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Summary: This ordinance makes amendments to Washoe County Code Chapter 110 (Development Code) including Articles 302, Allowed Uses; 304, Use Classification System; 310, Temporary Uses, Article 226 (Warm Springs Modifiers), and creates a new Article, 338, Outdoor Entertainment, in order to expand the regulatory zones wherein the outdoor entertainment use type is permitted, expand the list of uses commonly considered to be outdoor entertainment uses, to establish administrative and public hearing processes for the establishment of temporary and permanent outdoor entertainment uses and to establish the thresholds used to determine the applicability of the administrative or public hearing process.

BILL NO. _____

ORDINANCE NO. _____

Title:

An ordinance amending the Washoe County Code Chapter 110 (Development Code) within Article 302, Allowed Uses, to establish the regulatory zones wherein the Outdoor Entertainment commercial use-type is permitted by right or by discretionary action; and, Article 226, Section 110.226.18 Equestrian Uses, to subject certain activities occurring under the Equestrian Facilities use type to the outdoor entertainment regulations; and, to create a new Article, Article 338 Outdoor Entertainment, for establishing the processes, regulations and standards specific to establishing both temporary and permanent

outdoor entertainment. The proposed Article 338, Outdoor Entertainment, expands the definition of Outdoor Entertainment to include both facilities and events for the assembly of 75 or more people for any purpose in any outdoor location; identifies a wider range of typical outdoor entertainment activities; establishes an administrative review and approval process for activities with an attendance between 75 and 999 people on any one day, and a public hearing review and approval process for activities with 1,000 or more people in attendance on any one day; provides for both temporary and permanent activities; and, provides for certain exemptions for establishing the use-type on Federal land. The Amendment also makes the necessary changes to Article 304, Use Classification System, to amend the description of the Outdoor Entertainment use-type to be consistent with the new description found in the proposed Article 338, and Article 310, Temporary Uses, to establish the criteria for determining when a temporary outdoor entertainment use-type requires a permit; and other items necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Articles 302, 304, 310, and 338 of the Washoe County Development Code (Chapter 110) in order to expand the range of uses considered as outdoor entertainment and to establish a clear set of processes for establishing both permanent and temporary outdoor entertainment uses and,
- B. The Washoe County Board of Commissioners initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, on November 29, 2016; and,
- C. Due to the expiration of the required 125 day time frame to hear the proposed amendments, the Planning Commission re-initiated the proposed amendments to the Development Code on October 3, 2017; and,
- D. The amendments and this ordinance were drafted in concert with the District Attorney, and the Planning Commission held a duly noticed public hearing for WDCA17-0003 on October 3, 2017, and adopted Resolution

Number 17-XX recommending adoption of this ordinance;
and,

- E. 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,
- F. 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. Article 338, *Outdoor Entertainment*, is hereby
added to read as follows:

OUTDOOR ENTERTAINMENT

Section 110.328.00 Purpose. The purpose of Article 338, *Outdoor Entertainment*, is to provide a process for establishing Outdoor Entertainment as a permanent and temporary use type, to designate the regulatory zones where Outdoor Entertainment may be established on a permanent basis, and to provide the standards by which a request to establish the use type will be evaluated.

Section 110.338.05 Outdoor Entertainment Defined. Outdoor entertainment refers to both facilities (venues) and events for the assembly of 75 or more people on any one day for any purpose in any outdoor location (see Section 110.338.15 for exemptions.) Typical uses include arenas, amphitheaters, and other similar venues for music (live or recorded), theatre, sports (including golf tournaments), equestrian and other animal events, racing facilities, and amusement parks. Outdoor Entertainment type uses of 74 people or less must obtain a special event license pursuant to Washoe County Code Chapter 25, Business License.

Section 110.338.10 Applicability. The codes described in Article 338, *Outdoor Entertainment*, are applicable to all temporary or permanent outdoor entertainment use types. Further discussion of establishing the outdoor entertainment use type on a temporary basis is described in Article 310, Temporary Uses.

