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04/11/2012 11:04:51 AM

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WASHOE COUNTY CLERK
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$0.00 RPTT: \$0.00
Page 1 of 17



(for Recorder's use only)

Ordinance No. 1485
(Title of Document)

12/29/

Please complete Affirmation Statement below:

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does not contain the personal information of any person or persons.
(Per NRS 239B.030)

-OR-

I the undersigned hereby affirm that the attached document, including any exhibits, hereby submitted for recording does contain the personal information of a person or persons as required by law: _____
(State specific law)

Jaime Dellera
Signature

Supervisor
Title

JAIME DELERA
Printed Name

This page added to provide additional information required by NRS 111.312 Sections 1-2 and NRS 239B.030 Section 4.

This cover page must be typed or printed in black ink.

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P.O. Box 30083
Reno, Nevada 89520-3083
ATTN: County Clerk

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

Summary: This is a technical revision to the Development Code pursuant to Section 110.818.60. This technical amendment is required by recent legislation and a 2008 federal court decision regarding group homes. The technical revision amends the Washoe County Development Code to add new definitions for "Child care institution," "Facility for transitional living for released offenders," "Halfway house for recovering alcohol and drug abusers," "Home for individual residential care," "Group foster home," and "Residential Facility for groups" as required by AB 544; and, to clarify which types of group homes are to be classified and treated as single family dwellings and which types are to be treated as civic uses, as required by the Nevada Group Home Law (NRS 278.0238 through 278.02338) as construed by a federal court decision.

BILL NO. 1666

ORDINANCE NO. 1485

AN ORDINANCE AMENDING WASHOE COUNTY DEVELOPMENT CODE (WCC CHAPTER 110) ARTICLES 302 (ALLOWED USES), 304 (USE CLASSIFICATION SYSTEM), 322 (GROUP CARE FACILITIES), AND 902 (DEFINITIONS) TO ADD NEW DEFINITIONS REQUIRED BY AB 544 OF THE 2011 NEVADA LEGISLATURE, AND CLARIFY WHICH TYPES OF GROUP HOMES ARE TO BE CLASSIFIED AND PROVIDED WITH ALL THE SAME ALLOWED USES AS SINGLE FAMILY RESIDENCES, AND WHICH TYPES ARE TO BE CLASSIFIED AND TREATED AS CIVIC USE FACILITIES UNDER THE NEVADA GROUP HOME LAW (NRS 278.0238 THROUGH NRS 278.02388); THE FEDERAL FAIR HOUSING AMENDMENTS ACT (42 U.S.C. 3600 - 3631)S AND A FEDERAL COURT CASE IN 2008; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS:

A. Technical changes to the County Development Code are required to implement the requirements of Assembly Bill 544 of the 2011 Nevada Legislature and changes to Nevada Group Home Law (NRS 278.0238 through 278.02388) as a result of a federal court decision applying the federal Fair Housing Amendments to the Nevada Group Home Law;

B. This ordinance is adopted pursuant to a provision in NRS Chapter 278 and therefore is not a "rule" as defined in NRS 237.060.

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

SECTION 1. Section 110.302.05, Allowed Uses, Table 110.302.05.1, Table of Uses (Residential Use Types) is hereby amended to read as follows:

Table 110.302.05.1

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

Residential Use Types (Section 110.304.15)	LDR	MDR	HDR	LDS/ LDS 2	MDS/ MDS 4	HDS	LDU	MDU	HDU	GC	NC	TC	I	PSP	PR	OS	GR	GRA
Family Residential																		
Attached Accessory Dwelling	A	A	A	A	A	A	A	A	A	--	--	--	--	--	--	--	A	A
Detached Accessory Dwelling	AR	AR	AR	AR	S ₂	--	--	--	--	--	--	--	--	--	--	--	A	A
Detached Accessory Structure	A	A	A	A	A	A	A	A	A	--	A	--	--	--	--	--	A	A
Duplex	--	--	--	P	P	P	P	P	A	--	S ₂	--	--	--	--	--	--	--
Multi Family	--	--	--	--	--	--	P	P	A	--	S ₂	--	--	--	--	--	--	--
Single Family, Attached	--	--	--	A	A	A	A	A	A	--	S ₂	--	--	--	P	--	--	--
Single Family, Detached	A	A	A	A	A	A	A	S ₂	S ₂	--	S ₂	--	--	--	P	--	A	A
Non-municipal Air Strips and Glider Ports (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Personal Landing Field (Accessory Use)	S ₂	--	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	--	--	S ₂	--
Manufactured Home Parks	*	*	*	*	*	S ₂	S ₂	*	*	--	--	--	--	--	--	--	*	--
Group Home	A	A	A	A	A	A	A	A	A	--	S ₂	--	--	--	P	--	A	A

