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REGULAR TEXT: NO CHANGE IN LANGUAGE

~~STRIKEOUT TEXT: DELETE LANGUAGE~~

**BOLD TEXT: NEW LANGUAGE**

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Notice: Per NRS 239B.030, this document does not contain personal information as defined in NRS 603A.040
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**Summary:** *Amends the Washoe County Code at Chapter 110 (Development Code) within Article 810, Special Use Permits, by updating Section 110.810.60(a)(3)&(4), by updating the department name to the Planning and Building Division and to replace the word "more" with the word "less".*

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

Title:

An ordinance amending the Washoe County Code at Chapter 110 (Development Code) within Article 810, Special Use Permits, Section 110.810.60(a)(3)&(4) Modifications of a Special Use Permit, to update the reference to the department name in that section to Planning and Building Division; and to change two of the requirements for the director to approve modifications of approved special use permits that involve "more" than a 10% increase in the floor area covered by existing structures associated with the use, and "more" than a 10% increase in site area covered by the use, by replacing the word "more" with the word "less"; and for other matters necessarily connected therewith and pertaining thereto.

WHEREAS:

- A. This Commission desires to amend Article 810 of the Washoe County Code at Chapter 110 (Development Code) in order to update the department name to the Planning and Building

Division and replace the word "more" with the word "less" and,

- B. The Washoe County Planning Commission initiated the proposed amendments to Washoe County Code Chapter 110, Development Code, by Resolution Number 19-02 on January 2, 2019 creating Development Code Amendment Case Number WDCA18-0006; 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 WDCA18-0006 on January 2, 2019, and adopted Resolution Number 19-02 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. Section 810.60(a) of the Washoe County Code is hereby amended to read as follows:

**Section 110.810.60 Modification of a Special Use Permit.** Proposed modifications of approved special use permits shall be subject to the requirements in this section.

- (a) Required Conditions. The Director of ~~Community Development~~ **the Planning and Building Division** may approve plans for an alteration of the approved use when the alteration complies with all of the following conditions:
  - (1) The building or use alteration is incidental to the existing use;
  - (2) The building or use alteration does not result in a change of use;
  - (3) The building alteration involves ~~more~~ **less** than ten (10) percent increase in floor area covered by existing structures associated with the use;

- (4) The use alteration involves ~~more~~ **less** than ten (10) percent increase in the overall site area covered by the existing use;
- (5) The building or use alteration, in the opinion of the Director of ~~Community Development~~ **the Planning and Building Division**, would not have a substantial adverse effect on adjacent property; and
- (6) The building or use alteration complies with existing requirements of agencies having jurisdiction and any other appropriate regulatory agency as determined by the Director of ~~Community Development~~ **the Planning and Building Division**.

SECTION 2. 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: January 2, 2019**

Passage and Effective Date

Proposed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2019.

Proposed by Commissioner \_\_\_\_\_.

Passed on \_\_\_\_\_ (month) \_\_\_\_\_ (day), 2019.

Vote:

Ayes: Commissioners \_\_\_\_\_

Nays: Commissioners \_\_\_\_\_

Absent: Commissioners \_\_\_\_\_.

ATTEST:

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
Chair  
Washoe County Commission

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