TABLE OF CONTENTS

TITLE 20

CONSOLIDATED DEVELOPMENT CODE

Chapters:

General Provisions
20.01 General Provisions; Consistency with Master Plan; Right to Farm

Procedures Common to Planning, Zoning and Land Division Regulations
20.02 Development Permits
20.04 Application Process and Official Filing Date
20.06 Decision by the Director
20.08 Review by Advisory Body
20.10 Review and Decision by Planning Commission
20.12 Review and Decision by Board of County Commissioners
20.14 Conditional Approval
20.20 Notice Provisions
20.24 Public Hearing Procedures
20.28 Post Decision Proceedings
20.30 Expiration of Approval of Development Permit
20.32 Revocation of Permit
20.34 Enforcement
20.38 Board of Adjustment
20.40 Fees
20.44 Rounding of Quantities

Floodplain Management
20.50 Floodplain Management

Public Facilities and Improvement Standards
20.100 Public Facilities and Improvement Standards
20.200 Surveys
20.220 Installing Utilities Underground

Impact Fees
20.300 Impact Fees

Agreements
- **20.400 Development Agreements**
- **20.440 Density Bonus Agreements**
- **20.460 Reimbursement Agreements**
- **20.470 Maintenance Districts**

Transfer Development Rights
- **20.500 Transfer Development Rights**

Growth Management
- **20.550 Growth Management**
- **20.560 Building Permit Allocation System**

Zoning Regulations
- **20.600 General Provisions**

Zoning Review Procedures
- **20.602 Pre-Application Conference**
- **20.604 Special Use Permits**
- **20.606 Variances**
- **20.608 Amendment to Master Plan**
- **20.610 Zoning Administration**
- **20.612 Specific Plan**
- **20.614 Design Review**
- **20.616 Home Occupation Permit**
- **20.618 Sign Permit**
- **20.620 Temporary Use Permit**

Zoning Districts and Standards
- **20.650 Zoning Districts and Standards**
- **20.654 Agriculture and Forestry and Range Districts**
- **20.656 Residential Districts**
- **20.658 Non-Residential Districts**
- **20.660 Use Regulations**
- **20.662 Agricultural, Forest and Range, and Residential Land Use District Specific Standards (Table)**
- **20.664 Agricultural, Forest and Range, and Residential Land Use Specific Standards**
- **20.666 Non-Residential Specific Standards for Permitted, Development Permitted, and Special Use Permit Uses (Table)**
- **20.668 Non-Residential Use Specific Standards**
- **20.670 Hillside Conservation (HC) Overlay Zoning District**

20.672 Livestock Overlay (LO) Zoning District
20.674 Manufactures Housing (MH) District
20.675 Mixed use Commercial (MUC) Overlay
20.676 Planned Development (PD) Overlay
20.678 Residential Office (RO) Overlay District
20.680 Genoa Historic (GH) Overlay District
20.682 Clustered Residential Subdivision (CR) Overlay
20.685 Gaming District (GD) Overlay District
20.690 Property Development Standards
20.692 Off-Street Parking
20.694 Landscape Standards
20.696 Sign and Advertising Control

Non-Conforming Uses and Structures
20.698 Non-conforming Uses and Structures

Tahoe Basin Regulations
20.700 Applicability and Procedures
20.702 Zoning Districts and Standards

Division of Land

General Provisions
20.704 General Provisions

Review Procedures
20.708 Subdivision Application Procedure and Approval Process
20.712 Parcel Maps
20.714 Division of Agricultural Land for Conservation Purposes
20.716 Division of Land into Large Parcels
20.718 Division of Land for Agricultural Purposes
20.720 Assurance for Completion and Maintenance of Improvements
20.768 Land Readjustment
20.770 Boundary Line Adjustment

Building and Construction Permits
20.800.010 Declaration
20.800.020 Policy
20.800.030 Purpose
20.800.040 Specialized or uniform codes adopted
20.800.050 Definition of words and terms
20.800.060 Interpretation, conflict, and separability
20.800.070 Validity of permit

20.800.080 Suspension or revocation
20.800.090 Emergency powers
20.800.100 Enforcement, violations, and penalties

Administration
20.810.010 Enforcement violations and penalties
20.810.020 Stop work orders
20.810.030 Notice of correction
20.810.040 Building and fire board of appeals
20.810.050 Nonliability of county

Review Procedures
20.820.005 Amendments to UBC
20.820.010 Permits required
20.820.020 Work exempt from permit
20.820.030 Building permit procedures
20.820.040 Permits issuance
20.820.050 Retention of plans
20.820.060 Expiration of permits
20.820.070 Fees

Site Improvement Permits
20.830.010 Site improvement permits defined
20.830.020 Permits required
20.830.030 Work exempt from permit
20.830.040 Site improvement permit procedures
20.830.050 Retention of plans
20.830.060 Expiration of permits
20.830.070 Fees

Encroachment Permits
20.840.010 Encroachment permit defined
20.840.020 Permits required
20.840.030 Encroachment permit procedures
20.840.040 Retention of plans
20.840.050 Expiration of permits
20.840.060 Fees

Numbering of Streets and Structures
20.900.010 Purpose.
20.900.020 Definitions.
20.900.030 Duplication or similar road names.
20.900.040 Naming new roads.

20.900.050 Changing existing road names.
20.900.060 Notification of road names.
20.900.070 Address numbering-General provisions.
20.900.080 Address numbering system.
20.900.090 Changing address numbers.
20.900.100 Notification of address assignment or change.
20.900.110 Administrative appeals of address designations or road names.
20.900.120 Appeals hearing.
20.900.130 Regulation.
20.900.140 Display requirements.
20.900.150 Enforcement.

Appendix A
Definitions

Appendix B
Uniform Building Code revisions
Uniform Code for Building Conservations revisions
Uniform Mechanical Code revisions
Uniform Plumbing Code revisions
National Electric Code revisions
Uniform Code for Abatement of Dangerous Building
Uniform Fire Code

Appendix C
Hillside Grading Graphics

Appendix D
Sewer Facilities Ordinance

Appendix E
Backflow and Cross-Connection Control Ordinance

Appendix F
Water Facilities

Index

Chapter 20.01

General Provisions; Consistency with Master Plan; Right to Farm

Sections:

20.01.010 Title.
20.01.020 Purpose.
20.01.030 Conformance with master plan.
20.01.040 Enactment.
20.01.050 Interpretation, conflict and severability.
20.01.060 Saving provision.
20.01.070 Effect of this title on approved development permits, development permits currently being processed, and new applications for development permits.
20.01.080 Interpretation of language.
20.01.090 Similar use determination.
20.01.100 Right to farm.
20.01.110 Enforcement authority.

20.01.010 Title.

This title shall be known and may be cited in all proceedings as the "Douglas County Development Code". (Ord. 763, 1996; Ord. 390, 1981; Ord. 167, 1968)

20.01.020 Purpose.

The board of county commissioners finds and declares that this title is adopted to promote the public interest, health, safety, morals, convenience and general welfare; to reduce traffic congestion and hazards in the streets; to preserve recognized values of historic and community appearance, charm and character; to provide light and air for all buildings; to safeguard and enhance property values; to avoid undesirable concentrations of population; to prevent overcrowding of land; to facilitate adequate provision of transportation, water, sewage, schools, park and other facilities and services; and to provide the economic and social advantages gained from a comprehensively planned use of land resources. (Ord. 763, 1996; Ord. 641, 1994; Ord. 495, 1989; Ord. 353, 1980; Ord. 167, 1968)

20.01.030 Conformance with master plan.

This title and the official zoning map of the county, as adopted, are declared to conform to the master plan of the county pursuant to the provisions of chapter 278, NRS. (Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

20.01.040 Enactment.

To promulgate the Douglas County Master Plan, this title is adopted and made effective as of November 21, 1996, Ordinance 96-763, and as amended by Ordinance 984 effective October 25, 2001. (Ord. 984, 2001; Ord. 763, 1996; Ord. 641, 1994; Ord. 353, 1980; Ord. 167, 1968)

20.01.050 Interpretation, conflict and severability.

A. In their interpretation and application, the provisions of this title shall be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

1. Public provisions. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation of the county, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private provisions. Private easements, covenants, conditions and restrictions of record are not enforced by the county except as specifically provided by agreement of Douglas County

B. If any part or provision of these regulations or the application of these regulations to any person or circumstances is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which the judgment shall be rendered and it shall not affect or impair the validity of the remainder of these regulations or the application of them to other persons or circumstances. The board hereby declares that it would have enacted the remainder of these regulations even without any such part, provision, or application which is judged to be invalid. (Ord. 763, 1996; Ord. 641, 1994; Ord. 390, 1981; Ord. 353, 1980; Ord. 167, 1968)

20.01.060 Saving provision.

The provisions of this title shall not be construed as abating any action now pending under, or by virtue of, prior existing land development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any chapter or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the county except as shall be expressly provided for in these regulations.

The provisions of this title notwithstanding, in the Lake Tahoe Basin every structure housing gaming under a nonrestricted license which existed as a licensed gaming establishment on May 4, 1979, or whose construction was approved by the Tahoe

Regional Planning Agency (TRPA) affirmatively or deemed approved before that date is recognized as a permitted and conforming use and as complying with and conforming to all of the regulations prescribed in this title. Any existing or approved structure and associated structures may be repaired, reconstructed, altered and rebuilt or replaced in whole or in part to a size in accordance with the Tahoe Regional Planning Compact. Alteration, rebuilding or replacement shall, if required, comply with the provisions of this title including applicable building, mechanical, plumbing, electrical and fire codes. (Ord. 763, 1996; Ord. 390, 1981)

20.01.070 Effect of this title on approved development permits, development permits currently being processed, and new applications for development permits.

A. Approved development.

1. Development to which an application for design review, special use permit, variance, tentative parcel map, final parcel map, tentative subdivision map, final subdivision map, tentative land division map or final land division map has been finally approved and which approval remains valid on the effective date of this title shall remain valid unless such approval expires by the terms of the approval or in accordance with chapter 20.30. Development which has been granted approval may be built in accordance with the development standards in effect at the time of approval, provided that the approval is valid at the time building permits are issued and that the approval is subject to any time limits imposed pursuant to this title; further provided that any subsequent applications for a development permit required by this title prior to issuance of and including a building permit and certificate of occupancy shall be processed in accordance with the procedures established by this title for the processing of such development permit.

2. No provision of this title shall require any change in the plans, permit expiration, construction or designated use of any structure for which a building permit has been issued prior to the effective date of this title or any subsequent amendment.

3. Any reapplication for an expired development permit must meet the standards in effect at the time of reapplication.

B. Projects in process. Development for which an application for a development permit has been accepted as complete, but which has not been granted final approval by the appropriate designated official prior to the effective date of this title, shall be subject to the land use regulations, standards for approval, and other requirements in effect at the time the application was deemed complete; provided that any subsequent application for a development permit required by this title prior to issuance of and including a building permit and certificate of occupancy shall be processed in accordance with the procedures established by this title for the processing of such development permit. If approved, the development may be built in accordance with the development standards in effect at the time of application, provided that any design review filed subsequent to the issuance of a special use permit or reapplication for an expired permit must meet the standards for approval in effect at the time of application.

This provision shall not apply to any application for a master plan amendment or zoning map amendment.

C. New applications. If no application for a development permit has been accepted as complete and the development has received no more than approval of a master plan map amendment or a zoning map amendment prior to the effective date of this title, pending and subsequent applications for development approval shall be subject to all requirements, standards and procedures set forth in this title. (Ord. 801, 1998; Ord. 763, 1996; Ord. 674, 1994; Ord. 641, 1994; Ord. 628, 1994; Ord. 599, 1993; Ord. 497, 1989)

20.01.080 Interpretation of language.

In the event this title requires interpretation, the director may make the interpretation or refer the matter to the planning commission for action, except as otherwise provided. (Ord. 763, 1996; Ord. 641, 1994; Ord. 353, 1980; Ord. 167, 1968)

20.01.090 Similar use determination.

The director may authorize a use not specifically listed within a zoning district if it is determined that the use is similar to other uses permitted in the zoning district provided that the use is not specifically listed in another zoning district, pursuant to section 20.610.060 (Zoning administration–determination on unlisted uses). (Ord. 763, 1996)

20.01.100 Right to farm.

It is the declared policy of Douglas County to conserve, protect, enhance, and encourage agricultural operations within the county. Further, it is the intent of the county to provide proper notification of the county's recognition of agriculture's right to farm.