Key: -- = Not allowed; A = Allowed; AR = Administrative Review pursuant to 110.306.25(l); P = Administrative Permit; PR = Park Commission Approval pursuant to 110.104.40(c); S₁ = Planning Commission Special Use Permit; S₂ = Board of Adjustment Special Use Permit; * = Allowed with a Board of Adjustment Special Use Permit in areas designated Trailer (TR) Overlay zone prior to adoption of this Development Code.

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

SECTION 2. Section 110.302.05, Allowed Uses, Table 110.302.05.2, Table of Uses (Civic Use Types) 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	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--	--	--	--	--	P	--
Child Daycare	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	S ₂	--	S ₂	--
Community Center	--	--	--	--	--	--	P	P	P	A	S ₂	A	--	A	A	--	--	--
Convalescent Services	--	--	--	S ₂	S ₂	S ₂	P	P	P	P	S ₂	--	--	P	--	--	--	--
Cultural and Library Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	A	A	A	A	A	--	A	A	--	A	--
Education	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	S ₂	--	S ₂	--
Group Care Facility	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	--	--	--	--	--	S ₂	--
Hospital Services	--	--	--	--	--	--	--	--	--	A	S ₂	--	--	A	--	--	--	--
Major Services and Utilities																		
Utility Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--
Major Public Facilities	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	S ₂	S ₂	S ₂	--	S ₂	--
Nature Center	--	--	--	--	--	--	--	--	--	S ₂	--	S ₂	--	--	S ₂	--	S ₂	--
Parks and Recreation																		
Active Recreation	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	A	A	--	PR	--
Passive Recreation	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	--
Religious Assembly	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	P	P	P	P	P	P	--	S ₂	--
Safety Services	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	S ₂	--	S ₂	--

Key: -- = Not allowed; A = Allowed; P = Administrative Permit; PR = Park Commission Approval pursuant to 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 3. Section 110.304.15, Use Classification System, Residential Use Types, of the Washoe County Code is hereby amended to read as follows:

Section 110.304.15 Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional living arrangements providing twenty-four-hour skilled nursing or medical care and those providing forced residence, such as asylums and prisons.

(a) Family Residential. The family residential use type refers to the occupancy of living quarters by one (1) or more families. The following are family residential use types:

(1) Attached Accessory Dwelling Unit. An attached accessory dwelling unit is a portion of or an addition to a single family main dwelling that has been designed or configured to be used as a separate and independent dwelling unit. An attached accessory dwelling unit includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but may also include living, sleeping, and eating facilities, all separated from the main unit by walls or ceilings and accessed through a lockable exterior or interior door. The attached accessory dwelling unit shall not exceed forty (40) percent of the total square footage of the main dwelling unit or 1,000 square feet, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas have been legally converted into habitable space. An attached accessory dwelling may be created by converting part of, or adding on to, an existing single family main dwelling. To be considered attached, the accessory dwelling unit must abut (i.e. be on the opposite side of a wall or ceiling) the habitable space of the main dwelling, or the ceiling of a garage attached to the main dwelling. Incidental and accessory features such as trellises, decks, patios, breezeways, or tool sheds will not be considered as establishing an attached structure/dwelling. Typical uses include guest rooms, guest apartments and "granny flats."

