

SUMMARY: An ordinance amending Washoe County Code at chapter 110 by creating a new classification of use identified as "Data Center" and regulating the zoning districts and under what conditions it will be permitted.

BILL NO. 11079

ORDINANCE NO. 1497

An ordinance amending the Washoe County Code at Chapter 110, Article 302, Allowed Uses, and Article 304, Use Classification System, to establish a new classification of use identified as "Data Center" and specify in which zoning districts and under what conditions it will be permitted and providing other matters properly relating thereto, as recommended for adoption by the Washoe County Planning Commission.

Whereas:

A. 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 the County of Washoe do Ordain:

SECTION 1. Table 110.302.05.3 of the Washoe County Code is hereby amended to add "Data Center" as a Commercial Use Type:

Table 110.302.05.3 (continued)

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

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
Data Center	--	--	--	--	--	--	--	--	--	S ₂	S ₂	S ₂	A	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

SECTION 2. Section 110.304.25 of the Washoe County Code is hereby amended to read as follows:

Section 110.304.25 Commercial Use Types. Commercial use types include the distribution and sale or rental of goods, and the provision of services other than those classified as civic or industrial use types. All permanent commercial uses are required to operate from a commercial structure.

- (m) Data Center. Data Center use type refers to establishments or places of business primarily engaged in the storage/housing of equipment, such as computers, servers, switches, routers, data storage devices, and related equipment for the purpose of storing, managing, processing, and exchanging of digital data and information.

- (n) Eating and Drinking Establishments. Eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption, but excludes those uses classified under the liquor sales use type. The following are eating and drinking establishments use types:
- (1) Convenience. Convenience refers to establishments or places of business primarily engaged in the preparation and retail sale of food and beverages, and have a short customer turnover rate (typically less than one hour). Typical uses include drive-in and fast-food restaurants, ice cream parlors, sandwich shops and delicatessens.
 - (2) Full Service. Full service refers to establishments or places of business primarily engaged in the sale of prepared food and beverages on the premises, which generally have a customer turnover rate of one hour or longer, and which include sales of alcoholic beverages at the table or at a bar as an accessory or secondary service. Typical uses include full-service restaurants.
- (o) Financial Services. Financial services use type refers to establishments primarily engaged in the provision of financial and banking services. Typical uses include banks, savings and loan institutions, loan and lending activities, and check cashing facilities.
- (p) Funeral and Interment Services. Funeral and interment services use type refers to provision of services involving the care, preparation or disposition of human dead. The following are funeral and interment services use types:
- (1) Cemeteries. Cemeteries refers to undertaking services and services involving the keeping of bodies provided on cemetery grounds. Typical uses include crematoriums, mausoleums and columbariums.
 - (2) Undertaking. Undertaking refers to services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
- (q) Gasoline Sales and Service Stations. Gasoline sales and service stations use type refers to retail sales of petroleum products from the premises of the establishment and incidental sale of tires, batteries, replacement items, lubricating services and minor repair services. Typical uses include automobile service stations.
- (r) Helicopter Services. Helicopter services use type refers to areas used by helicopter or steep-gradient aircraft. The following are helicopter services use types:
- (1) Heliport. Heliport refers to areas used by helicopters or by other steep-gradient aircraft, which includes passenger and cargo facilities, maintenance and overhaul, fueling service, storage space, tie-down space, hangers and other accessory buildings, and open space.
 - (2) Helistop. Helistop refers to areas on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fueling service, maintenance or overhaul.
- (s) Liquor Sales. Liquor sales use type refers to retail sales of alcoholic beverages for consumption either on or off the premises of the establishment, but excludes uses

classified under either the retail sales or eating and drinking establishments use types. The following are liquor sales use types:

- (1) Off-Premises. Off-premises refers to sale of liquor for off-site consumption. Typical uses include a packaged liquor sales.
 - (2) On-Premises. On-premises refers to sale of liquor for on-site consumption. Typical uses include taverns, cabarets, service bars, retail beer and wine sales.
- (t) Lodging Services. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis within incidental food, drink, and other sales and services intended for the convenience of guests, but excludes those classified under residential group home and commercial recreation. The following are lodging services use types:
- (1) Bed and Breakfast Inns. Bed and breakfast inns refers to single family dwellings with guest rooms (no cooking facilities in guest rooms) where, for compensation, meals and lodging are provided.
 - (2) Condominium Hotel. Condominium hotel refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing, and when the hotel rooms are owned as separate real estate; and the remainder of the property including amenities, open space, etc. is either owned in common by the hotel room owners and managed by an association, or owned by a separate entity in which a fee for use of the amenities, open space, etc. may or may not be charged the hotel room owners.
 - (3) Hostels. Hostels refers to supervised transient facilities offering dormitory type lodging, usually with a minimum of facilities.
 - (4) Hotels and Motels. Hotels and motels refers to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing.
 - (5) Vacation Time Shares. Vacation time shares refers to real properties that are subject to a time share program.
- (u) Medical Services. Medical services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities or sports medicine facilities.
- (v) Nursery Sales. Nursery sales use type refers to the sales of plants, flowers and related nursery items. The following are nursery sales use types:
- (1) Retail. Retail refers to retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.
 - (2) Wholesale. Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.