Section 110.338.15 Exemptions. The provisions of this Article do not apply to any uses defined separately as a Commercial Recreation use type, or determined to fall under the Active or Passive Recreation, Outdoor Sports and Recreation, or Outdoor Sports Club use types, or any uses on land owned or managed by the State of Nevada or Washoe County. Further excluded are uses on Federal land for which an agreement for exemption has been granted by the Board of County Commissioners pursuant to NRS. 244.35425. Additionally, notwithstanding any provision in this Article or this Code, outdoor entertainment will not be allowed in any planning areas to the extent the applicable area plan prohibits outdoor entertainment.

Section 110.338.20 Permitted Regulatory Zones. The Outdoor Entertainment use type is permitted as a permanent use in the General Rural (GR), General Rural Agricultural (GRA), Low Density Rural (LDR), Medium Density Rural (MDR), High Density Rural (HDR), Low Density Suburban (LDS), Neighborhood Commercial (NC), General Commercial (GC), Tourist Commercial (TC), Industrial (I), or Parks and Recreation (PR) Regulatory Zones, with the granting of an Outdoor Entertainment Permit as described below. Outdoor Entertainment as a permanent use is excluded from all other Regulatory Zones. The Outdoor Entertainment use type is permitted as a temporary use in all regulatory zones, as described in Article 310, Temporary Uses.

Section 110.338.25 Outdoor Entertainment Permit Required. Proposals to establish Outdoor Entertainment as a permanent permitted use or as a temporary permitted use in any regulatory zone shall be required to obtain an Outdoor Entertainment Permit as described below.

- (a) **Application.** The Planning and Building Division shall provide an application for an Outdoor Entertainment Permit. The application shall request any information necessary to determine the impact of the proposed use on affected property owners and the ability of the permit holders to fulfill any necessary conditions placed on approval of the event or facility. The Director or his designee may request additional information as necessary to determine the impacts and necessary mitigating measures.
- (b) **Major and Minor Outdoor Entertainment Permit.** A minor outdoor entertainment permit is administrative in nature and is for assemblies expected to draw between 75 and 999 spectators and participants on any one day of the event. The process for the review of Minor Outdoor Entertainment Permit applications is described in Section 110.338.30. A major outdoor entertainment permit is for an assembly expected to draw 1,000 or more spectators and participants on any one day of the event. This permit requires a public hearing before the Board of County Commissioners. The process for review of a major outdoor entertainment permit is described in Section 110.338.35.

Section 110.338.30 Minor Outdoor Entertainment Permit Process. A Minor Outdoor Entertainment Permit is required for all outdoor entertainment uses that will draw an expected participation of between 75 and 999 spectators and participants on any one day of the event.

- (a) **Notice to Affected Property Owners.** Upon receipt of a complete application, and fee if required, to establish a Minor Outdoor Entertainment Permit, the Director, or his designee, shall determine the owners of real property that may be affected by the proposed use. All property owners within 500 feet of the subject parcel, Citizen Advisory Board members

representing the area within which the event is proposed, homeowners associations that are registered with the Planning and Building Division of the County of the properties notified for the application; and all military installations as defined in Article 902, Definitions, that are within 3,000 feet of the property that is the subject of the proposed event will be considered affected property owners. A minimum of 10 adjacent property owners shall be noticed.