(2) Detached Accessory Dwelling Unit. A detached accessory dwelling unit refers to a dwelling unit on the same lot as the main dwelling unit, but which is physically separated from the main dwelling unit. A detached accessory dwelling unit is designed and configured to provide independent living facilities for one (1) or more persons, and includes, at a minimum, permanent kitchen and bathroom (i.e. a toilet) facilities, but which may also include living, sleeping, and eating facilities. Except in the Medium Density Suburban (MDS) Regulatory Zone, a detached accessory dwelling unit shall not exceed fifteen hundred (1,500) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. In the Medium Density Suburban (MDS) Regulatory Zone, the detached accessory dwelling unit shall not exceed eight hundred (800) square feet or fifty (50) percent of the total square footage of the main dwelling unit, whichever is smaller. The square footage of garages, crawl spaces, cellars, attics, or basements not designed for human occupancy shall not be included when calculating the total square footage of the main dwelling unit, unless such areas

have been legally converted into habitable space. Typical uses include guest houses, second units, "granny flats" and caretaker's quarters.

- (3) Detached Accessory Structure. A detached accessory structure refers to a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed, configured, or used for human habitation. The detached accessory structure may be connected to water and wastewater systems subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit. Installation of both a kitchen (as defined in Article 902) and a toilet in a detached accessory structure shall render the structure as a dwelling unit and subject to the accessory dwelling unit provisions. Typical uses include storage buildings and sheds, barns and detached garages.
 - (4) Duplex. Duplex refers to the use of a parcel for two (2) dwelling units in a single structure.
 - (5) Multi-Family. Multi-family refers to the use of a parcel for three (3) or more dwelling units within one (1) or more buildings, including condominium developments.
 - (6) Single Family, Attached. Single family, attached refers to two (2) or more dwelling units constructed with a common or abutting wall with each located on its own separate parcel.
 - (7) Single Family, Detached. Single family, detached refers to the use of a parcel for only one (1) dwelling unit.
- (b) Manufactured Home Parks. Manufactured home parks use type refers to the occupancy of a dwelling unit defined as a mobile home or a manufactured home and which is located in a site defined as a manufactured home park.
- (c) Group Home. Group home use type refers to the occupancy of a single family dwelling by and the care for a group of ten (10) or fewer persons on a weekly or longer basis who are not defined as a family. The number of persons who reside in a group home excludes any caregivers and their family who also reside in the single family residence.
- (1) This term includes specifically the following uses:
 - (i) Residential facility for groups; or
 - (ii) Home for individual residential care;
 - (iii) Halfway house for recovering alcohol and drug abusers;
 - (iv) Group foster home.
 - (2) The term group home does not include a child care institution or a facility for transitional living for released offenders.

SECTION 4. Section 110.304.20, Use Classification System, Civic Use Types 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) 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.
- (e) 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 (1) or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.
- (f) 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.

- (g) Group Care Facility. Group care facility use type refers to an establishment that provides housing and a 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 skills training, living assistance and supervised care services, but excludes medical treatment or uses classified under hospital services. This term includes specifically the following types of use:
 - (1) Child care Institution;
 - (2) Facility for transitional living for release offenders.
 - (3) Group home use types which accommodate more persons than permitted as a group home.
- (h) 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
- (i) 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.
- (j) 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.
- (k) 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.

- (l) 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.
- (m) 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.
- (n) 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.
- (o) Religious Assembly. Religious assembly use type refers to religious services involving public assembly such as customarily occurs in synagogues, temples and churches.
- (p) 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 5. Article 322, Group Care Facility, of the Washoe County Code is hereby amended to read as follows:

Section 110.322.00 Purpose. The purpose of this article, Article 322, Group Care Facility, is to provide special regulations pertaining to group care facilities in order to preserve the quality of care provided to people using a facility.

Section 110.322.05 Applicability. The provisions of this article shall apply to uses classified as a group care facility in Article 304, Use Classification System. Group care facilities are allowed in those regulatory zones as set forth in Article 302, Allowed Uses.

Section 110.322.10 Review Standards and Guidelines. A group care facility shall comply with the provisions of this section.

- (a) Floor Plan. An interior sketch of the floor plan of the home or facility, to scale, shall be submitted with the required development approval application. The sketch shall contain information as required by the Director of the Department of Community Development.
- (b) Exterior Yard Area. A sketch, to scale, of the exterior yard area to be used for group care purposes shall be submitted containing information as required by the Director of the Department of Community Development.

