

DRAFT: June 8, 2018

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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT-TEXT: DELETE LANGUAGE~~

BOLD TEXT: NEW LANGUAGE

Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040

Summary: Amends the Development Code by updating the standards in Section 302 within Table 110.302.05.2, specifying the regulatory zones in which Private School Facilities and Public School Facilities are allowed, disallowed, or allowed with a board of adjustment special use permit; within Section 110.304.20, adding to the definition of Education the sub-definitions of Private School Facilities and Public School Facilities; and other matters necessarily connected therewith and pertaining thereto.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, Table 110.302.05.2, Table of Uses (Civic Use Types), specifying that Private Education will be allowed with a board of adjustment special use permit in all regulatory zones except industrial and open space, and that Public Education will be allowed in all regulatory zones except industrial and open space with no special use permit required; within Article 304, Use Classification System, Section 110.304.20, Civic Use Types, to add to the definition of Education the sub-definitions of Private Education and Public Education; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 302 and 304 of the Washoe County Development Code (Chapter 110) in order to xxx and,

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- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 18-18 on July 3, 2018; and,
- C. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA18-0002 on July 3, 2018, and adopted Resolution Number 18-18 recommending adoption of this ordinance; and,
- D. Following a first reading and publication as required by NRS 244.100 (1), and after a duly noticed public hearing, this Commission desires to adopt this Ordinance; and,
- E. This Commission has determined that this ordinance is being adopted pursuant to requirements set forth in Chapter 278 of NRS, therefore it is not a "rule" as defined in NRS 237.060 requiring a business impact statement.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DOES HEREBY ORDAIN:

SECTION 1. Table 110.302.05.2 of the Washoe County Code is hereby amended to read as follows:

Table 110.302.05.2

**TABLE OF USES (Civic Use Types)
(See Sections 110.302.10 and 110.302.15 for explanation)**

Civic Use Types (Section 110.304.20)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Child Care																		
Family Daycare	A	A	A	A	A	A	A	A	A	--	P	--	--	--	--	--	--	A
Large-Family Daycare	S2	S2	S2	S2	S2	S2	S2	S2	S2	--	S2	--	--	--	--	--	P	S2
Child Daycare	S2	S2	S2	S2	S2	S2	S2	S2	S2	P	P	P	P	P	S2	--	S2	--
Community Center	--	--	--	--	--	--	P	P	P	A	S2	A	--	A	A	--	--	--
Community Garden	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Convalescent Services	--	--	--	S2	S2	S2	P	P	P	P	S2	--	--	P	--	--	--	--
Cultural and Library Services	S2	S2	S2	S2	S2	S2	S2	A	A	A	A	A	--	A	A	--	A	S2
Education	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	--	S2	S2	--	S2	S2
Private School Facilities	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	S2	--	S2	S2	--	S2	S2

Public School Facilities	A	A	A	A	A	A	A	A	A	A	A	A	--	A	A	--	A	A
Group Care Facility	S ₂	P	P	--	--	--	--	S ₂	--									
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	S ₂
Major Services and Utilities																		
Utility Services	S ₂	--																
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	S ₂				
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--
Parks and Recreation																		
Active Recreation	PR	A	A	--	PR													
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Postal Services	--	--	--	--	--	--	P	P	P	A	A	A	A	A	--	--	--	--
Public Parking Services	--	--	--	--	--	--	--	A	A	A	A	A	A	A	--	--	--	--
Public Service Yard	--	--	--	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	S ₂	A
Religious Assembly	S ₂	P	P	P	P	P	P	--	S ₂									
Safety Services	S ₂	--	S ₂															

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to Section 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit

Sources: Sedway Cooke Associates and Washoe County Department of Community Development

SECTION 2. Section 110.304.20 of the Washoe County Code is hereby amended to read as follows:

Section 110.304.20 Civic Use Types. Civic use types include the performance of utility, educational, cultural, medical, protective, governmental and other uses which are strongly vested with public or social importance.