- (b) **Processing.** Upon receipt of a complete application to establish a Minor Outdoor Entertainment Permit, the Director, or his designee, shall commence processing and reviewing the request. Affected property owners may provide written testimony on the application for consideration in the review process and inclusion into the public record. The applicant shall be given an opportunity to respond to any testimony provided. All testimony provided shall be considered by the Director, or his designee, in rendering a decision.
- (1) **Notice.** An application must be deemed complete or incomplete within three working days of receipt of the application. Notice will be mailed to affected property owners within three working days after the application is deemed to be complete.
- (2) **Affected Property Owner Comment Period.** Written testimony from affected property owners must be received by the department within 15 calendar days of notices being mailed. If the end of the affected property owner period falls on a non-business day, then comments shall be due the next business day.
- (3) **Applicant Responses to Affected Property Owner Comments.** The Director, or his designee, shall provide affected property owner responses to the applicant. Written responses from the applicant must be received by the department within seven calendar days of the end of the affected property owner comment period. If the end of the applicant response period falls on a non-business day, then responses shall be due the next business day.
- (4) **Issuance of Written Decision on the Application.** A written decision shall be issued and mailed by the Director, or his designee, within 10 working days after the end of the applicant response period. The applicant may choose not to respond and begin this 10 working day period immediately following the affected property owner comment period. The written decision shall be mailed to all individuals with addresses listed on the application, the property owner of record, and all affected property owners as defined in subsection (a) above.
- (5) **Public Hearing Not Required.** No public hearing is required for the completion of this process, unless the administrative decision is appealed to the Board of Adjustment in accordance with the procedures set forth in this article.
- (c) **Effective Date of Action.** Action on the application request, unless otherwise specified, shall be effective upon expiration of the appeal period.

- (d) **Contents of Decision Notice – Approval or Denial.** Such notice shall describe the proposed application request; describe the lot, parcel, properties, or area that are the subject of the application request; describe the decision of the Director, or his designee; and, if the application has been approved, any conditions made part of the approval; the appeal and/or appellate procedures that can be taken regarding the decision; and the closing date of filing an appeal of the decision.
- (e) **Compliance with Noticing Requirements.** All owners of real property to be noticed pursuant to this section shall be those owners identified on the latest ownership maps and records of the Washoe County Assessor. Compliance with the noticing requirements is established when notice is mailed to the last known address listed on the records of the Assessor, or if requested by a party to whom notice must be provided, by electronic means.
- (f) **Appeals.** An administrative decision of the Director, or his designee, made pursuant to this article may be appealed in accordance with the provisions of Section 110.912.10(j) of this Code.
- (g) **Modification of the terms and/or conditions of an administrative approval shall not be allowed. Proposals to modify the terms and/or conditions of an administrative decision shall require a new application following the same procedure required for the initial application.**

Section 110.338.35 Major Outdoor Entertainment Permit Process. A Major Outdoor Entertainment Permit is required for all outdoor entertainment activities that will draw an expected participation of 1,000 or more spectators and participants on any one day of the event.

- (a) The procedures for the processing, review, revocation, and appeal of a major outdoor entertainment permit are those described in Article 810, Special Use Permits, of this Code with the following exceptions:
 - (1) **Time Period for Hearing.** Upon receipt of a complete application and fee if required, a public hearing will be set at a regular meeting of the Board, not less than 15 days nor more than 30 days thereafter pursuant to NRS 244.3544(a), unless waived by the applicant.
 - (2) **Appeal.** Per Section 110.912.20(b)(6)(vi) *Judicial Review of BCC Decision*, persons wishing to appeal a decision of the Board may petition for judicial review.

Section 110.338.40 Application Contents. Applications for a Minor or Major Outdoor Entertainment Permit must contain the following information, as applicable.

- (a) The name and address of the person making the application
- (b) A statement of the nature and purpose of the proposed event(s).
- (c) The address and assessor's parcel number or numbers of the place where the proposed event is to be conducted, operated, or carried on. The application must include proof of ownership of the place where the event is

to be conducted or a statement signed by the owner indicating his consent for the site to be used for the proposed event.

- (d) The date or dates and the hours during which the event is to be conducted.
- (e) An estimate of the number of customers, spectators, participants and other persons expected to attend the event for each day it is conducted.
- (f) An event plan, including but not limited to:
 - (1) A detailed explanation of the applicant's plans to provide security, fire protection, water supply, water facilities, sanitation facilities, medical facilities, medical services, vehicle parking, vehicle access, traffic control and, if the event will operate after dark or if persons will remain overnight, illumination and camping facilities.
 - (2) Provisions and a cost estimate for cleaning up the premises and removing rubbish after the event.
 - (3) A site plan showing the arrangement of all facilities, including those for egress, ingress, parking, and camping.
- (g) Such other information as the Director determines is necessary.