- (c) Interior Space. A minimum of twelve hundred (1,200) square feet of interior space shall be provided for the first six (6) facility users, and one hundred fifty (150) square feet of interior space for each additional facility user. Rooms which may be included in this calculation include areas where care activities will be conducted, including bedrooms used for sleeping, recreation rooms, food preparation areas, living rooms and family rooms. Rooms which may not be included in this calculation include closets, halls, garages and bathrooms.
- (d) Outdoor Recreation Area. A minimum of six hundred (600) square feet of outdoor recreation area shall be provided for the first six (6) facility users, and seventy-five (75) square feet of outdoor recreation area for each additional facility user.
 - (1) Areas which may not be included in calculating outdoor recreation area include side yards less than ten (10) feet in width and areas containing swimming pools, spas or other water bodies unless covered and deemed safe pursuant to state regulations.
 - (2) Neighborhood greenbelt and park space may be used to satisfy the outdoor recreation area requirement if these alternative areas are located in immediate proximity to the facility, are appropriate for recreation, and proper insurance coverage has been obtained for them.
 - (3) All outdoor recreation areas, except those described in Subsection (d)(2) of this section, shall be enclosed by walls or fences not less than six (6) feet in height. Should existing fencing be less than six (6) feet in height, the review authority may approve such alternative fencing if, upon review of adjacent uses, supervision ratios and facility floor plans, it determines that the existing fence height will not be detrimental to the health, safety or welfare of facility users.
- (e) Garages. Garages shall be prohibited as a group care facility recreation area unless:
 - (1) Alternative on-site parking is available to meet minimum residential parking requirements; and
 - (2) The garage is improved to meet building and fire code regulations as a habitable space.
- (f) Location of Rooms. Rooms used for care activities shall not be located above the first story unless the facility is equipped with an automatic fire sprinkler system approved by the appropriate fire protection agency.
- (g) Fire Exits. All facilities shall have no less than two (2) legal exits for fire purposes, pursuant to the requirements of the appropriate fire protection agency.
- (h) Public Service Access. The applicant shall develop and will implement a public service access plan providing or arranging for transportation, as necessary, for group care residents. The plan shall specifically describe the means by which residents will gain access to bus or other public transportation routes, shopping locations, medical, dental or other health care facilities, and government offices.

- (i) Parking Plan. The applicant shall develop and will implement a parking plan indicating the maximum number of vehicles to be parked on and off the site, projected needs for parking at the site, and means to satisfy the projected needs.
- (j) Overconcentration. The establishment of the proposed group care facility will not result in an overconcentration of group care facilities in the neighborhood. Overconcentration will be presumed when the establishment of the group facility would result in a group care facility being closer than fifteen hundred (1,500) feet to another group care facility as measured between structures.
- (k) Yard Maintenance. The applicant will provide adequate exterior maintenance to the group care facility and surrounding yard and setback areas. This shall include a plan demonstrating provisions for regular yard and landscape irrigation and maintenance, and other items of routine maintenance.
- (l) Neighborhood Response Program. The applicant shall develop and will implement a neighborhood response program which provides a procedure for immediate response to incidents and complaints arising out of group care activities. This procedure shall include a method of assuring that the owner or permittee is notified of any incident, that the owner or permittee will personally investigate the matter, and that any person making a complaint or reporting the incident will receive a response of action taken or a reason why no action needs to be taken. In addition, the owner or permittee shall establish a fixed time on a weekly basis when he or she will be present to meet residents and discuss neighborhood problems relative to the group care facility.
- (m) Emergency Response Plan. The applicant shall prepare and file an emergency response plan with all local emergency service providers, including police, fire and ambulance. The plan shall include evacuation procedures, and shall identify emergency vehicle entrances and rear and front building entrances. In addition, the plan shall encourage no light/no siren responses, except in emergency situations.
- (n) Licensing, Certificates and Permits. As a prerequisite to the approval of issuance of any rezoning, variance or special use permit that is necessary to operate a group care facility, the applicant must obtain any licenses or certifications that are required by federal, state or local authorities. If the applicant does not have all such licenses or certification at the time of application, the rezoning, variance or special use permit may be provisional or conditionally approved on obtaining such licenses or certification.

SECTION 6. Section 110.902.15, Definitions, General Definitions, of the Washoe County Code is hereby amended to add the following definitions:

Child Care Institution. Child care institution means a facility which provides care and shelter during the day and night and provides developmental guidance to sixteen (16) or more children who do not routinely return to the homes of their parents or guardians. Such an institution may also provide, without limitation:

- (a) Education to the children according to a curriculum approved by the Department of Education;
- (b) Services to children who have been diagnosed as severely emotionally disturbed as defined in NRS 433B.080, including, without limitation, services relating to mental health and education; or
- (c) Emergency shelter to children who have been placed in protective custody pursuant to Chapter 432B of NRS.

