoning or land use laws, ordinances, or regulations.

As an example of how both codes apply, the zoning code may permit that a factory be located in a specific zoning district and a site plan approval may be required by a local zoning board. However, the design and construction of the building itself, the fire-separation to the property line and other buildings, as well as the conditions for its maintenance and occupancy, are subject to the Uniform Code.

Please look for our next edition of the Code Outreach Program at the beginning of next month.

DBSC - A Division of Department of State
OFPC – An Office of the Division of Homeland Security & Emergency Services

If you have questions pertaining to the Code Outreach Program, email us at COP.codes@dos.nv.gov

If you have questions pertaining to the Uniform Code or Energy Code, email our technical support group at: codes@dos.nv.gov.

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