Section 110.338.45 Conditions of Approval. The Board of County Commissioners, the Director or his designee will impose conditions addressing any facilities associated with the event, pre-event conditions, conditions associated with the event itself, and post-event conditions, all of which may or may not require inspection at the discretion of the Board of County Commissioners, or the Director or his designee. The Board of County Commissioners, the Director or his designee may include timeframes and methods for periodic review of the permit, to determine if the existing conditions of approval are adequate. If the existing conditions are determined to be inadequate, new conditions will be imposed to ensure public health safety and welfare. Conditions will address, at a minimum, the following:

- (a) Police protection.
- (b) Food, water, sanitation, garbage disposal, and medical services.
- (c) Access, traffic, parking, camping, and illumination.
- (d) Hours of operation.
- (e) Fire protection.
- (f) Financial ability to meet conditions and performance security if determined necessary by the Board of Adjustment, or the Director or his designee. .
- (g) Indemnification and insurance.

Section 110.338.55. FBI/State Criminal history inquiry. After determination that an application is complete, the Planning and Building Division shall request the sheriff to conduct a FBI/State criminal history inquiry of the applicants to determine whether cause for denial exists pursuant to section 110.338.60.

- (a) The reasonable costs of the inquiry shall be the responsibility of the applicant and shall be paid to the sheriff in advance. The sheriff may charge an applicant a reasonable fee or service charge in addition to any other fees or service charges specified in this code where the circumstances mandate a more extensive investigation or inquiry than is normally required. A list of fees set by the Sheriff for criminal history inquiries shall be posted in a place of clear public view.
- (b) Each applicant, owner, officer and/or director shall present himself within 14 days of filing a complete application to the sheriff for a complete set of fingerprint impressions and to make a written reply to all such questions pertaining to the issuance of the permit as may be required by the sheriff, which shall include the applicant's social security number and date of birth. Each applicant, owner, officer and/or director shall provide the sheriff with written permission authorizing the sheriff to forward the impressions for a FBI/state criminal history inquiry. Pursuant to NRS 239B.010(1)(a), the sheriff shall forward the impressions to the central repository for Nevada records of criminal history for submission to the Federal Bureau of Investigation to determine whether a criminal history record exists for the person.
- (c) The sheriff shall also conduct an investigation of the history of similar events operated, conducted, or promoted by the applicant to determine the truthfulness of the facts submitted by the applicant and to determine whether those events would have met the standards for outdoor festivals set forth in county cope.
- (d) For a second or subsequent application by an applicant for the same venue or event, and provided that the applicant, owner, officer and/or director have not changed, the Planning and Building Division or the sheriff may waive the requirements of this section and modify the requirements as follows:
 - (1) A criminal history inquiry need not be processed but the Sheriff shall review local police records including, without limitation, wants and warrants to determine whether cause for denial exists.

Section 110.338.60 Grounds for Denial. The Board of County Commissioners, or the Director or his designee may deny issuance of a permit for any of the following reasons:

- (a) The proposed event will be conducted in a manner or location not meeting the health, zoning, fire, building, or safety codes or standards established by Washoe County or state law.
- (b) The applicant has knowingly made a false, misleading, or fraudulent statement of material fact in the application for the permit or in any other document required pursuant to this Article.
- (c) The applicant or any person connected or associated with the applicant as partner, director, officer, associate or manager, or having a financial interest has previously conducted the type of event for which a permit is being applied for which resulted in the creation of a public or private nuisance.

- (d) **The applicant or any person associated with the applicant as a partner, director, or officer has been convicted within the past 10 years of any of the following crimes:**
- (1) **Involving the presentation, exhibition or performance of an obscene production, motion picture or place, or of selling obscene matter;**
 - (2) **Involving lewd conduct;**
 - (3) **Involving the use of force and violence upon the person of another;**
 - (4) **Involving misconduct with children; or**
 - (5) **Involving illegal use of controlled substances or dangerous drugs.**
- (e) **The applicant or any person associated with the applicant as a partner, director, or officer has a history of conducting similar events that would not meet the standards established in this Code.**

Section 110.338.65 Suspension and Revocation. A Permit obtained pursuant to this Article may be suspended or revoked according to the provisions of Washoe County Code 110.910, Enforcement.