Where non-agricultural land uses, and especially residential developments, extend into agricultural areas or exist side-by-side, agricultural operations have often become the subject of nuisance complaints. As a result, agricultural operations are sometimes forced to cease or curtail operations and many others are discouraged from making investments in farm improvements to the detriment of adjacent agricultural uses and economic viability of the county's agricultural industry as a whole. It is the purpose of this chapter to protect agricultural resources and to reduce the loss to the county's agricultural lands by limiting the circumstances under which agricultural operations may be considered a nuisance. This chapter is not to be construed as in any way modifying or abridging any provision of NRS relative to nuisances, but rather is only to be utilized in the interpretation and enforcement of the provisions of this code and county regulations.

The further purpose of this code section is to promote a good neighbor policy between farmers, ranchers and residents by advising purchasers and users of property adjacent to or near agricultural operations of the inherent potential problems associated with proximity to agricultural operations, including but not limited to the sounds, odors,

dust and chemicals that may accompany agricultural operations so that these purchasers and users will understand the inconveniences that accompany living side-by-side with agricultural uses and will be prepared to accept the problems as the natural result of living in or near rural areas.

The right to farm purposes shall be furthered through the following:

A. No existing or future agricultural operation or any of its appurtenances conducted in a manner consistent with proper and accepted standards on agricultural land shall become or be a nuisance, for purposes of all chapters of this code, provided that the agricultural operation complies with all chapters of this code and provided that the provisions of this section shall not apply whenever a nuisance results from the negligent or improper operation of any agricultural operation.

B. Douglas County shall cause to be mailed to all property owners of real property within the county with the annual tax bill the following notice: "Douglas County has declared it a policy to protect and encourage agricultural operations. If your property is located near an agricultural operation, you may at some time be subject to inconvenience or discomfort arising from agricultural operations. If conducted in a manner consistent with proper and accepted standards, these inconveniences and discomforts do not constitute a nuisance for purposes of the Douglas County Code."

C. When giving notice required by NRS, a person who is selling real property which is near an agricultural operation shall disclose in writing to the prospective purchaser the notice contained in paragraph B above.

D. Where a discretionary development permit, including but not limited to subdivision and special use permit, is sought on or adjacent to lands zoned to permit agricultural operations, the discretionary permit shall include a condition requiring the recordation of a deed restriction to notify any present or future owners, users and tenants of the notice contained in paragraph B above.

E. The county may require the developer to install or permit the installation of signs to notify prospective purchasers and users that adjacent or nearby lands are being used for agricultural purposes and that those interests are protected by law. (Ord. 763, 1996)

20.01.110 Enforcement authority.

A. It is the duty of the director or his authorized representative to enforce all of the provisions of this chapter.

B. It is unlawful for any person to interfere with the director or his authorized representative in the performance of his duties. (Ord. 763, 1996; Ord. 641, 1994; Ord. 329, 1980; Ord. 167, 1968)

Chapter 20.02

Development Permits

Sections:

20.02.010 Development permits required.
20.02.020 Classification of development permits.

20.02.010 Development permits required.

No development may be undertaken unless a development permit is issued in accordance with the provisions of this title. **Development** shall mean, except as otherwise provided in this title, any of the following activities:

A. Filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil or land form of a site with the exception of those activities associated with cultivation of the land;

B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system and the storage of materials;

C. Erection of a sign except as otherwise exempted;

D. Alteration of a historic property for which authorization is required under this code;

E. Changing the use of a site so that the requirement for parking is increased;

F. Construction, elimination or alteration of a driveway onto a public street. (Ord. 763, 1996; Ord. 331, 1980; Ord. 167, 1968)

20.02.020 Classification of development permits.

Development permits shall be classified as zoning permits, land division permits or building permits.

A. Zoning permits include approval of any of the following types of development applications:

1. Master plan map amendment;
2. Master plan text amendment;
3. Zoning map amendment, including applications for overlay district;
4. Zoning text amendment;
5. Specific plan;
6. Special use permit;
7 .Design review;
8. Variance;
9. Modification (major or minor) to approved permit;
10. Planned development;

11. Home occupation permit;
12. Sign permit; and
13. Temporary use permit.

B. Land division permits include approval of any of the following types of development applications:

1. Tentative or final subdivision map;
2. Tentative or final parcel map;
3. Tentative or final land division map;
4. Variances or exceptions to such maps;
5. Modifications (major and minor) to such maps;
6. Boundary line adjustment;
7. Reversions to acreage; and
8. Amended map filings.

C. Building permits include approval of any of the following types of development applications:

1. Building permit;
2. Site improvement permit; and
3. Encroachment permit. (Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.04

Application Process and Official Filing Date

Sections:

20.04.010 Standardized forms.
20.04.020 Determination of complete application.
20.04.030 Douglas County design criteria and improvement standards.
20.04.040 Processing of application and report.
20.04.050 Official filing date.

20.04.010 Standardized forms.

Requests for development permits shall be made on applications provided by the community development department. The county may promulgate submittal requirements, instructions for completing forms, internal procedures for acceptance and filing of applications, and provisions for waiver by administrative guideline. For permits requiring a public hearing, the application shall include the names of all owners and, if a corporation, all stockholders and officers. (Ord. 763, 1996; Ord. 500, 1989; Ord. 390, 1981)

20.04.020 Determination of complete application.

Within 3 working days after an application for a zoning permit or a land division permit has been received by the community development department, the director must determine whether the application is complete. If it is determined that the application is not complete, written notice must be forwarded to the applicant describing the additional information required. The director may take no further action on the application unless the deficiencies are remedied. If the official fails to make a determination of completeness within 3 working days without the written concurrence of the applicant, the application is deemed complete. A determination of completeness does not constitute a determination of compliance with the substantive requirements of this title. (Ord. 1291, 2009; Ord. 1241, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 494, 1989; Ord. 390, 1981)

20.04.030 Douglas County design criteria and improvement standards.

All development applications shall be in conformance with the adopted Douglas County design criteria and improvement standards. (Ord. 763, 1996)

20.04.040 Processing of application and report.

Following the determination that a development application is complete or the application is deemed complete under this title, the applicant shall tender the applicable fees. The director shall file the application, review it, forward it for review to any

advisory body designated by this title, and prepare a report for the planning commission or board, as may be required, recommending approval, denial or continuance for redesign. The director shall schedule the matter for public hearing or make a final decision within the time and in the manner required by this title, the NRS, or by administrative guidelines. (Ord. 763, 1996)

20.04.050 Official filing date.

The time for processing applications for development permits or acting on applications established by NRS or by this title shall commence on the date that the application is deemed complete and the fees are paid. The time-frames shall include, but shall not be limited to, those established by NRS and this title, as may be amended. Material modifications of any application by the applicant following the filing of the application and prior to the expiration of the period during which the county is required to take action shall extend the period for a like time following the director's determination that the modified application is complete and the application is refiled. (Ord. 763, 1996; Ord. 390, 1981)

Chapter 20.06

Decision by the Director

Sections:

20.06.010 Decision by director.
20.06.020 Notification and appeal of decision by director.

20.06.010 Decision by director.

If this title delegates authority for making the final decision on a development application to the director or designee, the director shall review the complete application, make necessary findings and render a decision on the application within the time established for the specific application. (Ord. 763, 1996)

20.06.020 Notification and appeal of decision by director.

The director shall notify the applicant on his decision on the development application within three working days of the decision. If the decision is on a zoning permit application within a town's boundary that the town has reviewed under section 20.08.010, a copy of the decision must be sent to the town board at the same time. The decision of the director may be appealed to the appellate body in the manner and time-frame provided in section 20.28.020. If the appeal involves application completeness, the board of adjustment is the appellate body. (Ord. 972, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 615, 1993)

Chapter 20.08

Review by Advisory Body

Sections:

20.08.010 Designation of advisory body.
20.08.020 Review and recommendation by advisory body.
20.08.030 Effect of action by advisory body.

20.08.010 Designation of advisory body.

A. With the exception of home occupation permits, sign reviews, temporary use permits and records of survey, all applications for zoning permits and tentative parcel and subdivision maps on any land within the established boundaries of the towns of Genoa, Minden or Gardnerville shall be reviewed by the town board of the town, prior to final action by the director, planning commission or board, as may be required, and the town board shall be deemed the advisory body within the jurisdiction.

B. All applications for tentative or final subdivision and parcel map approval shall be reviewed by the governmental entities required by NRS 278, prior to final action by the director, planning commission or board. (Ord. 763, 1996)

20.08.020 Review and recommendation by advisory body.

No final action shall be taken until a formal written recommendation has been received by the director or hearing body. Failure of advisory body to make a recommendation may not operate to deprive an applicant of statutory rights. (Ord. 763, 1996)

20.08.030 Effect of action by advisory body.

All actions by advisory bodies in making a recommendation on any development permit shall be deemed to be advisory and as evidence to be considered by the final decision-maker. However, the record generated before an advisory body may be considered. (Ord. 763, 1996)

Chapter 20.10

Review and Decision by Planning Commission

Sections:

20.10.010 Public hearing and recommendation by planning commission.
20.10.020 Decision by planning commission.
20.10.030 Notification and appeal of decision by planning commission.

20.10.010 Public hearing and recommendation by planning commission.

Whenever the planning commission is required by NRS or this title to make a recommendation to the board concerning an application for a development permit, the commission shall conduct a public hearing, if required by this title, in accordance with the provisions of chapter 20.20. The public hearing shall be held within the time established by law. (Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.10.020 Decision by planning commission.

Whenever the planning commission has been delegated as the final decision-making authority for a development permit pursuant to this title, it shall decide whether to approve, conditionally approve, deny or continue the application at a public meeting, following receipt of the report and recommendation of the director. For an approval, a majority of the commissioners present must vote to approve the item. A vote of less than a majority of the commissioners present to approve or a tie vote is considered a denial. On an appeal, the planning commission must, at a public meeting, decide whether to affirm, reverse or modify only those items raised in the appeal, following receipt of the report and recommendation of the director and upon consideration of the proceedings below. The planning commission may attach any reasonably necessary conditions when approving a permit that was denied by the director or the final decision-maker. If a public hearing is required by this title prior to decision, the hearing shall be conducted in the manner provided in chapter 20.20. The public hearing shall be held within the time established by law. The director shall notify the applicant of the decision of the commission, in writing, within three working days. (Ord. 970, 2001; Ord. 763, 1996, Ord. 390, 1981)

20.10.030 Notification and appeal of decision by planning commission.

If the planning commission denies or conditionally approves the application, the director shall notify the applicant and board of the commission's decision, in writing, within three working days of the decision and inform the applicant of appeal rights and procedures. If the decision is on a zoning permit application within a town's boundary that the town has reviewed under section 20.08.010, a copy of the decision must be sent to the town board at the same time. (Ord. 972, 2001; Ord. 763, 1996; Ord. 608, 1993; Ord. 158, 1967)

Chapter 20.12

Review and Decision by Board of County Commissioners

Sections:

20.12.010 Review and decision by board.
20.12.020 Review and decision by board of adjustment on appeal.

20.12.010 Review and decision by board.

Whenever the board is required by NRS or has reserved for itself pursuant to this title the authority for final action upon a development application, whether upon the recommendation of the director or the planning commission, the board shall conduct a public hearing on the matter, in accordance with the provisions of chapter 20.20. The public hearing shall be held within the time established by law. If no public hearing is required, the board shall consider the matter at a regularly scheduled public meeting. Following the conclusion of the public hearing, if required, the board shall decide whether to approve, conditionally approve, deny or continue the application at a public meeting. For an approval, a majority of all the board members must vote to approve the item. For purposes of this section, a public body may not count an abstention as a vote in favor of an action. A vote of less than a majority to approve or a tie vote is considered a denial. The applicant shall be notified by the director of the board's decision in the manner provided in section 20.20.050. (Ord. 970, 2001; Ord. 801, 1997; Ord. 763, 1996, Ord. 620, 1994; Ord. 390, 1981)

20.12.020 Review and decision by board of adjustment on appeal.

The board of commissioners, acting as the board of adjustment on appeal, shall decide whether affirm, reverse or modify only those items raised in the appeal at a public meeting, following receipt of the report and recommendation of the director and upon consideration of the proceedings below. The board may attach any reasonably necessary conditions when approving a permit that was denied by the director or the final decision-maker. If a public hearing is required by this title prior to decision, the hearing shall be noticed and conducted in the manner provided in chapter 20.20. If the board denies the application, a written statement setting forth the basis for its decision to deny the application shall be prepared. The applicant shall be notified by the director of the board's decision in the manner provided in section 20.20.050. (Ord. 970, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 613, 1993; Ord. 608, 1993, Ord. 199, 1973)

Chapter 20.14

Conditional Approval

Sections:

20.14.010 Authority to condition development permits.
20.14.020 Record and notification of conditions.

20.14.010 Authority to condition development permits.

A. Whenever this title or NRS authorizes the director, the planning commission, board, or other body to condition applications for development permits, the official or entity, after review of the application and other pertinent documents and any evidence made part of the record of the public hearing, may, in addition to those conditions required for particular types of development permits, impose additional conditions reasonably necessary to assure the following:

1. Conformity with the goals and policies embodied in the master plan;
2. Standards which are generally or specially applicable to particular uses including specific conditions relative to operation of the use;
3. Compatibility between the proposed development and adjacent development and neighborhoods;
4. Preservation of the character and integrity of adjacent development and neighborhoods; and
5. Protection of the health, safety and general welfare of the citizens of the county.