- (a) **Administrative Services.** Administrative services use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage of necessary equipment and vehicles.
- (b) **Child Care.** Child care use type refers to the use of a building or a portion thereof for the daytime care of individuals under eighteen (18) years of age. Child care use types are subject to the regulations and permission of the Washoe County Department of Social Services. This use type includes nursery schools, preschools, daycare centers and similar uses, but excludes those classified under education. The following are child care use types:
 - (1) **Family Daycare.** Family daycare refers to daycare services provided for six (6) or fewer full-time children, including those of the child care facility licensee who are under the age of seven (7) years, except that care may also be provided for up to three (3) additional part-time children for three (3) hours before school and three (3) hours after school, but only during periods when schools are in session, subject to the regulations and permission of the Washoe County Department of Social Services.
 - (2) **Large-Family Daycare.** Large-family daycare refers to daycare services provided for more than six (6) full-time children, including those of the child care facility licensee who are under the age of seven (7) years.

- (3) Child Daycare. Child daycare refers to services providing non-medical care to any number of children in need of personal services or supervision, on less than a twenty-four (24) hour basis, but excluding services provided in a private dwelling.
- (c) Community Center. Community center use type refers to recreational, social or multi-purpose uses within buildings with no fixed seats and occupancy limited to five hundred (500) or fewer. Typical uses include public or private, non-commercial clubs.
- (d) Community Garden. Community garden use type refers to an area of land managed and maintained by a group to grow and harvest food crops, non-food crops (such as native plants), or ornamental crops (such as flowers), for personal or group use, consumption, or donation. Commercial sale of any crops produced in the community garden is prohibited. A community garden may be established in any regulatory zone subject to the following conditions:
 - (1) A signed affidavit shall be submitted to the division stating that the property owners, or the owners designated agent, agree to the proposed use. All liability considerations are the responsibility of the property owner and the users of the property.
 - (2) A site plan shall be submitted to the division showing the areas to be cultivated, the location of any structures associated with the use, access points, how and where water will be obtained, and parking locations (if applicable).
 - (3) Structures smaller than or equal to two-hundred (200) square feet may be established on-site to support operation and maintenance of the community garden, provided they are located at least five (5) feet from any property line, do not block any easements, and do not impede sight visibility from or onto public streets. All tools, equipment, chemicals, or fertilizers stored on site shall be within a locked structure.
 - (4) Activities at the garden site shall be limited to daylight hours. The use of motorized equipment is limited to the hours of 8 a.m. to 5 p.m. No exterior lighting or illumination shall occur.
 - (5) Once all outdoor crops have been harvested for the current growing season, the area utilized shall be cleaned of any dead vegetation or supporting materials within thirty (30) days of the final harvest or by November 15, whichever comes first. Tilling of the dead vegetation back into the soil is allowed and meets this requirement.
- (e) Convalescent Services. Convalescent services use type refers to provision of bed care and in-patient services for persons requiring regular medical attention, but excludes a facility providing surgical or emergency medical services and a facility providing care for alcohol or drug addiction.
- (f) Cultural and Library Services. Cultural and library services use type refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