SECTION 2. Section 110.302.05 Table of Uses, Table 110.302.05.3 (Commercial Use Types) of the Washoe County Code is hereby amended to read as follows:

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Administrative Offices	--	--	--	--	--	--	P	P	P	A	A	A	A	A	P	--	--	--
Adult Characterized Business (see Chapter 25, Washoe County Code)	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
Animal Sales and Services																		
Commercial Kennels	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	S ₂	S ₂
Commercial Stables	S ₂	S ₂	S ₂	S ₂	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
																	*See Article 226 for Warm Springs parcels.	
Dog Training Services (see Article 330)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Grooming and Pet Stores	--	--	--	S ₂	A	A	--	--	--	--	--	--	--					
Pet Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	--
Veterinary Services, Agricultural	P	P	P	P	--	--	--	--	--	S ₂	--	--	--	--	--	--	S ₂	S ₂
Veterinary Services, Pets	--	--	--	S ₂	A	A	--	P	--	--	--	--	S ₂					
Automotive and Equipment																		
Automotive Repair	--	--	--	--	--	--	--	--	--	P	--	--	A	--	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	--	--	--	S ₂	A	A	A	A	--	--	--	--	--
Cleaning	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	--	--

Exhibit A to PC Resolution
 WDCA17-0003
 October 3, 2017 PC Meeting

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Commercial Parking	--	--	--	--	--	--	P	P	P	A	A	A	A	P	--	--	--	--
Equipment Repair and Sales	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Fabricated Housing Sales	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Truck Stops	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	--	--	--	--	--
Building Maintenance Services	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Commercial Centers																		
Neighborhood Centers	--	--	--	S ₂	S ₂	S ₂	P	P	P	A	A	A	A	--	--	--	--	--
Community Centers	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	--	--	--	--
Regional Centers	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	--	--	--	--
Commercial Educational Services	--	--	--	--	--	--	P	P	P	A	A	--	A	A	--	--	--	--
Commercial Recreation																		
Commercial Campground Facilities/RV Park	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
Destination Resorts	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	S ₂	S ₂
Indoor Entertainment	--	--	--	--	--	--	--	--	--	A	P	A	--	P	--	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	--	--	--	--	S ₂	S ₂	P	S ₂	P	P	--	--	--
Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Limited Gaming Facilities	--	--	--	--	--	--	--	--	--	P	P	P	S ₂	--	--	--	--	--
Marinas	--	--	--	--	--	--	--	--	--	P	--	P	--	P	P	--	P	S ₂
Outdoor Entertainment	--	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	--	--	--
Outdoor Entertainment	See Article 338 Outdoor Entertainment																	
Outdoor Sports and Recreation	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	S ₂	P	--	P	S ₂
Outdoor Sports Club	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	P	--	S ₂	S ₂
Unlimited Gaming Facilities	--	--	--	--	--	--	--	--	--	--	--	S ₂	--	--	--	--	--	--
Communication Facilities																		
Commercial Antennas	S ₂	S ₂	S ₂	--	--	--	--	--	--	S ₂	S ₂	--	S ₂	S ₂	--	--	S ₂	--
Satellite Dish Antennas	See Article 324																	
Wireless Communication Facilities	See Article 324																	
Construction Sales and Services	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Continuum of Care Facilities, Seniors	--	--	--	--	S ₂	--	--	--	--	--	--	--						
Convention and Meeting Facilities	--	--	--	--	--	--	--	--	--	P	P	P	--	P	S ₂	--	--	--
Data Center	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	--	S ₂	--
Eating and Drinking Establishments																		
Convenience	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Full Service	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Financial Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	P	--	--	--	--	--
Funeral and Internment Services																		
Cemeteries	P	P	P	--	--	--	--	--	--	S ₂	--	--	--	A	--	--	P	S ₂