B. Where additional conditions are imposed, the body imposing the conditions shall make findings which embody the basic purpose of the conditions placed on the application. The conditions imposed by recommendation of the director or planning commission may be modified subsequently by the final decision-maker by the appellate body upon appeal of those conditions. (Ord. 970, 2001; Ord. 763, 1996; Ord. 390, 1981)

20.14.020 Record and notification of conditions.

The director shall include a copy of the approved conditions with the record of the decision which is filed with the secretary of the final decision-maker and the applicant. (Ord. 763, 1996)

Chapter 20.20

Notice Provisions

Sections:

20.20.010 Public notice sign.
20.20.020 Published notice.
20.20.030 Personal notice of public hearing.
20.20.040 Personal notice of filings for minor variance and design review applications
20.20.050 Notification following decision.
20.20.060 Notification of appeal or revocation.
20.20.070 Costs of notice.

20.20.010 Public notice sign.

A. Prior to holding a public hearing, the applicant shall provide evidence that a public notice sign on the subject site has been posted in accordance with the following:

1. The sign shall be posted on the site of a development application at least ten days prior to any public hearing. The purpose of the public-notice sign is to notify the community and residents in the effected area of the proposed development and the time, place and date for consideration.

2. The sign shall be posted in the form established by the community development department (see figure 20.20.1). The number and location of the sign placement shall be determined by the director. The sign shall be removed by the applicant within 72 hours of the decision or the date of withdrawal. (Ord. 801, 1997; Ord. 763, 1996)

Figure 20.20.1

24"

NOTICE
of
PUBLIC HEARING

SITE ADDRESS:

APN:

PROPOSAL:

PUBLIC HEARING:

DATE:

TIME:

LOCATION:

DEVELOPER:

Phone:

For further information, please contact:

Case Planner:
Douglas County
Community Development Department
P.O. Box 218
1594 Esmeralda Avenue
Minden, NV 89423
(702)782-_____; fax (702)782-9007

(Ord. 763, 1996).

20.20.020 Published notice.

Except as otherwise specifically provided in this title, in any instance in which it is required by law that an advisory body, director, the planning commission, board, or any other final decision-maker must hold a public hearing, a notice setting forth the date, time, place and purpose of the hearing, the name of the applicant, and identification of

the subject property must be published once in a newspaper of general circulation published in the county, at least ten days before the date set for the hearing. The notice shall be prepared by the county. (Ord. 763, 1996; Ord. 610, 1993; Ord. 608, 1993; Ord. 607, 1993; Ord. 605, 1993; Ord. 539, 1991; Ord. 494, 1989; Ord. 390, 1981)

20.20.030 Personal notice of public hearing.

A. Whenever personal notice of a public hearing is required by this title or by chapter 278 of NRS, in addition to the notice requirement of section 20.20.010, notice must be mailed, or if requested by a party, provided by electronic means if the electronic notice can be sent and its receipt can be verified by the county, at least ten days prior to the hearing to:

1. The applicant;

2. Any person who has filed a written request for the notice;

3. Surrounding property owners within a radius drawn from the perimeter limits of the property that is subject of the application as follows:

a. If the subject property is one acre or less in size, all properties within 300 feet shall be notified.

b. If the subject property is more than one acre and less than 40 acres in size, all properties within 600 feet shall be notified.

c. If the subject property is 40 acres or larger, each property owner within 1,320 feet shall be notified.

d. Or to each owner of at least the 30 parcels nearest to the project parcel, as listed on the county assessor's records, if it is a greater number of parcels than required by subsections (a), (b), or (c), and to the extent it does not duplicate notice given in subsection (a), (b), or (c).

4. If a zone change, variance or special use permit is proposed within 300 feet of a mobile home park, each tenant of the mobile home park must be notified.

5. Any advisory board, which has been established for the affected area by the governing body.

6. Where the site contains any type of conveyance ditch or easement which requires a hearing before the water conveyance advisory committee, notice shall be provided to any conveyance ditch user within Douglas County adjacent to or downstream of the proposed map as determined from the list of water rights owners compiled by the Federal Water Master's Office, or for those conveyance facilities not covered by the Alpine Decree from the list of water right owners maintained by the state engineer.

B. The notice must include the name of the applicant, the time, place and purpose of the hearing and a physical description of, or map detailing the proposed change of the property. The notice must include a section that an owner of property may complete and return to the governing body to indicate his approval of or opposition to the proposed amendment. The notice of zoning permits must indicate the existing zoning designation, the proposed zoning designation, and contain a brief summary of

the intent of the change of the property. (Ord. 984, 2001; Ord. 943, 2000; Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 610, 1993; Ord. 608, 1993; Ord. 607, 1993; Ord. 605, 1993; Ord. 539; 1991; Ord. 494, 1989; Ord. 390, 1981)

20.20.040 Personal notice of filings for minor variance and design review applications.

Upon the filing of an application for a minor variance or design review, excluding minor design review, the community development department shall send, by first class mail, notice of the filing of an application to all contiguous property owners. Contiguous for the purpose of this chapter includes those properties which touch the parcel which is subject to the land use request including those which would touch the property when projected across a public or private easement or right-of-way. The notice shall contain a brief description of the request, the location of plans for review and a deadline for comment. (Ord. 801, 1998; Ord. 763, 1996; Ord. 501, 1989; Ord. 400, 1982; Ord. 199, 1973)

20.20.050 Notification following decision.

Within three working days of the date of the final decision-maker's determination on the development application, written notification of the action shall be mailed to the applicant, stating the action taken and including all conditions imposed and times established for satisfaction of such conditions, if any. If the final decision-maker denies the application, a written statement setting forth the basis for that decision to deny the application shall also be included. If the decision is on a zoning permit application within a town's boundary that the town has reviewed under section 20.08.010, a copy of the decision must be sent to the town board at the same time. The record of the notification shall be filed with the clerk of the board. (Ord. 972, 2001; Ord. 763, 1996; Ord. 608, 1993; Ord. 607, 1993; Ord. 390, 1981)

20.20.060 Notification of appeal or revocation.

Whenever a notice of appeal is filed or whenever the county determines to revoke a development permit which was obtained following a public hearing pursuant to chapter 20.24, personal notice of the appeal or revocation shall be prepared and made in the manner prescribed by section 20.20.030. (Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 614, 1993; Ord. 613, 1993; Ord. 608, 1993, Ord. 607, 1993; Ord. 167, 1968)

20.20.070 Costs of notice.

The applicant is responsible for providing the required mailing list, labels and stamped envelopes, and for payment of any fee for the list and labels, for any proposal requiring personal notice. (Ord. 801, 1997; Ord. 763, 1996; Ord. 608, 1993)

Chapter 20.24

Public Hearing Procedures

Sections:

20.24.010 Setting of the hearing.
20.24.020 Examination of and copying of documents.
20.24.030 Conduct of hearing.
20.24.040 Record of proceedings.
20.24.050 Continuance of proceedings.
20.24.060 Additional rules.
20.24.070 Rehearing procedures.

20.24.010 Setting of the hearing.

When the director determines that a development permit application is complete and that a public hearing is required by this title, the official shall select a place, date and time for the required hearing, and prepare notice of the hearing pursuant to chapter 20.20. The hearing shall be held as provided by law, except where a written request for extension has been submitted by the applicant and the extension is granted by the appropriate body, or staff requested the continuance with the consent of the applicant. (Ord. 763, 1996; Ord. 501, 1989; Ord. 400, 1982)

20.24.020 Examination of and copying of documents.

At any time, upon reasonable request, any person may examine the application and materials submitted in support of or in opposition to an application for a development permit. Copies of any material will be made available at cost to the extent permitted by law. (Ord. 763, 1996)

20.24.030 Conduct of hearing.

A. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing shall state his or her full name, and if appearing on behalf of an organization, state the name and mailing address of the organization for the record.

B. The hearing body may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but shall do so only through the chairman of the body conducting the hearing and at the chairman's discretion. (Ord. 763, 1996)

20.24.040 Record of proceedings.

A. The body conducting the hearing shall record the proceedings by any

appropriate means and prepare written summary of the minutes. Upon written request and payment of a fee set by resolution, the clerk of the body conducting the hearing shall duplicate the audio record or written summary of minutes.

B. The official record of the hearing shall include testimony and statements of personal opinions, the minutes of the meeting, all applications, exhibits and papers submitted and any proceeding before the body, all staff and advisory body or commission reports and recommendations, and the decision and reports of the body.

C. All records of the body shall be public records, open for inspection at reasonable times and upon reasonable notice. (Ord. 763, 1996)

20.24.050 Continuance of proceedings.

The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time and place. The applicant must agree to the continuance when the time limit of the application provided by law would otherwise lapse.

An applicant has the right to one continuance upon payment of the established fee, and if required, the cost of additional notice. All subsequent continuances may be granted at the discretion of the body conducting the hearing only on good cause shown, and on payment of applicable fees.

If the hearing is continued to a fixed date within 35 days of the original hearing date, additional notice is not required. For all other continuances, additional notice is required in the manner required for the initial hearing. The county will prepare the notice and the party requesting the continuance must pay the costs. (Ord. 1024, 2002; Ord. 763, 1996; Ord. 608, 1993; Ord. 607, 1993)

20.24.060 Additional rules.

All matters pertaining to the public hearing shall be governed by other provisions of this code applicable to the body conducting the hearing and its adopted rules or procedures, as long as they are not in conflict with this title. The body conducting the hearing may adopt rules of procedure to limit the number of applications for development approval which may be considered per meeting and the time for each presentation. (Ord. 763, 1996)

20.24.070 Rehearing procedures.

A. A request for a rehearing may only be filed by an applicant, as defined in Appendix A to Title 20, or by any member of the board who voted with the prevailing majority on a final determination by the board. No person, however, will be entitled to a second rehearing of the same matter.

B. All requests for rehearing shall be filed in writing with the secretary of the hearing body within five days of the date the decision was rendered and shall set forth justification for such request for rehearing.

C. The board must hear the request for rehearing within 30 days after the filing of the application and applicable fees. An application for rehearing may be granted by the

affirmative vote of a super-majority of the members of the hearing body upon a finding that there appears to be evidence to substantiate the grounds identified in subsection D below.

D. An application for rehearing shall be granted only if the applicant demonstrates that the record of the proceedings should be expanded to consider evidence that is material to the decision on the application; that such evidence was not available or could not be presented due to circumstances beyond the applicant's control at the original hearing; and that there is a reasonable probability that the evidence, when considered by the hearing body, may lead to a different decision. (Ord. 1282, 2009; Ord. 763, 1996; Ord. 641, 1994; Ord. 613, 1993)

Chapter 20.28

Post Decision Proceedings

Sections:

20.28.010 Reapplication following denial.
20.28.020 Appeals to county.
20.28.030 Judicial appeals.
20.28.040 Amendments and revisions to approval.

20.28.010 Reapplication following denial.

Whenever any application for a development permit is denied for failure to meet the requirements of this title, an application for a development permit for all or a part of the same property shall not be considered for a period of one year from the date of denial unless the subsequent application involves a proposal that is materially different from the previously denied proposal. (Ord. 763, 1996; Ord. 613, 1993)

20.28.020 Appeals to county.

A. Any person with standing, aggrieved by a final determination on a development permit by the director or final decision-maker may appeal the final determination to the appellate body designated by this title, if any, in the manner provided in this chapter.