- (w) Personal Services. Personal services use type refers to establishments primarily engaged in the provision of informational, instructional, personal improvement and similar services of a non-professional nature, but excludes services classified as commercial recreation or lodging services. Typical uses include photography studios, driving schools or weight loss centers.
- (x) Personal Storage. Personal storage use type refers to storage services primarily for personal effects and household goods within an enclosed storage area having individual access, but excludes workshops, hobby shops, manufacturing or commercial activity. Typical uses include mini-warehouses.
- (y) Professional Services. Professional services use type refers to establishments which provide professional services to individuals or businesses, but excludes offices servicing walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, real estate offices, insurance offices and architectural firms.
- (z) Recycle Center. Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles and cans. Recycle centers do not include recycle facilities existing as a part of a refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycle center use types:
 - (1) Full Service Recycle Center. Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass household recyclables and may include processing or sorting of the recyclables.
 - (2) Remote Collection Facility. Remote collection facility refers to a center for the acceptance, by redemption or purchase, of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.
 - (3) Residential Hazardous Substance Recycle Center. Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.
- (aa) Repair Services, Consumer. Repair services, consumer use type refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.
- (bb) Retail Sales. Retail sales use type refers to retail sales of commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:
 - (1) Convenience. Convenience refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners and self-service laundromats.
 - (2) Specialty Stores. Specialty stores refers to establishments which provide a variety of retail or personal services needs for residents in the larger community

area. Typical uses include supermarkets, super drugs stores, clothing boutiques, antiques, bookstores, furniture stores and auto parts.

- (3) Comparison Shopping Centers. Comparison shopping centers refers to retail establishments that provide a wide variety of retail and personal services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.
- (cc) Secondhand Sales. Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time, but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.
- (dd) Transportation Services. Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.

SECTION 3. General Terms.

1. BUSINESS IMPACT. This Ordinance shall be recorded in the Official Records of Washoe County.
2. RATIFICATION. 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. IMPLEMENTATION; EDITING; CODIFICATION. 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.
4. REPEALER. 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. EXECUTION; PUBLICATION; EFFECTIVE DATE. 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 District Attorney, this Ordinance shall be published by title only, together with the names of the board members 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. SEVERABILITY. 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 9-11-12 by
Commissioner Larkin.

This Ordinance was passed on 9-25-12.

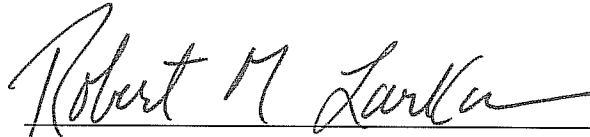
Those voting "aye" were Larkin, Jung, Weber, Humke, Breitenitz

Those voting "nay" were none.

Those absent were none.

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, Chairman
Board of County Commissioners
Washoe, County, Nevada

ATTEST:



Amy Harvey
County Clerk

This ordinance shall be in force and effect from and after the 5th day of the month of October of the year 2012.

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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: **09/28/2012 - 10/05/2012**, for exact publication dates please see last line of Proof of Publication below.

Signed: _____

Gina Briles

OCT 5 2012

Subscribed and sworn to before me



Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO.1497 BILL NO. 1679 An Ordinance amending the Washoe County Code at Chapter 110, Article 302, Allowed Uses, and Article 304, Use Classification System, to establish a new classification of use identified as "Data Center" and specify in which zoning districts and under what conditions it will be permitted and providing other matters properly relating thereto, as recommended for adoption by the Washoe County Planning Commission. (Bill No. 1679) 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 Complex, 1001 E. Ninth Street, Building A, Reno, Washoe County, Nevada; and that the ordinance was proposed on September 11, 2012 by Commissioner Larkin and was passed and adopted without amendment at a regular meeting held on September 25, 2012 by the following vote of the Board of County Commissioners: Those Voting Aye: Bonnie Weber David Humke Robert Larkin Kitty Jung John Breternitz Those Voting Nay: None Those Absent: None This ordinance shall be in full force and effect after the date of the second publication of such ordinance by its title only on October 5, 2012. IN WITNESS WHEREOF, the Board of County Commissioners of Washoe County, Nevada, has caused this ordinance to be

published by title only. DATED: September 26, 2012. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 788118 Sept 28, Oct 5, 2012

NOTICE OF COMPLETION

The City of Sparks, City Hall, Sparks, Washoe County, State of Nevada, gives notice as follows:

1. That the Wedekind Park Project, Bid No. 11/12-029, PWP-WA-2012-187 was completed on September 7, 2012.
 2. That the work was performed on City property located within the City of Sparks, Washoe County, Nevada and is more specifically designated in the plans for this project.
 3. That the work performed under this contract consisted of, but not limited to, clearing, grubbing, and rough grading of portions of site, construction of grinding parking lot, fencing, railing, miscellaneous concrete ramps, pads, footings, installation of prefabricated foot bridge, signs, and shade structures. The locations of the work are off Disc Drive near Pyramid Way and at the north end of 4th Street and are within the City limits of the City of Sparks, Nevada.
 4. That the work of the Wedekind Park Project, Bid No. 11/12-029, PWP-WA-2012-187 was completed by West Coast Paving, Inc., P.O. Box 19102, Reno, NV 89511.
- No. 788694 Oct 5, 2012

**NOTICE OF ADOPTION
WASHOE COUNTY ORDINANCE NO. 1497
BILL NO. 1679**

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

This ordinance shall be in full force and effect after the date of the second publication of such ordinance by its title only on October 5, 2012.

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

DATED: September 26, 2012.

AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners

No. 788118 Sept 28, Oct 5, 2012