Exhibit A to PC Resolution
 WDC17-0003
 October 3, 2017 PC Meeting

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Undertaking	--	--	--	--	--	--	--	--	--	A	A	--	--	--	--	--	--	--
Gasoline Sales and Service Stations	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	A	A	--	--	--	S ₂	--
Helicopter Services																		
Heliport	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	S ₂	--	--	S ₂	--
Helistop	S ₂	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--				
Liquor Manufacturing	--	--	--	--	--	--	P	P	P	A	P	A	A	--	--	--	--	--
Liquor Sales																		
Off-Premises	--	--	--	--	--	--	P	P	P	A	A	A	P	--	--	--	--	--
On-Premises	--	--	--	--	--	--	P	P	P	A	P	A	P	--	--	--	--	--
Lodging Services																		
Bed and Breakfast Inns	S ₂	--	P	--	--	--	--	S ₂	S ₂									
Condominium Hotel	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Hostels	--	--	--	--	--	--	--	--	--	--	--	P	--	--	P	--	--	--
Hotels and Motels	--	--	--	--	--	--	--	--	--	A	S ₂	A	--	--	--	--	--	--
Vacation Time Shares	--	--	--	--	--	--	--	--	--	--	--	P	--	--	--	--	--	--
Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Medical Marijuana Establishments																		
Medical Marijuana Cultivation Facility	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Facility for the Production of Edible Marijuana or Marijuana-infused Products	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Independent Testing Laboratory	--	--	--	--	--	--	--	--	--	A	--	--	A	--	--	--	--	--
Medical Marijuana Dispensary	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Medical Services	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	A	--	--	A	--	--	--	--
Nursery Sales																		
Retail	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Wholesale	S ₂	S ₂	S ₂	--	--	--	--	--	--	A	--	--	A	--	--	--	S ₂	A
Personal Services	--	--	--	--	--	--	P	P	P	A	A	A	--	--	--	--	--	--
Personal Storage	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	S ₂	--	A	--	--	--	--	--
Professional Services	--	--	--	--	--	--	P	P	P	A	A	--	P	--	--	--	--	--
Recycle Center																		
Full Service Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	A	--	--	--	--	--
Remote Collection Facility	S ₂	P	P	P	P	P	P	A	P	P	--	--	--					
Residential Hazardous Substance Recycle Center	--	--	--	--	--	--	--	--	--	S ₂	--	--	S ₂	--	--	--	--	--

Commercial Use Types (Section 110.304.25)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Repair Services, Consumer	--	--	--	--	--	--	--	--	--	A	A	--	A	--	--	--	--	--
Retail Sales																		
Convenience	--	--	--	S2	S2	S2	S2	S2	S2	A	A	A	A	--	--	--	--	--
Specialty Stores	--	--	--	--	--	--	--	--	--	A	P	A	--	--	--	--	--	--
Comparison Shopping Centers	--	--	--	--	--	--	--	--	--	A	--	A	--	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	--	--	--	--	A	--	--	--	--	--	--	--	--
Transportation Services	--	--	--	--	--	--	--	--	--	A	A	A	A	--	--	--	--	--
Winery	A	A	A	P	P	--	--	--	--	--	--	--	--	--	--	--	A	A
Winery with Special Events	P	P	P	--	--	--	--	--	--	--	--	--	--	--	--	--	P	P

SECTION 3. Section 110.304.25 *Commercial Use Types, (h), Commercial Recreation, (7)Outdoor Entertainment*, of the Washoe County Code is hereby amended to read as follows:

(7) Outdoor Entertainment. Outdoor entertainment refers to both facilities (venues) and events for the assembly of 75 or more people on any one day for any purpose in any outdoor location (see Section 110.338.15 for exemptions.) Typical uses include arenas, amphitheaters, and other similar venues for music (live or recorded), theatre, sports (including golf tournaments), equestrian and other animal events, racing facilities, and amusement parks, See Article 338 Outdoor Entertainment.