B. The following persons have standing to appeal:

1. Any person with legal or equitable interest in the property affected by the final decision;

2. Any person with legal or equitable interest in property located within the notice radius for the given project;

C. A written notice of appeal must be filed with the community development department within ten working days of the date of the final decision. The notice of appeal shall be filed on a form provided by the county and contain a written statement of the reasons why the final decision is erroneous or why conditions to the approval are erroneous, and shall be accompanied by the fee established by resolution.

D. The appellate body shall hear the appeal and render its decision within 60 calendar days after the filing of the notice of appeal and applicable fees. The hearing shall be conducted in accordance with the provisions of chapter 20.20. If the person appealing the decision is not the applicant, personal notice of the hearing is required to be sent to the applicant pursuant to section 20.20.030. The appellate body, in reviewing the decision, will be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.

E. The appellate body may affirm, reverse or modify only those items raised in the appeal. The appellate body may attach any conditions reasonably necessary when approving a permit that was denied by the director or the final decision-maker, as

provided in chapter 20.14.

F. The decision of the board or the board of adjustments is a final decision for the purpose of judicial review. (Ord. 1240, 2008; Ord. 970, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 669, 1994; Ord. 641, 1994; Ord. 613, 1993; Ord. 494, 1989; Ord. 390, 1981; Ord. 1240, 2008)

20.28.030 Judicial appeals.

A person aggrieved by the final decision of the board or board of adjustments may file for judicial review within 25 days from the date of filing of notice of the final decision with the secretary of the hearing body. (Ord. 970, 2001; Ord. 763, 1996)

20.28.040 Amendments and revisions to approval.

A. The director, upon submittal of the applicable form, materials and fee, may approve minor amendments to the terms of approval of an application for a development permit. Minor revisions must be authorized in writing by the director and are subject to appeal pursuant to chapter 20.28. Minor revisions that may be authorized are those that appear necessary in light of technical considerations requested by the applicant or the director and shall be limited to the following:

1. Requests that involve less than 25 percent of the building area or project site area;

2. Requests that involve minor changes in color, material, signage, design, landscape material or parking or driveway orientation; or

3. Requests that involve minor design changes which represent improvements to previous engineering, site design or building practices, provided the request does not change the character of the project or result in negative impacts to adjoining properties, drainage facilities, irrigation facilities or rights-of-way.

B. All other revisions shall be considered major revisions. Where the holder of an approved application for a development permit wishes to make a major revision to the approval which is not covered by subsections 1 through 3 above, an application including all required materials and fees shall be submitted to the community development department and forwarded for approval of the final decision-maker in accordance with the procedures established for the original approval. (Ord. 763, 1996; Ord. 641, 1994)

Chapter 20.30

Expiration of Approval of Development Permit

Sections:

20.30.010 Time of expiration.
20.30.020 Extension procedures.

20.30.010 Time of expiration.

A. Unless otherwise specifically provided for in this title, development permits shall automatically expire and become null or void, and all activities pursuant to such permit thereafter shall be deemed in violation of this title, if the applicant:

1. Fails to inaugurate the project;
2. Fails to pursue the project to completion;
3. Fails to satisfy any condition that was imposed as part of the original or revised approval of the development application or that was made pursuant to the terms of any development agreement, within the time limits established therein for satisfaction of such condition or term; or
4. Fails to present a subsequent development application required by this title within the time required or as may be required by law.

B. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time shall be deemed to be one year from the date such approval was granted by the final decision-maker. (Ord. 763, 1996; Ord. 615, 1993; Ord. 499, 1989)

20.30.020 Extension procedures.

An applicant may request an extension of the following approved development permits: design review, modification, sign permit, special use permit, or variance. The director may grant one, two year administrative extension of time from the original date of the development permit expiration. The director may refer the extension application and decision to the final decision maker who originally approved the development permit. An administrative extension does not require notice to be provided or a public hearing. Subsequently, the final decision maker who originally approved the development permit, may grant one additional extension of time up to two years. All requests for an extension must include a letter of request, the applicable fee, and a written justification for the extension prior to the expiration of the development permit. In reviewing any such extension, the final decision maker must consider the continued appropriateness of the development permit and may add conditions, as necessary, to ensure the project does not adversely impact other properties in the area, protects the public interest, and ensures the public health, safety, or welfare. No further extension may be granted by the director or by the final decision maker except as provided by an

adopted development agreement or by law. (Ord. 1327, 2010; Ord. 763, 1996; Ord. 615, 1993; Ord. 598, 1993; Ord. 499, 1989)

Chapter 20.32

Revocation of Permit

Sections:

20.32.010 Duties of director.
20.32.020 Notice and public hearing.
20.32.030 Required findings.
20.32.040 Decision and notice.
20.32.050 Effect; appeals.
20.32.060 Right cumulative.

20.32.010 Duties of director.

If the director or board determines, based on inspection by county staff, that there are reasonable grounds for revocation of a development permit authorized by this title, he or she shall set a hearing before the original hearing body, or if the decision was made by the director, to the body to which appeal may be taken under this title. If the board was the original hearing body, it may refer the proposed revocation to the planning commission for its report and recommendation prior to such hearing. (Ord. 763, 1996)

20.32.020 Notice and public hearing.

Notice shall be given in the same manner provided in chapter 20.20. The public hearing shall be conducted in accordance with the procedures established in chapter 20.24. (Ord. 763, 1996)

20.32.030 Required findings.

The hearing body shall revoke the development permit upon making one or more of the following findings:

A. That the development permit was issued on the basis of erroneous or misleading information or misrepresentation by the applicant;

B. That the terms or conditions of approval of the permit relating to establishment or operation of the use approved have either been violated or not met, or that other laws or regulations of the
county, state, federal or regional agencies applicable to the development have been violated. (Ord. 763, 1996)

20.32.040 Decision and notice.

Within ten working days from the conclusion of the hearing, the hearing body shall render a decision, and shall notify the holder of the permit any other person who has filed a written request for the notice in the manner provided in chapter 20.20. (Ord.

763, 1996)

20.32.050 Effect; appeals.

A decision to revoke a development permit shall become final ten days after the date of notice of the decision was given, unless appealed. After the effective date, all activities pursuant to the permit are deemed in violation of this title. Appeal of the decision to revoke the permit shall be to the board and shall conform to the procedures established in chapter 20.28. There shall be no further appeal where the board has revoked a development permit. Whenever any application for a development permit is revoked, an application for a development permit for all or a part of the same property must not be considered for a period of one year from the date of revocation unless the subsequent application involves a proposal that is materially different from the previously revoked proposal. (Ord. 801, 1997; Ord. 763, 1996)

20.32.060 Right cumulative.

The county's right to revoke a development permit, as provided in this chapter, is cumulative to any other remedy allowed by law. (Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.34

Enforcement

Sections:

20.34.010 Procedures.
20.34.020 Remedies.
20.34.030 Penalties.

20.34.010 Procedures.

A. Any activity contrary to the provisions of this title is declared to be unlawful and a public nuisance. The following procedures shall apply to the enforcement of the provisions of this title:

1. Upon written or oral notice given to the code enforcement officer, building inspector, or other official by a person or appropriate authority of a violation of this title, the director, after consultation with the district attorney and upon determining that an activity is unlawful and a public nuisance, shall deliver to the party or parties in violation of this title, a written order to comply with the provisions of this title within ten days or other time frame established by the code enforcement officer of receipt of same.

2. Upon failure of the party or parties to comply with this title within ten days of the mailing of the notice or other time-frame established by the notice of violation and upon receipt by the district attorney of a written statement signed by the code enforcement officer, building inspector or director setting forth the violations, the background of the violation, the parties involved, the date of delivery of notice to comply, and the date of inspection on which it was determined that the party had not complied within the time limits allowed for compliance, the case is considered referred to the district attorney's office for a decision concerning the filing of criminal charges.

3. Enforcement by injunction. Compliance with the provisions of this title may also be enforced by injunction order at the suit of the county or one or more owners of real property situated within an area affected by the regulations of this title. (Ord. 1010, 2002; Ord. 763, 1996; Ord. 641, 1994; Ord. 329, 1980; Ord. 167, 1968)

20.34.020 Remedies.

All remedies provided for by this title shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve any person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof. (Ord. 763, 1996; Ord. 641, 1994; Ord. 329, 1980; Ord. 167, 1968)

20.34.030 Penalties.

Any person, firm or corporation, whether as principal agent, employee or otherwise, found to be violating any provision of this title or violating or failing to comply with any order or regulation made hereunder, is guilty of a misdemeanor. The person, firm or corporation is guilty of a separate offense for each day and every separate offense during which the violation of this title or failure to comply with any order or regulation as committed, continued or otherwise maintained. (Ord. 763, 1996; Ord. 641, 1994; Ord. 329, 1980; Ord. 167, 1968)

Chapter 20.38

Board of Adjustment

Sections:

20.38.010 Board of adjustment established.
20.38.020 Powers and duties.

20.38.010 Board of adjustment established.

A board of adjustment for the county, with the powers set forth in this chapter is established. This board shall consist of the board of county commissioners. (Ord. 763, 1996; Ord. 641, 1994; Ord. 613, 1993; Ord. 199, 1973)

20.38.020 Powers and duties.

The board of adjustment shall:

A. Hear and decide appeals where it is alleged by the applicant that there is an error in any order, requirement, decision or refusal made by an administrative official or advisory body based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures pursuant to the procedures set forth in this chapter;

B. Decide all matters referred to it under the provisions of this title or properly of concern. All actions of the board of adjustment shall be limited to administrative actions only in order to ensure the intent and purpose of this title shall apply in special cases as herein defined. (Ord. 763, 1996; Ord. 641, 1994; Ord. 613 1993; Ord. 199, 1973)

Chapter 20.40

Fees

Sections:

20.40.010 Fee schedule.
20.40.020 Payment of fee.

20.40.010 Fee schedule.

The board shall establish a schedule of fees for processing of all development applications under this title by resolution. All resolutions are incorporated by reference into this title as though fully set forth. (Ord. 763, 1996; Ord. 390, 1981; Ord. 339, 1980; Ord. 284, 1976; Ord. 203, 1973; Ord. 167, 1968)

20.40.020 Payment of fee.

Except as otherwise established by formal policy adopted by the board, every application for a development permit under this title shall be accompanied by a fee as set by resolution of the board. Any fee required by this title shall be collected and deposited with the community development department. Refund of fees may be made less the staff and administrative costs incurred to date by the county. No refund shall be made where the development permit has been noticed for hearing. (Ord. 763, 1996; Ord. 390, 1981; Ord. 339, 1980; Ord. 284, 1976; Ord. 205, 1973; Ord. 167, 1968)

Chapter 20.44

Rounding of Quantities

Sections:

20.44.010 Rounding of quantities.

20.44.010 Rounding of quantities.

All fractions of whole numbers are to be rounded to the nearest highest whole number when the fraction is 0.5 or more, and to the next lowest whole number when the fraction is less than 0.5, except as otherwise provided in the development code. (Ord. 763, 1996)

Chapter 20.50

Floodplain Management

Sections:

20.50.010 Statutory authority.
20.50.020 Definitions.
20.50.030 Statement of fact.
20.50.040 Purpose.
20.50.050 Intent.
20.50.060 Applicability.
20.50.070 Warning and disclaimer of liability.
20.50.080 Designation of county floodplain administrator.
20.50.090 Duties and responsibilities of the county floodplain administrator.
20.50.100 Floodplaint development permits.
20.50.110 Special requirements for division of land in special flood hazard areas.
20.50.120 Standards for construction.
20.50.130 CLOMARs and LOMRs.
20.50.140 Letter of map amendment (LOMA).
20.50.150 Hydrology and hydraulic studies.
20.50.160 Adverse Impact.
20.50.170 No-rise certification.
20.50.180 Substantial improvements.
20.50.190 Variances.
20.50.200 Violations and penalties.