- (g) Education. Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges. Curriculum must be approved by the State Department of Education. **This use type does not refer to home schooling of children who live on-site.**
- (1) Private School Facilities. Private School Facilities use type refers to educational services for the education of the children of the community that are funded primarily by means other than tax revenue.
 - (2) Public School Facilities. Public School Facilities use type refers to educational services for the education of the children of the community that are funded primarily with tax revenue.
- (h) Group Care Facility. Group care facility use type refers to an establishment that provides housing and living environment on a weekly or longer basis, for a group of persons not defined as a family or a group home. These facilities may provide life skill training, living assistance and supervised care service, but excludes medical treatment or uses classified under hospital services. This term includes specifically the following types of uses:
- (1) Child Care Institution;
 - (2) Facility for transitional living for released offenders;
 - (3) Group home use types which accommodate more persons that permitted as a group home.
- (i) Hospital Services. Hospital services use type refers to medical, psychiatric or surgical services for sick or injured persons primarily on an in-patient basis, including ancillary facilities for out-patient and emergency medical services, diagnostic services, training, research, administration and services to patients, employees or visitors.
- (j) Major Services and Utilities.
- (1) Utility Services. Utility services use type refers to the provision of electricity, water or other liquids, or gas, through wires, pipes or ditches through utility services involving major structures that have flexibility in location. Typical uses include natural gas transmission lines and substations, petroleum pipelines, and irrigation water ditches.
 - (2) Major Public Facilities. Major public facilities use type refers to public facilities that provide a significant service and have a substantial impact on the community. Typical uses are sanitary landfills, airports, and detention and correction facilities.
- (k) Nature Center. Nature center use type refers to an area set aside for the public viewing and display of indigenous or exotic wildlife and/or indigenous or exotic plant life on either a for-profit or non-profit basis in a structured setting. Typical uses include zoos, wildlife sanctuaries, arboretums and gardens.
- (l) Parks and Recreation. Parks and recreation use type refers to publicly owned parks or private not for profit recreation facilities and open space facilities within

the recreation areas. These may be operated by a concessionaire. The following are park and recreation use types:

- (1) Active Recreation. Active recreation refers to public park recreational uses that may have a potential impact on the area or adjacent land uses. Uses include participant sports and developed family recreational areas. Typical uses include group picnicking, tennis courts, swimming pools, softball diamonds, group campgrounds, and community centers operated by a public entity.
- (2) Passive Recreation. Passive recreation refers to public park recreational uses that have no or a minimal impact on the area and adjacent land uses. Uses include hiking, nature study, wildlife refuge, fishing and viewing. No active uses, such as group picnicking, camping and sporting activities, are included.
- (m) Postal Services. Postal services use type refers to mailing services, excluding major processing, as provided by the United States Postal Service, including branch post offices and public and private facilities.
- (n) Public Parking Services. Public parking services use type refers to parking services involving building and lots which may be privately and/or publicly owned and operated and is assigned to meet a parking demand. Commercial parking is that which is not designated for any identified use.
- (o) Public Service Yard. Public service yard use type refers to the use of a property operated by a governmental agency for the purposes of storing equipment and materials and includes ancillary office and meeting space for public service projects. A public service yard is limited to operations involving public road construction, road maintenance, snow removal and operations supporting public parks construction and maintenance.
- (p) Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as customarily occurs in synagogues, temples and churches.
- (q) Safety Services. Safety services use type refers to public safety and emergency services, including police and fire protection services, and emergency medical and ambulance services.

SECTION 3. General Terms.

1. All actions, proceedings, matters, and things heretofore taken, had and done by the County and its officers not inconsistent with the provisions of this Ordinance are ratified and approved.
2. The Chairman of the Board and officers of the County are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance. The District Attorney is authorized to make non-substantive edits and corrections to this Ordinance.

- 3. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

- 4. Each term and provision of this Ordinance shall be valid and shall be enforced to the extent permitted by law. If any term or provision of this Ordinance or the application thereof shall be deemed by a court of competent jurisdiction to be in violation of law or public policy, then it shall be deemed modified, ipso facto, to bring it within the limits of validity or enforceability, but if it cannot be so modified, then the offending provision or term shall be excised from this Ordinance. In any event, the remainder of this Ordinance, or the application of such term or provision to circumstances other than those to which it is invalid or unenforceable, shall not be affected.

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2018.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2018.

Vote:

Ayes: Commissioners _____
Nays: Commissioners _____
Absent: Commissioners _____.

ATTEST:

County Clerk

Marsha Berkbigler, Chair
Washoe County Commission

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year _____.