~~Outdoor entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.~~

SECTION 4. Section 110.310.20 *Circuses, Carnivals and Other Outdoor Entertainment Events* is hereby amended to read as follows:

Section 110.310.20 *Circuses, Carnivals or Other Outdoor Entertainment Events.* A circus, carnival or other outdoor entertainment event may be permitted in all regulatory zones for a period not to exceed ~~ten (10)~~ days. Adequate parking and restroom facilities shall be provided for the expected attendance. An event that will have a combination of **75 or more** ~~between three hundred (300) and nine hundred ninety-nine (999)~~ participants and spectators on any one ~~(1)~~ day of the event shall obtain an **Outdoor Entertainment Permit as described in Article 338, Outdoor Entertainment,**

~~administrative permit~~ prior to the event. An **Outdoor Entertainment Permit** ~~administrative permit or outdoor festival Permit~~ shall not be required for **temporary** events held at or in facilities designed for such events. These exempted facilities include auditoriums, convention facilities, stadiums and parks, but do not include ancillary support areas, such as parking lots, if the event is to be held on or in those ancillary support facilities. ~~An event that will have a combination of more than one thousand (1,000) participants and spectators on any one (1) day of the event shall obtain an outdoor festival Permit as specified in Chapter 25 of the Washoe County Code, instead of an administrative permit.~~

Section 5. Section 110.226.18 *Equestrian Uses*, is hereby amended to read as follows:

Section 110.226.18 Equestrian Uses. The keeping or raising of horses, mules, donkeys or ponies as a private, non-commercial use is regulated within Article 330, Domestic Pets and Livestock. Otherwise, in addition to the regulations of the regulatory zones described in Article 106, Regulatory Zones, and Article 302, Allowed Uses, on all legally-established parcels greater than thirty-five (35) acres in area and zoned General Rural (GR) or General Rural Agricultural (GRA) in the Warm Springs planning area, the following regulations shall apply:

(a) Allowed Uses.

- (1) Boarding Stables. The boarding, keeping or raising of up to three (3) horses, mules, donkeys, or ponies per acre as an accessory use to an established residential or agricultural use on the property (excluding horses used primarily for agricultural operations which are classified under animal production). Typical associated uses and activities could include, but are not limited to: riding instruction, roping practice, barrel racing practice, dressage practice and jumping practice for the boarders of said horses.

(b) Uses Requiring an Outdoor Entertainment Permit subject to the Provisions of Article 338, Outdoor Entertainment.

- (1) Equestrian Facilities. Commercial (public or private) horse, mule, donkey, or pony facilities, to include at a minimum or any

part thereof: riding schools/academies, exhibition facilities (for shows or other competitive events including, but not limited to, riding, roping, barrel racing, jumping events, dressage, bull riding), boarding facilities, and all other ancillary or accessory structures and uses typical and/or incidental to such facilities.

(c) Uses Requiring a Board of Adjustment Approved Special Use Permit Subject to the Provisions of Article 810, Special Use Permits.

(1) Commercial Stables. The commercial boarding, keeping or raising of more than three (3) horses, mules donkeys, or ponies per acre (excluding horses used primarily for agricultural operations which are classified under animal production). Typical uses and activities could include, but are not limited to, commercial riding stables open to the public, riding clubs, and riding instruction facilities.

~~(2) Equestrian Facilities. Commercial (public or private) horse, mule, donkey, or pony facilities, to include at a minimum or any part thereof: riding schools/academies, exhibition facilities (for shows or other competitive events including, but not limited to, riding, roping, barrel racing, jumping events, dressage, bull riding), boarding facilities, and all other ancillary or accessory structures and uses typical and/or incidental to such facilities.~~

SECTION 5. 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.

DRAFT: Month, Day, Year

Passage and Effective Date

Proposed on _____ (month) _____ (day), 2017.

Proposed by Commissioner _____.

Passed on _____ (month) _____ (day), 2017.

Vote:

Ayes:

Nays:

Absent:

Bob Lucey, Chair
County Commission

ATTEST:

Nancy Parent, County Clerk

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