20.50.010 Statutory authority.

Pursuant to NRS 278.020 and 244A.057, the county adopts the following floodplain management regulations. (Ord. 763, 1996)

20.50.020 Definitions.

Definitions of many of the words used in this chapter are contained in Appendix A to Title 20. Unless specifically defined in Appendix A to Title 20 or in this ordinance, the words and phrases used in this ordinance should be interpreted to give them the meaning they have in common usage and to give this ordinance its most reasonable application. (Ord. 1251, 2008)

20.50.030 Statement of fact.

A. Portions of Douglas County are subject to periodic inundation by flood waters which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood

protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in flood-prone areas increases flood heights and velocities, which also contribute to flood losses. (Ord. 1251, 2008; Ord. 763, 1996)

20.50.040 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flooding in specific areas through the implementation of provisions designed to:

A. Protect human life and health, protect the floodplain, and minimize adverse impact;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding, which are usually at the expense of the general public;

D. Minimize prolonged business interruptions;

E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in special flood hazard areas;

F. Help maintain a stable tax base by providing for the sound use and development of special flood hazard areas and X-shaded flood zones to minimize property devaluation resulting from flood damage and events;

G. Ensure property owners and potential property owners are notified when property is located in special flood hazard areas;

H. Ensure those who occupy special flood hazard areas assume responsibility for their actions;

I. Maintain qualifying standards for participation in the National Flood Insurance Program; and

J. Comply with applicable Code of Federal Regulations. (Ord. 1251, 2008; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980; Ord. 158, 1956)

20.50.050 Intent.

The intent of this chapter is to incorporate development standards that further the purpose as follows:

A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion, flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, alluvial fans, stream channels, and natural protective barriers, that help accommodate or channel flood waters;

D. Control filling, grading, dredging, and other development that may increase flood

damage; and

E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas. (Ord. 1251, 2008; Ord. 763, 1996)

20.50.060 Applicability.

A. This ordinance applies to all properties within the county that are located within a FEMA designated special flood hazard area and to all construction and development projects within the designated special flood hazard areas and X-shaded flood zone. For the purposes of this chapter, the special flood hazard area and X-shaded flood zone identified by the Federal Insurance Administration (FIA) in the Douglas County, Nevada and Incorporated Areas Flood Insurance Study (FIS) and accompanying Flood Insurance Rate Maps (FIRM) dated November 8, 1999, and all subsequent amendments and revisions are adopted by reference and declared to be a part of the ordinance. The FIS and attendant mapping is the minimum area of applicability of this ordinance and may be supplemented by studies for other areas that allow implementation of this ordinance and that are recommended to the board by the administrator. The FIS and FIRM are on file with the community development department. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980)

20.50.070 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood depths or heights may be increased by man-made or natural causes. This ordinance does not imply that land outside special flood hazard areas and the X-shaded flood zones or uses permitted within these areas will be free from flooding or flood damages. This ordinance does not create liability on the part of the county, any officer or employee, the state, the Federal Insurance Administration, or FEMA, for any flood damages that result from reliance on this ordinance or any lawful administrative decision. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996)

20.50.080 Designation of county floodplain administrator.

The director of the community development department is appointed county floodplain administrator and is responsible for administration and implementation of this chapter. For the purposes of this chapter the county floodplain administrator will be referred to as “administrator”. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980)

20.50.090 Duties and responsibilities of the county floodplain administrator.

Duties and responsibilities of the administrator include, but are not limited to the following:

A. Floodplain development permit application review. A development permit will not be issued for a parcel or parcels within, or that has construction on a parcel with any portion within, a special flood hazard area or the X-shaded flood zone until the administrator has confirmed that:

1. The permit application is complete and consistent with the provisions and standards of this chapter;

2. All required state and federal permits have been issued; and

3. Proposed development in a designated special flood area will have no adverse impact and any construction or other improvement in the X-shaded flood zone will not encroach into the special flood hazard area.

B. Alteration of watercourses. Before a permit may be issued for any alteration or relocation of a watercourse the administrator must:

1. Confirm the applicant has a conditional letter of map revision (CLOMAR).

2. Verify that the applicant has notified all affected property owners and communities, Nevada's State Floodplain Manager, Nevada Division of Water Resources, and FEMA.

3. Determine that the permit holder has provided for maintenance within the altered or relocated portion of the watercourse, based on information provided by the applicant, so that the flood carrying capacity is not diminished.

C. Inspections. The administrator must make periodic inspections throughout the period of construction in order to monitor compliance with the requirements of the floodplain development permit, elevation certificate, CLOMAR, or any variance provisions.

D. Stop work orders. The administrator may issue, or cause to be issued, a stop work order for any floodplain development not in compliance with the provisions of this chapter, conditions of the development permit, or all development proceeding without a valid development permit.

E. Retaining floodplain development documentation. The administrator must obtain, retain for public inspection, and have available for the National Flood Insurance Program and FEMA representative the following:

1. Floodplain development permits and certificates of compliance;

2. Certification for lowest floor elevation;

3. Certification for elevation or flood-proofing of nonresidential structures;

4. Certification of elevation required as a part of division of land;

5. Certification for floodway encroachments;

6. Variances issued pursuant to this chapter;

7. Notices required for alteration of watercourses;

8. Any notices required for the addition of fill;

9. Copies of approved elevations, footing details, and site plans; and

10. Copies of approved CLOMRs and letter of map revision (LOMR)s.

F. Map determinations. The administrator may make map interpretations where needed, as to the location of the boundaries of special flood hazard areas and where there appears to be a conflict between a mapped boundary and actual field conditions.

The administrator may determine the best information available in making the map determinations. Applicants must provide documentation to assist the administrator in making the determination when requested by the administrator.

G. Submission of new technical data to FEMA. When the administrator has received technical or scientific data that the base flood elevation has either increased or decreased resulting from physical changes affecting flooding conditions, the administrator will submit the technical or scientific data to FEMA, as soon as practical, after the date technical information confirming the physical changes becomes available.

H. Appeals. Appeals of the decision of the administrator must be made in accordance with chapter 20.28 of this code. (Ord. 1251, 2008; Ord. 801, 1997; Ord. 763, 1996)

20.50.100 Floodplain development permits.

A floodplain development permit must be obtained before any construction, including without limitation, substantial improvements, or other development, is undertaken on a parcel or parcels contained within, or that has construction on a parcel with any portion within, a special flood hazard area or X-shaded flood zone. A floodplain permit is not required for certain agricultural activities, including but not limited to, cleaning irrigation ditches, leveling of fields, construction or maintenance of irrigation structures, or storage areas of agricultural products.

Application for a floodplain development permit must be made on forms furnished by the administrator. An applicant for a floodplain development permit must comply with the following requirements:

A. **Special Flood Hazard Areas**.

Applicants must notify all impacted property owners and communities, and as applicable: Nevada's State Floodplain Program Manager, Nevada Division of Water Resources, FEMA, and other regulatory agencies of any proposed changes to the floodplain on a form provided by the county, and provide proof of the notification.

When a parcel is partially within a special flood hazard area, any proposed construction, including without limitation, substantial improvements or other development on the parcel not within the special flood hazard area is exempt from the requirements of this subsection when the applicant provides a survey by a licensed engineer delineating the floodplain boundaries on the parcel, an elevation certificate and proof the proposed construction, substantial improvement or other development does not encroach into the special flood hazard area.

Whenever the proposed construction, including without limitation, substantial improvements or other development will be undertaken in a designated special flood hazard area, the applicant must comply with the provisions of 20.50.120 and provide at minimum the following information, unless inapplicable:

1. A hydrology and hydraulics study that demonstrates the proposed development will not cause any adverse impact, as defined in this chapter. If the study shows change in the base flood elevation (BFE) of greater than 0.5 feet, injury to other property or expands the floodplain boundary of the effective FIRM utilizing the

Corrected Effective Model or the Effective Model, as recognized by FEMA the applicant must comply with the section 20.50.130.

2. For existing residential lots and residential or commercial/industrial lots tentatively approved by subdivision or parcel maps prior to the effective date of this ordinance, the following shall apply:

a. For existing residential lots a hydrology and hydraulic study and CLOMR is not required.

b. For residential lots tentatively approved and previously conditioned to comply with the floodplain management chapter, the applicant shall prove that the impact to the BFE is not greater than 1 foot; where applicable approximate method(s) may be used. If the impact to the BFE is greater than 1 foot, then a CLOMR and LOMR is required.

c. For commercial/industrial lots tentatively approved and previously conditioned to comply with the floodplain management chapter, the applicant shall prove that the impact to the BFE is not greater than 1 foot; where applicable approximate method(s) may be used. If the impact to the BFE is greater than 1 foot, then a CLOMR and LOMR is required.

d. For any tentatively approved lot affected by a revised FIRM by inclusion into a special flood hazard area, the applicant shall prove that the impact to the BFE is not greater than 1 foot; where applicable ~~the~~ approximate method(s) may be used. If the impact to the BFE is greater than 1 foot, then a CLOMR and LOMR is required.

3. Plans drawn to scale in duplicate showing:

a. Location of all regulatory floodways, special flood hazard areas, and X-shaded flood zones.

b. Location, dimension, and elevation of the area in question, existing or proposed structures, and location of materials and equipment stored on the site.

c. Proposed locations of water supply, sanitary sewer, and other utilities.

d. Grading information showing existing and proposed contours at intervals of not more than 2 feet if the general slope of the land is less than 10 %, and 5 foot intervals for all other areas~~,~~ or a more precise interval as necessary to show the grading information, extending 100 feet surrounding the parcel, any proposed fill, and drainage facilities.

e. The proposed elevation in relation to mean sea level of the lowest floor of all residential and nonresidential structures whether new or substantially improved to be located in all special flood hazard areas other than Zone AO.

f. The proposed height of the lowest floor, in relation to the pre-developed highest adjacent grade and depth number specified in feet on the FIRM, of the lowest floor for all residential and non-residential structures whether new or substantially improved to be located in Zone AO.

g. The proposed elevation in relation to mean sea level of the lowest floor, of all residential and non-residential structures whether new or substantially improved to be located in Zone AO if an elevation certificate is being prepared to support a letter of map amendment (LOMA) or letter of map revision based on fill (LOMR-F) or if the

administrator requests the information due to unique flooding in an area. All elevations relative to mean sea level must be determined by a professional engineer licensed in the state of Nevada.

h. The proposed elevation in relation to mean sea level, to which any new or substantially improved nonresidential structure will be flood-proofed.

i. When base flood elevation data is not available from any source for the parcel upon which the construction or other development is to be undertaken, and the parcel is located in Zone A, base flood elevation data for that parcel performed by a professional engineer licensed in the state of Nevada.

4. A map produced by a professional engineer licensed in the state of Nevada that clearly shows the limits of the special flood hazard area as determined from the adopted FIRM, site topography, base flood elevation, and other best available information.

B. **X-shaded flood zone**.

When a parcel is partially within an X-shaded flood zone, any proposed construction, including without limitation, substantial improvements or other development on the parcel not within the X-shaded flood zone is exempt from the requirements of this subsection when the applicant provides either, proof the proposed construction meets the requirements of 20.50.120 for construction in the X-shaded flood zone; or a survey by a professional engineer licensed by the state of Nevada delineating the floodplain boundaries on the parcel and proof the proposed construction, substantial improvement or other development does not encroach into the X-shaded flood zone.

Whenever the proposed construction or substantial improvements, will be undertaken in the X-shaded flood zone the applicant must provide at minimum the following information, unless inapplicable:

1. Plans drawn to scale in duplicate showing:

a. Location of the X-shaded flood zone.

b. Location and dimension of the area in question and existing or proposed structures.

c. Proposed location of water supply, sanitary sewer, and other utilities.

d. Grading information showing existing and proposed contours at intervals of not more than 2 feet if the general slope of the land is less than 10 %, and 5 foot intervals for all other areas, extending 100 feet surrounding the parcel, any proposed fill, and drainage facilities.

e. The proposed elevation above the predeveloped highest adjacent grade of the lowest floor of all residential and nonresidential structures whether new or substantially improved.

f. The proposed elevation above the predeveloped highest adjacent grade to which any new or substantially improved nonresidential structure will be flood-proofed or flood resistant using county approved materials.

C. **Watercourses**.

The administrator may not issue a floodplain development permit for altering or

relocating a watercourse unless, in addition to all of the other information required by this section:

1. FEMA has issued a CLOMR.

2. The applicant provides a description of the extent to which the watercourse will be altered or relocated as a result of the proposed development.

3. The applicant provides computations by a professional engineer licensed in the state of Nevada that demonstrate that the altered or relocated segment will provide equal or more capacity than the original watercourse.

4. The applicant provides a legally enforceable assurance that the conveyance capacity of the altered or relocated stream segment will be maintained.