Facility for transitional living for released offenders. Facility for transitional living for released offenders means a residence that provides housing and a living environment for persons who have been released from prison and who require assistance with reintegration into the community, other than such a residence that is operated or maintained by a state or local government or an agency thereof. The term does not include a halfway house for recovering alcohol and drug abusers or a facility for the treatment of abuse of alcohol or drugs. As used in this section, person who has been released from prison means:

- (a) A parolee.
- (b) A person who is participating in:
 - (1) A judicial program pursuant to NRS 209.4886 or 213.625; or
 - (2) A correctional program pursuant to NRS 209.4888 or 213.371.
- (c) A person who is supervised by the Division of Parole and Probation of the Department of Public Safety through residential confinement.
- (d) A person who has been released from prison by expiration of his or her term of sentence.

Group Foster Home. Group foster home means a natural person, partnership, firm, corporation or association who provides full-time care for seven (7) to fifteen (15) children who are:

- (a) Under eighteen (18) years of age;
- (b) Not related within the first degree of consanguinity or affinity to any natural person maintaining or operating the home; and received, cared for, and
- (c) Maintained for compensation or otherwise, including the provision of permanent free care.

Halfway House for Recovering Alcohol and Drug Abusers. Halfway house for recovering alcohol and drug abusers means a residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. The term does not include a facility for transitional living for released offenders.

Home for Individual Residential Care. Home for individual residential care means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two (2) persons with mental retardation or with disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include:

- (a) A halfway house for recovering alcohol and drug abusers; or
- (b) A home in which supported living arrangement services are provided to assist individuals in maximizing his independence, including without limitation training and habitation services.

Residential Facility for Groups. Residential facility for groups means an establishment that furnishes food, shelter, assistance and limited supervision to a person with mental retardation or with a disability or a person who is aged or infirm. The term includes, without limitation, an assisted living facility. The term does not include:

- (a) An establishment which provides care only during the day;
- (b) A natural person who provides care for no more than two (2) persons in his or her own home;
- (c) A natural person who provides care for one (1) or more persons related to him or her within the third degree of consanguinity or affinity;
- (d) A halfway house for recovering alcohol and drug abusers; or
- (e) A facility funded by a division or program of the Department of Health and Human Services.

SECTION 7. Administrative changes.

As it appears anywhere in the Development Code (including but not limited to Sections 110.206.10 [High Desert Area Plan], 110.410.10 [Off Street Parking space requirements], and 110.432.05 [Open Space Requirements]) any reference to "residential group home" is hereby amended to read "group home."

SECTION 8. General Terms.

1. This Ordinance shall be recorded in the Official Records of Washoe County.
2. 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.
3. 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 County Clerk is authorized to make non-substantive edits and corrections to this Ordinance.
4. 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.
5. This Ordinance shall be in effect from and after its publication as hereinafter provided, and after this Ordinance is signed by the Chairman of the Board and attested and sealed by the County Clerk, this Ordinance shall be published by title only, together with the names of the Commissioners voting for or against and with a statement that typewritten copies of said ordinance are available for inspection by all interested parties at the office of the County Clerk, such publication to be made in the Reno Gazette Journal, a newspaper published and having general circulation in the County, at least once a week for a period of two weeks by two insertions as required by NRS 244.100 and any other enabling laws.
6. 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

it 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

This Ordinance was proposed on 3-13-12 by
Commissioner BRETERNITZ.

This Ordinance was passed on 3-27-12.

Those voting "aye" were Larkin, Weber, Jung, BRETERNITZ

Those voting "nay" were none.

Those absent were Hunke.

Those abstaining were none.

This Ordinance shall be in force and effect immediately upon the date of the second publication of such Ordinance as required by NRS 244.100.



Robert M Larkin

Robert M. Larkin, Chairman
Board of County Commissioners
Washoe, County, Nevada

Amy L. Harvey

Amy Harvey
County Clerk



CERTIFIED
The document to which this attestation is attached is a full, true and correct copy of the original on file and of record in my office.