D**. Floodways**. The administrator may not issue a floodplain development permit for any encroachment in the adopted regulatory floodway, including without limitation, fill, new construction, substantial improvements, storage of equipment or supplies, and any other development unless:

1. The applicant has demonstrated through a hydrology and hydraulics study that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge, and

2. FEMA has issued a CLOMR.

E. **Alluvial fan areas**.

All permit applications will be reviewed to determine if the proposed development is located within an alluvial fan area and determine its relation to designated flood zones.

1. The review process will determine if the proposed site and improvements, and adjacent or other affected properties, will be reasonably safe from erosion, sediment deposition or flood hazards. Factors to be considered in making this determination include but are not limited to the following:

a. Type and quality of soils;

b. Evidence of ground water or surface water problems;

c. Depth and quality of any fill;

d. The overall slope of the site;

e. Location and character of conveyance facilities and structures both up and downstream; and

f. Impacts to conveyance capacities of existing drainages and storm water flow routes.

2. When a proposed development is located in an alluvial fan area, the following are the minimum requirements:

a. A site investigation must be made by persons qualified in geology and soils engineering;

b. The proposed grading, excavations, new construction, and substantial improvements must be adequately designed and protected against erosion and flood damages both on-site and off-site;

c. The proposed grading, excavations, new construction and substantial improvements must not aggravate the existing hazard by creating either on-site or off-site disturbances; and

d. Drainage, planting, watering, and maintenance must not endanger ground or slope stability.

F. Additional information may be required on the permit application forms. (Ord 1251, 2008)

20.50.110 Special requirements for land division in special flood hazard areas.

Any land division proposal creating lots of less than 19 net acres under chapter 20.708 Subdivisions or section 20.712.050 Serial parcel maps for land that is within, or that has construction partially within, a special flood hazard area; an applicant must comply with the following requirements:

A. The applicant must submit the following information:

1. A hydrology and hydraulics study that demonstrates that the developed project will not have any adverse impact.

2. Tentative subdivision or serial parcel maps and grading plans that:

a. identify the special flood hazard area, x-shaded areas, and the base flood elevation;

b. provide the elevation of proposed structures or building pads.

B. If the hydrology and hydraulics study shows any adverse impact, injury to other property or expands the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA the applicant must comply with section 20.50.130. If a CLOMR and LOMR are required under that section, the final map may not be recorded or any work permitted under a site improvement permit until the CLOMR is approved by FEMA.

C. Land may not be divided for residential purposes that will result in the creation of a parcel that is less than 19 net acres, unless the applicant shows that:

1. The parcels may be lawfully created pursuant to section 20.664.095 or are Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714; or

2. The portion of the land in the special flood hazard area will be contained on a single parcel; and

3. The land within the special flood hazard area is retained in a natural state including, without limitation, no solid fencing that impedes the flow of floodwaters or other improvements; and

4. The land within the special flood hazard area is held in common or single ownership with any overlying drainage easement; and

5. A property owner's association or similar entity is legally responsible for maintenance of the land in the special flood hazard area in its natural state.

D. Existing parcels less than 19 net acres in special flood areas may not be divided for residential purposes. (Ord 1251, 2008)

20.50.120 Standards for construction.

In all special flood hazard areas, the following standards apply:

A. Anchoring. All new construction, substantial improvements and manufactured homes must be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction materials and methods. All new construction and substantial improvements, including manufactures homes, must be constructed to meet FEMA requirements:

1. With materials, mechanical equipment and utility equipment that satisfy flood-proofing requirements;

2. With design methods and practices that minimize flood damage;

3. To ensure electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed or located so as to prevent water from entering or accumulating within the components during flooding;

4. Within flood zones AH or AO, with adequate drainage conveyance structures to convey flood waters around and away from proposed structures.

5. When fill is used for new construction, substantial improvements, driveways or streets in a special flood hazard zone, a Conditional Letter of Map Revision based on fill (CLOMR-F) must be filed with the county. Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714 do not have to file a CLOMR-F if no more than one foot of fill above existing grade is used for the new construction, including driveways or streets serving the parcel(s).

C. Elevation requirements for lowest floor. Residential construction, including the placement of manufactured housing units, sunrooms and new or substantial improvements, must have the lowest floor, as follows:

1. In zone AO, elevated above the predeveloped highest adjacent grade to a height at least one foot above the depth number specified in feet on the FIRM. A professional surveyor or engineer licensed in the state of Nevada must complete the elevation certificate.

2. In zone A, elevated at least one foot above the base flood elevation as determined by a professional engineer licensed in the state of Nevada.

3. In zones AH, elevated at least one foot above the base flood elevation as specified on the FIRM and determined by a professional engineer licensed in the State of Nevada.

4. In zone AE, elevated at least one foot above the base flood elevation as specified on the FIRM or determined by a professional engineer licensed in the State of Nevada State.

5. In all the X-shaded flood zone, one of the following minimum criteria must be met:

a. The lowest floor must be elevated one foot above the pre-developed highest adjacent grade:

b. The structure must be flood-proofed or made flood resistance using county approved materials one foot above the pre-developed highest adjacent grade; or

c. The applicant must provide a drainage plan by professional engineer licensed in the state of Nevada for diverting wa5er around the proposed structure through the use of berms, swales, or other drainage features.

D. Lowest floor certification requirements. For structures located within a special flood hazard area, the applicant must submit an elevation certificate that certifies the lowest floor meets this chapter's elevation requirements. The administrator may waive the elevation certificate requirement for the following:

1. Non-habitable agriculture structures (barn or shed) in Zone A if the following requirements are met:

a. The proposed structure has a minimum 24-inch stem-wall of flood-proof

material (stone, brick, cement, etc.), is built with pier foundations, or the structure is entirely of metal or other flood-proofed material.

b. All mechanical or electrical equipment is located 24 inches above the pre-developed highest adjacent grade or one foot above the base flood elevation whichever is greater.

c. The structure has a minimum of 2 openings having a total net area of not less than 1 square inch of every square foot of enclosed area subject to flooding and the bottom of all such openings, is no higher than one foot above the lowest adjacent finished grade.

2. Monument signs located within a special flood hazard area if the bottom of the monument sign is elevated one foot above the base flood elevation, is parallel to flow, does not block flow, and in constructed of flood proofed materials.

E. Nonresidential flood-proofing requirements. New nonresidential construction and substantial improvement to existing nonresidential structures must either be elevated to conform with paragraph C, above, or together with attendant utility, mechanical and sanitary facilities as follows:

1. Be flood-proofed below the base flood elevation so that the structure, the utilities, mechanical equipment and sanitary facilities are watertight with walls substantially impermeable to the passage of water;

2. Have the structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a professional engineer or architect licensed in the state of Nevada that the standards are satisfied. The certification must be provided to the administrator.

F. Requirements for areas below the lowest floor. All new construction and substantial improvements to existing structures within a special flood hazard area with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, must be designed to automatically equalize hydrostatic and hydrodynamic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a professional engineer or architect licensed in the state of Nevada or meet or exceed the following minimum criteria:

1. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. If a structure has more than one enclosed area, each area must have openings on different sides to allows floodwaters to directly enter and exit.

2. The bottom of all such openings must be no higher than one foot above the exterior lowest adjacent finished grade.

3. Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of flood waters. If an opening is to be covered by some type of cover (grill, grate, bars, or louvers), the net area of the opening must be used and the number of openings increased accordingly.

4. Have an adequate drainage system that removes floodwaters from the

interior of the crawlspace.

G. Standards for utilities.

1. All public utilities and facilities must be located and constructed to minimize flood damage.

2. All new and replacement water supply systems must be designed to prevent infiltration and intermingling of flood waters.

3. All new and replacement sanitary sewage systems must be designed to prevent infiltration and intermingling of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation must be provided with automatic back-flow valves or other automatic back-flow devices that are installed in each discharge line passing through a building's exterior wall.

4. On-site individual sewage disposal systems must be designed, constructed and located to avoid impairment to their functioning and to reduce potential contamination during flood events.

5. All heating, venting and air conditioning (HVAC) systems and other aboveground mechanical and electrical equipment must be located at least one foot above the base flood elevation and be located and constructed to minimize flood damage.

H. Standards for critical structures. Critical structures, as defined in Appendix A of this title, are not permitted to be constructed within a special flood hazard area, unless:

1. All alternative locations in the X-unshaded flood zone have been considered and rejected.

2. All alternative locations in X-shaded have been considered and rejected.

If the administrator determines the only practical alternative location for the development of a new or substantially improved critical structure is in a special flood hazard area, the administrator must give public notice of the decision and reasons for the elimination of all alternative locations.

I. Special standards for manufactured homes.

1. All manufactured homes that are placed or substantially improved, within zones A, AH, AO and AE as shown on the FIRM must have the lowest floor elevated one foot above the base flood elevation, as determined by a professional engineer licensed in the state of Nevada on a permanent, full perimeter foundation and be securely anchored to a foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A, AH, AO and AE as shown on the community's FIRM are not subject to the provisions of subparagraph 1, above, provided that:

a. The lowest floor of the manufactured home is at least one-foot above the base flood elevation; or

b. The manufactured home chassis is supported by reinforced flood-proofed

piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

J. Recreational vehicles. All recreational vehicles placed on sites within zones A, AH, AO and AE must either:

1. Be on the site for fewer than 180 consecutive days;

2. Meet the permit requirements of this ordinance including the elevation and anchoring requirements for manufactured homes; or

3. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devised and has not permanently attached additions.

K. Standards for below-grade crawl space construction. The following requirements must be met for below-grade crawl space construction:

1. The interior grade of a crawl space if below the base flood elevation, must not be more than two feet below the lowest adjacent exterior grade.

2. The height of the below-grade crawl space measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirement for flood hazard areas.

3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space. A professional engineer licensed in the state of Nevada must verify the drainage system.

4. The velocity of floodwaters at the site may not exceed five feet per second. A professional engineer licensed in the state of Nevada must verify the velocity of floodwaters.

L. Decks. Decks under 30 inches in height within a special flood hazard area, that are located below the base flood elevation, must be constructed with flood resistant or flood proof materials.

M. Breakaway walls. A breakaway wall must have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway wall must be certified by a professional engineer or architect licensed in the state of Nevada and must meet the following conditions:

1. Breakaway wall collapse must result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building must not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

N. Base flood elevation for Lake Tahoe. A professional engineer licensed in the state of Nevada may use 6.229.1 Lake Tahoe Datum as a base flood elevation for properties located adjacent or near Lake Tahoe where Lake Tahoe is the only flooding source.

O. Multiple flood zones. Proposed construction, including without limitation, substantial improvement, and other development, of a parcel within multiple flood zones must be constructed to the standards of the most restrictive flood zone. (Ord. 1251, 2008; Ord. 984, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 567, 1992; Ord. 472, 1987; Ord. 331, 1980)

20.50.130 CLOMRs and LOMRs.

A. If a hydrology and hydraulics study required under 20.50.100 or 20.50.110 demonstrates the proposed development will cause greater than 0.5 feet of change to the BFE or injure other property, a CLOMR must be obtained from FEMA.

B. If a hydrology or hydraulics study required under 20.50.100 or 20.50.110 demonstrates the proposed development will expand the floodplain boundary of the effective FIRM utilizing the Corrected Effective Model or the Effective Model, as recognized by FEMA a LOMR must be obtained from FEMA.

C. When a CLOMR is required, it must be submitted to the county for review in a form acceptable to FEMA. Once the application is approved as to form and content, and it meets the requirement of this code, the county will send it to FEMA. The county must complete its initial review within 50 days and the review of a resubmitted application within 30 days.

D. When a CLOMR is required to meet the requirement of 20.50.110, the applicant must send notice, in the form of a letter, to any land owner affected by the project whose property will have any increase in the base flood elevation.

E. A CLOMR is not required for :

1. A residential dwelling unit or accessory structure on an existing A-19 agricultural parcel that meets the construction requirements of section 20.50.120, provided the applicant provides an elevation certificate either by the approximate method under FEMA regulations or a hydrology and hydraulics study prepared by a professional engineer licensed in the state of Nevada.

2. Accessory buildings, additions, or similar small projects located in the conveyance shadow within which the applicant demonstrated the addition of a new structure will not impact existing flood flows.

3. Minor projects, such as signposts, telephone poles, barbed wire and other fences that do not block flow, driveways or parking lots at grade.

4. Other construction or development not impacting a watercourse shown by a hydrology and hydraulics study to produce no net change in the base flood elevation.

5. Ranch Heritage parcel(s) or Agricultural 2-acre parcel(s) lawfully created pursuant to chapter 20.714, provided no more than one foot of fill above existing grade is used for the new construction, including driveways or streets serving the parcel(s). The parcel(s) must meet the construction requirements of section 20.50.120. (Ord. 1251, 2008)

20.50.140 Letter of map amendment (LOMA).

A. The following administrative procedures are provided to have the Federal

Insurance Administrator review information from an owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area. These procedures do not apply when there has been any alteration of topography since the effective date of the first FIRM showing the property within a special flood hazard area. The scientific or technical information submission may include, but is not limited to the following:

1. An actual copy of the recorded map bearing the seal of the county recorder, including recording information;

2. A topographical map showing:

a. Ground elevation contours in relation to the NAVD88 or vertical datum of the effective map;

b. The total area of the property in question;

c. The location of the structure or structures located on the property in question;

d. The elevation of the lowest adjacent grade to a structure or structures; and

e. An indication of the curvilinear line, which represents the area subject to inundation by a base flood. The curvilinear line should be based upon information provided by an appropriate authoritative source, such as a federal agency, department of water resources, a county water control district, the county engineer, a FEMA Flood Insurance Study, or a determination by a professional engineer licensed in the state of Nevada;

3. A copy of the FIRM indicating the location of the property in question;

4. A certification by a professional engineer or land surveyor licensed in the state of Nevada that the lowest grade adjacent to the structure is above the base flood elevation; and

5. The completion of the appropriate forms in the FEMA's Packet, Amendments and Revisions To National Flood Insurance Program Maps. (Ord. 1251, 2008; Ord. 801, 1998; Ord. 763, 1996; Ord. 472, 1987; Ord. 331, 1980)

20.50.150 Hydrology and hydraulic studies.

All hydrology and hydraulic studies referenced in this ordinance must be by a professional engineer licensed in the state of Nevada and meet FEMA standards for hydrology and hydraulic studies submitted for the approval of CLOMRs and LOMRs. Except for areas were FEMA allows the use of the approximate method, the preferred modeling tool to determine changes to the base flood elevations and the floodplain boundary shall be the current acceptable version of HEC-RAS. (Ord. 1251, 2008)

20.50.160 Adverse impact.

For purposes of this chapter "adverse impact" means that no new construction, substantial improvements, or other development, including fill, may be permitted within the special flood hazard areas unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated

development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Adverse impact does not include a reduction in the base flood elevation or the floodplain or property not owned by the applicant. (Ord. 1251, 2008)

20.50.170 Non-rise certification.

For purposes of this chapter, no-rise means no increase in flood heights upstream, downstream or adjacent to the parcel. In a special flood hazard area a no-rise certification must be submitted fro any construction or other development this is permitted to proceed without a CLOMR on a form approved by the administrator and prepared by a professional engineer licensed in the state of Nevada. (Ord. 1251, 2008)

20.50.180 Substantial improvement.

A. For purposes of this chapter, “substantial improvement” means the cumulative reconstruction, rehabilitation, addition, or improvement to a structure within a five year period, the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement. Substantial improvements includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specification which have been identified by thelocal code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure. For purposes of determining substantial improvement, “historic structure” means any structure that is:

a. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

b. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

c. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or

d. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approval programs.

B. For the purposes of determining substantial improvements, market value pertains only to the structure in question. It does not include the land, landscaping or detached accessory structures on the property. (Ord. 1251, 2008)

20.50.190 Variances.

A. Nature of variances. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

B. It is the duty of the planning commission and board to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited.

C. The hearing board is the board of county commissioners. In evaluating requests for variances, the board must consider all technical evaluations, all relevant factors, standards specified in other chapters of this title:

1. The danger of materials being swept onto other lands and injuring others;

2. Increased danger to life and property due to flooding or erosion damage;

3. Increased susceptibility of the proposed facility and its contents of flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Reduction of services by the proposed facility to the community;

5. Incompatible uses between existing development and anticipated development;

6. An inconsistency with the master plan and floodplain management program for the county and specific community;

7. Inadequate emergency access to the property in time of flood;

8. An increase in expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

9. Increased cost to the county and other agencies providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

D. General provisions.

1. Variances may be issued for new construction, substantial improvements, and other proposed new development to be erected on a lot contiguous to or surrounded by lots with existing structures constructed below the base flood level, provided that the procedures of this chapter have been fully considered and complied with.

2. Variances may be issued for the repair or rehabilitation of “historic structures”, upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance

is the minimum necessary to preserve the historic character and design of the structure.

3. Variances may not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

4. Variances may only be approved upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this ordinance. For example, in the case of variances to an elevation requirement, this means the board need not grant permission for the applicant to build at grade, or even to the proposed elevation, but only to that elevation which the board believes will provide relief and preserve the integrity of the property.

5. In granting a variance, the board may attach any conditions it deems necessary to further the purposes of this chapter.

E. Required findings. In approving a request for a variance, the board must make findings of fact regarding the following:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, creating a nuisance, causing fraud or victimization of the public, or conflict with existing local laws or ordinances; and

4. That the applicant has signed a disclosure statement indicating that he or she understands that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance; and

b. Such construction below the base flood level increases risks to life and property; and

c. A copy the disclosure will be filed and recorded by the county recorder in a manner so that it appears as an exception on the title of the affected parcel of land. (Ord. 1251, 2008; Ord. 763, 1996)

20.50.200 Violations and penalties.

A. No structure may be constructed, located, extended, converted, or altered, and no land may be altered without full compliance with the terms of this chapter and other applicable regulations. A violation of this ordinance is a criminal misdemeanor.

B. All violations of this ordinance will be addressed pursuant to the provisions of this chapter, including stop work orders, section 20.800.101 or other applicable law. In addition, if a property owner does not remedy a violation, the administrator may submit a report to the board of commissioners and request that the board:

1. Take any action necessary to effect the abatement of the violation;

2. Issue a variance to this ordinance in accordance with the provisions of section 20.50.150; or

3. Submit to the administrator of the Federal Insurance Administration a

declaration for denial of insurance, stating that the property owner is in violation of a cited statute or local law, regulation or ordinance, pursuant to section 1316 of the National Flood Insurance Act of 1968 and as amended. (Ord. 1251, 2008)

Chapter 20.100

Public Facilities and Improvement Standards

Section:

20.100.010 Applicability.
20.100.020 General policy statement.
20.100.030 Conformance to plans.
20.100.040 Water facilities.
20.100.050 Wastewater facilities.
20.100.060 Drainage facilities.
20.100.070 Irrigation facilities.
20.100.080 Irrigation facilities standards.
20.100.090 Roadway facilities.
20.100.100 Determination and satisfaction of adequacy requirements.

20.100.010 Applicability.

These public facilities standards are applicable to every form of permit or approval authorizing the development of land within the unincorporated portions of Douglas County, including, but not limited to, requests for master plan amendments, requests for zoning amendments, special use permits, design review plans, planned developments, tentative and final subdivision maps and parcel maps. (Ord. 763, 1996; Ord. 167, 1968)

20.100.020 General policy statement.

No development application shall be approved unless the development is served by adequate water facilities, wastewater facilities, drainage facilities and transportation facilities, or provision has been made for these services, in the manner required by these regulations. Facilities shall be adequate to serve the development proposed, whether or not the facilities are to be located within the property being developed or off-site. Phased development must be designed to meet these standards independently as well as part of the overall design. (Ord. 763, 1996)

20.100.030 Conformance to plans.

Proposed public improvements shall conform to and be properly related to the county's master plan and master plans for water, wastewater and drainage facilities, and the transportation element. (Ord. 763, 1996)

20.100.040 Water facilities.

A. Potable water source. New development shall be served by a water source that meets or exceeds all currently applicable federal and state standards for public drinking water supplies.

B. Dedication of water rights, fee in lieu of dedication, or relinquishment. No new development may be authorized unless water rights of acceptable character and in good standing with the State Engineer's Office are dedicated, a fee in lieu of dedication has been paid, or have been relinquished in accordance with this chapter. Any lot or parcel from which the net consumptive use or duty of water rights has been transferred may not be further divided and is restricted in use to one single-family dwelling, unless clear and convincing proof is presented that the action will not represent a present or future over-appropriation or an additional demand on the waters of the county and will not impair the quality, quantity or availability of water for existing water rights.

1. Dedication requirements. In determining the adequacy of the water rights necessary, the quantity of water rights required for dedication must be sufficient to meet the water demand of the project. Unless superseded by the county, the utility or state engineer, the quantity of water rights required for dedication must comply with the community water supply use requirement in Table A.

Table A Use requirement (acre feet):

Type of use	Use requirement (acre feet)
Single-Family Residential (per dwelling)	
Domestic Well	2.00
Community Water Supply	1.12
Multi-Family Residential, excluding landscaping (per unit)	0.30
Commercial and Industrial, excluding landscaping (per fixture unit, as defined in the currently adopted Uniform Plumbing Code)	0.028
Flood Irrigation (per acre irrigated)	4.00, or per duty established in the Alpine Decree, whichever is greater
Landscape Irrigation	To be determined and approved by the county engineer

2. Fee in lieu of dedication of water rights. At the discretion of the applicable agency or water purveyor, dedication of water rights or water facilities required by this chapter may be satisfied by payment of a cash amount equal to the capital cost of

facilities or the current market value of water rights of acceptable character to serve the development. The quantity of water must comply with the community water supply use requirement for parcels connecting to a public water system, or the domestic well use for parcels approved for use of domestic wells, as provided in Table A.

a. The cash value must be determined by the applicable agency or water purveyor providing water service to the proposed division based on recent water right sales or construction and engineering costs.

b. Monies collected in lieu of water rights or facilities must be used for the purpose of water rights acquisition or system improvement or expansion. System improvement includes planning, constructing, maintaining and operating waterworks for the benefit of the Douglas County Water District.

3. Relinquishment to state engineer. New development that will not be served, or may be served in the future by a public water supplier and is approved for use of domestic wells will be required to satisfy the requirement of this chapter by relinquishing water rights to the State Engineer. The quantity of water must comply with the domestic well use requirement in Table A.

4. Exceptions. Facilities to which this chapter applies are facilities that will be constructed to serve the proposed subdivision or parcel map, except the following:

a. Facilities to serve a single-family residence in an existing subdivision or parcel map.

b. Facilities previously constructed and serving existing users.

c. Individual domestic wells and septic systems.

d. Domestic well exemption. On lots or parcels recorded before the effective date of this ordinance, the dedication of water rights is not necessary to obtain a building permit for one dwelling unit on the lot or parcel provided that no other dwelling units exist on the same lot or parcel. If the parcel is further divided with reliance upon domestic wells for the proposed water supply, the provisions of this chapter applies to the additional parcels created.

C. Exemption to public water supply. For areas identified within the master plan as not anticipating connection to or construction of a water system, the development shall be served by adequate wells or a private water supply system designed and constructed in accordance with state health, state engineer, or other state approval agency. In areas where a public water supply is anticipated, but not within 2,000 feet, development approval shall be conditioned on approval of plans for future installation of a water distribution system connecting the development to the public water supply.

D. Design requirements. Public water systems must be designed in accordance to the County Design Criteria and Improvement Standards.

E. Dedication of facilities and rights-of-way. Water acquisition, supply, treatment, transmission, storage and distribution facilities and any appurtenances (such as wells, pipelines, pumps, storage tanks and ponds) located on-site or off-site, which are necessary to ensure an adequate water supply to the development, shall be dedicated to the county or utility serving the area, together with rights-of-way and easements associated connection and capacity with such facilities, their operation and

maintenance.

F. Water facilities charges. Water facility charges including connection and capacity fees as set by the board must be paid and any water impact fees will be paid, when adopted, in accordance with chapter 20.300. (Ord. 1322, 2010; Ord. 1260, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 516, 1990; Ord. 497, 1989; Ord. 495, 1989; Ord. 390, 1981; Ord. 167, 1968; Ord. 158, 1967)

20.100.050 Wastewater facilities.

A. Public wastewater facilities required. New development shall be connected to an approved public wastewater system. Development located within a service area of Douglas County must comply with the provisions contained in Appendix D of this title.

1. Treatment plants serving the project must have sufficient available capacity to accommodate the expected ultimate peak flows from the project and have sufficient capacity for expansion to accommodate tributary areas.