DATE: April 18, 2012
AMY HARVEY, County Clerk-in-charge for the County of Washoe, State of Nevada.

By Jaime Sellaera Deputy



WASHOE COUNTY RECORDER

OFFICE OF THE RECORDER
KATHRYN L. BURKE, RECORDER

1001 E. NINTH STREET
POST OFFICE BOX 11130
RENO, NEVADA 89520-0027
PHONE (775) 328-3661
FAX (775) 325-8010

LEGIBILITY NOTICE

The Washoe County Recorder's Office has determined that the attached document may not be suitable for recording by the method used by the Recorder to preserve the Recorder's records. The customer was advised that copies reproduced from the recorded document would not be legible. However, the customer demanded that the document be recorded without delay as the parties rights may be adversely affected because of a delay in recording. Therefore, pursuant to NRS 247.120 (3), the County Recorder accepted the document conditionally, based on the undersigned's representation (1) that a suitable copy will be submitted at a later date (2) it is impossible or impracticable to submit a more suitable copy.

By my signing below, I acknowledge that I have been advised that once the document has been microfilmed it may not reproduce a legible copy.

Jaime Deller
Signature

4-10-17
Date

JAIME DELERA
Printed Name

12-29/

WASHOE COUNTY
COMPTROLLER

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STATE OF NEVADA
COUNTY OF WASHOE

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper of general circulation published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **03/30/2012 - 04/06/2012**, for exact publication dates please see last line of Proof of Publication below.

Signed: _____

Gina Briles

APR 6 2012

Subscribed and sworn to before me



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO.1485 BILL NO. 1666 An Ordinance amending Washoe County Development Code (WCC Chapter 110) Articles 302 (Allowed Uses), 304 (Use Classification System), 322 (Group Care Facilities), and 902 (Definitions) to add new definitions required by AB 544 of the 2011 Nevada Legislature, and clarify which types of group homes are to be classified and provided with all the same allowed uses as single family residences, and which types are to be classified and treated as civic use facilities under the Nevada Group Home Law (NRS 278.0238 through NRS 278.02388); the Federal Fair Housing Amendments Act (42 U.S.C. 3600 - 3631) and a federal court case in 2008; and providing for other matters properly relating thereto (Bill No. 1666) NOTICE IS HEREBY GIVEN that typewritten copies of the above-numbered and entitled ordinance are available for inspection by the interested parties at the office of the County Clerk of Washoe County, Nevada, at her office in the Washoe County Courthouse, 75 Court Street, Reno, Washoe County, Nevada; and that the ordinance was proposed on March 13, 2012 by Commissioner Breternitz and was passed and adopted without amendment at a regular meeting held on March 27, 2012 by the following vote of the Board of County Commissioners: Those Voting Aye: Robert Larkin Bonnie Weber John Breternitz Kitty Jung Those Voting Nay: None Those Absent: David

Humke This ordinance shall be in full force and effect from and after the date of the second publication of such ordinance by its title only on April 6, 2012. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only. DATED: March 28, 2012. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 776442 Mar 30, Apr 6, 2012

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO.1485
BILL NO. 1666**

An Ordinance amending Washoe County Development Code (WCC Chapter 110) Articles 302 (Allowed Uses), 304 (Use Classification System), 322 (Group Care Facilities), and 902 (Definitions) to add new definitions required by AB 544 of the 2011 Nevada Legislature, and clarify which types of group homes are to be classified and provided with all the same allowed uses as single family residences, and which types are to be classified and treated as civic use facilities under the Nevada Group Home Law (NRS 278.0238 through NRS 278.02388); the Federal Fair Housing Amendments Act (42 U.S.C. 3600 - 3631) and a federal court case in 2008; and providing for other matters properly relating thereto (Bill No. 1666)

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Those Voting Aye: Robert Larkin
Bonnie Weber
John Breternitz
Kitty Jung
Those Voting Nay: None
Those Absent: David Humke

This ordinance shall be in full force and effect from and after the date of the second publication of such ordinance by its title only on April 6, 2012.

IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be published by title only.

DATED: March 28, 2012.

AMY HARVEY, Washoe County Clerk and
Clerk of the Board of County Commissioners
No. 776442 Mar 30, Apr 6, 2012