2. Pump stations and force mains serving the project must have sufficient available capacity to accommodate the expected ultimate peak flows from the project and have sufficient capacity for expansion to accommodate tributary areas.

3. Interceptors serving the project must have sufficient available capacity to accommodate the expected ultimate peak gravity flows from the project and tributary areas, with adjustment for pump flows where applicable.

4. Lateral systems serving the project must have sufficient available capacity to accommodate the expected ultimate peak flows from the project and tributary areas.

B. Exemption to public wastewater system. For areas identified within the master plan as not anticipating connection to or construction of a public wastewater system, the development shall be served by an individual sewage disposal system (ISDS) or private on-site treatment facility designed and constructed in accordance with the Uniform Plumbing Code, Nevada Department of Environmental Protection or other state approval agencies. In areas where a public wastewater system is anticipated, but not located within 2,000 feet, development may utilize ISDS on an interim basis, upon approval by the department. As a condition, the development must make provisions for the ultimate connection of the project to a public wastewater system. This may include, but not be limited to, requirement for installation of sewer laterals, dry sewer lines within the project or requirement of connection when located within 330 feet of an existing sewer line.

C. Pollution prohibited. Wastewater facilities shall result in the treatment of all sewage, including any industrial waste, so that all liquid, solid or gaseous residue after treatment will not contaminate any surface or groundwaters to a degree which creates a hazard to the public health through poisoning or the spread of disease, nor pollute any surface or underground water to a degree which adversely affects such waters for domestic, industrial, agricultural, navigational, recreational or other beneficial use, nor shall any wastewater system create a nuisance to any community by odors or unsightliness resulting from unreasonable practices in the disposal of wastewater.

D. Extension of wastewater mains. Wastewater mains and appurtenances,

including major collection and disposal facilities, shall be extended in order to connect the development with the approved wastewater collection and disposal system. Mains to be extended shall be of a size sufficient to serve the development and all other properties to be served by the main, as determined from an analysis of the county's or the utilities wastewater master plan and capital improvements plan.

E. Design of wastewater facilities. Wastewater facilities shall be located, designed and constructed in accordance with the following standards:

1. Master plan standards; and
2. Douglas County design criteria and improvement standards.

F. Dedication of wastewater facilities and rights-of-way. Wastewater collection, treatment, storage, and disposal facilities, located on-site or off-site, which are necessary to ensure an adequate wastewater disposal system for the development, shall be dedicated to the county or the utility, together with rights-of-way and easements associated with such facilities, their operation and maintenance.

G. Wastewater facilities charges. Wastewater facility charges including connection and capacity fees as set by the board must be paid. Any wastewater impact fees, when adopted, shall be paid in accordance with chapter 20.300.

H. Automotive fluids. Disposal of any automotive fluids or other waste streams containing automotive related fluids into individual sewage disposal systems (septic systems) is prohibited. (Ord. 924, 2000; Ord. 801, 1997; Ord. 763, 1996; Ord. 390, 1981; Ord. 167, 1968; Ord. 158, 1967)

20.100.060 Drainage facilities.

A. Adequate storm drainage. Any development shall be served by an adequate storm drainage system. Storm drainage shall be considered adequate when, pursuant to an approved drainage plan, on-site drainage facilities are capable of conveying through and from the property the design flow of storm water originating within the development, as determined in accordance with design criteria and improvement standards manual, as well as flows originating from upstream properties in a pre- and post development stages, post development being based on ultimate master build out; and the off-site downstream drainage system is capable of conveying to an approved outfall the design flow of storm water runoff originating in the development and from other developed and undeveloped land upstream, without resulting in erosion, sedimentation or flooding of the receiving channel and downstream properties and without creating any adverse impact to downstream property.

B. Prohibition on alteration of a water course. Storm drainage shall not result in the alteration or relocation of a water course which will reduce the flood-carrying capacity of the water course, nor shall drainage facilities result in the damming, filling, relocating or other interference with the natural flow of surface water along any surface water drainage channel or natural water course, except as may be approved as part of the drainage study.

C. Drainage facilities. Design and construction of storm drainage facilities shall be in accordance with county design criteria and improvement standards. Detention

facilities, restrictions on impervious surfaces and other techniques may be required by the county in order to satisfy adequacy requirements, in accordance with an approved drainage plan. Where special site conditions or circumstances require, the county may allow the use of retention or infiltration facilities.

D. Dedication of drainage facilities and rights-of-way. Storm water drainage facilities which are necessary to ensure an adequate storm water collection and disposal system to serve the development, together with necessary rights-of-way and easements for operation and maintenance of such facilities, shall be offered for dedication to the county or the improvement district.

E. Drainage facility charges. Drainage impact fees shall be paid when adopted in accordance with chapter 20.300.

F. Automotive fluids. Disposal or collection of any fluids or other waste streams containing automotive related fluids into drainage systems that utilize infiltration facilities such as, but not limited to, injection wells, dry wells, retention or detention basins is prohibited. (Ord. 924, 2000; Ord. 763, 1996; Ord. 641, 1994; Ord. 330, 1980; Ord. 167, 1968)

20.100.070 Irrigation facilities.

A. If proposed development includes or directly impacts existing irrigation facilities, an irrigation plan must be prepared by a registered engineer to analyze and provide mitigation for the impacts of the proposed development. The irrigation plan, together with the drainage plan for the development, must be publicly noticed per section 20.20.030 and presented to the water conveyance advisory committee for their review and written comment to the community development department and to any affected towns or districts.

1. The plan must include the location, size, and capacity of all drainage and irrigation facilities within the proposed area of development. In addition the plan must address upstream areas and facilities tributary to the site and downstream from the site which will be affected or impacted by the proposed development to the point of discharge.

2. In all development, the impact on downstream facilities and lands must be analyzed and addressed in the plan. New development is responsible for either improving downstream drainage facilities to meet the increased peak flows as a result of the proposed project or to provide facilities which will result in no increase in peak runoff from that which existed before the development. If downstream peak flows are increased by the project, the plan must provide mitigation to the point of discharge as approved by the county and any affected towns and districts.

3. The plans must incorporate water quality and erosion controls in conformance with the *Handbook of Best Management Practices* for all drainage water leaving the site. The use of irrigation ditches or sloughs for the discharge of urban runoff is highly discouraged and in no case will be permitted without the written notice to, and reasonable efforts to obtain consent of, the affected downstream ditch users. In no case may urban drainage leaving a development be of a quality that will adversely

affect downstream water uses.

4. As a part of the plan, a ditch may be redesigned or upgraded for low maintenance through the use of riprap, channel lining, culvert or pipe. Landscaping of ditch easements in an urban setting is permitted as part of an approved plan of the water conveyance advisory committee, but must not inhibit the integrity of the ditch bank or the intended maintenance and access function of the ditch easement.

B. No development may interfere with the historic custom and use of waters adjacent to and upstream and downstream from the development. Any changes in conveyance facilities or the course of conveyance facilities, including the abandonment of part or all of a conveyance facility, must be done in a reasonable manner with due regard to the rights of the owners of the easement or right-of-way and shall be subject to approval of the water conveyance committee, the county, any affected towns or districts or irrigation companies.

C. Standards. Except as set forth herein, all improvements for drainage and irrigation facilities shall be in conformance with this title and the design criteria and improvement standards manual.

D. Rights-of-way for water conveyance. All development subject to this title must designate irrigation and drainage rights-of-way or easements as required to implement the approved irrigation and drainage plan for the development. Right-of-way widths must be appropriate for the operation and maintenance of the facilities as shown on the approved plan. Required right-of-way widths will vary depending on the size, type, location and accessibility of the improvements as shown on the plan. In no case shall the rights-of-way be less than 20 feet in width. For open irrigation ditches, a right-of-way width equal to the top width of the ditch plus 32 feet must be provided to allow adequate access for maintenance and servicing of the ditch. A minimum 20 foot right-of-way must be provided, including cases where the irrigation or drainage is placed in an underground conveyance. These criteria for rights-of-way and piping for irrigation must be met unless otherwise provided by the design criteria and improvement standards manual and approved by the water conveyance advisory committee.

E. Where the development contains lots of one net acre or less the right-of-way for an open irrigation or drainage ditch may not be included in the net or gross lot area.

F. Maintenance. When water conveyances are placed in an underground culvert or pipe, the plans must address and provide for maintenance of the facilities.

1. If the underground facilities lie under a street or alley dedicated for public use, the town, general improvement district, or other governmental entity in whose jurisdiction the street or alley is located is responsible for maintenance of trash racks, sand and oil separators and the pipe or culvert.

2. If the underground facilities cross private property, then the private property owner is responsible for maintenance of trash racks, sand and oil separators and routine maintenance of the pipe. When such property is subdivided, the subdivider shall provide security or other adequate assurances for continuing maintenance.

3. When underground facilities cross a combination of public and private property, responsibility for maintenance will be shared by the private and public entities

upon whose property the facilities are located. In the absence of a written agreement to the contrary, shares of the costs of maintenance will be in direct relationship with the length of the pipe within such private or public property.

4. If the person or entity responsible for maintenance fails or refuses to conduct such maintenance, then the downstream user may enter upon such property and perform the maintenance. The person or entity responsible for maintenance will be liable to the downstream user for the reasonable costs of the maintenance, plus interest, attorneys' fees and court costs.

5. The county, on recommendation of the water conveyance advisory committee, may require the developer or property owner, as a condition of development approval, to estimate the annual cost of routine maintenance, and post security to pay for the maintenance, in advance, for a period not to exceed twenty years. In the event security is required and posted, the developer or property owner, as the case may be, or its successor in interest, shall be entitled to a proportionate release of the security on an annual basis after the maintenance is performed. If the developer, property owner or successor fails or refuses to conduct the maintenance, then the downstream user may perform the maintenance, in which case the downstream user shall have recourse to the security for reimbursement of the reasonable costs of the maintenance. Recourse to the security shall not be an exclusive remedy, and does not prevent the downstream user from bringing an action for the balance due, plus reasonable costs, attorneys' fees, and interest. (Ord. 1036, 2003; Ord. 1012, 2002; Ord. 763, 1996; Ord. 539, 1991; Ord. 390, 1981)

20.100.080 Irrigation facilities standards.

A. Standards. All ditch rights-of-way must be provided access for maintenance in accordance with these standards and restrictions:

1. Cross fencing of ditches on parcels of 20 net acres and greater may be permitted upon recommendation of the water conveyance advisory committee.

2. Lots or parcels of less than 20 net acres must not be designed to require cross fencing of the ditch.

3. On parcels of less than 20 net acres, livestock access to the ditch right-of-way may be permitted as long as the integrity of the ditch bank is maintained.

4. Where ditch rights-of-way are cross fenced there must be a 16-foot-wide metal gate providing continuous access for ditch maintenance.

5. Where a project creates parcels or lots of one acre or less, underground piping for irrigation and storm drainage must be required, unless otherwise approved by the water conveyance advisory committee.

6. Where a road or driveway intercepts a ditch and its construction would restrict or prohibit access along the ditch, ramps or other facilities as approved on the drainage and irrigation plan must be provided for both the upstream and downstream faces to facilitate access by ditch maintenance vehicles.

7. The culvert installed in a ditch or ditch crossing on a road, street, alley or driveway installed as a consequence of a subdivision or parcel map must be capable of

passing 150 percent of the hydraulic capacity of the ditch up to the capacity of a 48-inch culvert. Beyond the capacity of a 48-inch culvert, the culvert must be capable of passing 100 percent of the hydraulic capacity of the ditch. The installation must not change velocity in any manner which increases erosion. Erosion controls may be required to the satisfaction of the water conveyance advisory committee.

8. Piping of ditches exclusive of road, street, alley, or driveway crossings must be capable of passing at least 150 percent of the hydraulic capacity of the ditch, up to the capacity of a 48-inch pipe. Beyond the capacity of a 48-inch pipe, the pipe must be capable of passing 100 percent of the hydraulic capacity of the ditch. Piped ditches must have manholes and other points of access to provide for routine maintenance and cleaning in accordance with the design manual. The installation must not change velocity in any manner which increases erosion. Erosion controls may be required to the satisfaction of the water conveyance advisory committee. The committee may recommend, and the final decision maker may allow, variations in the capacity of the pipe to not less than 100% of the hydraulic capacity of the ditch when supported by sound engineering principles and practical consideration.

9. When a culvert greater than 24 feet in length is installed as a consequence of subdivision or a parcel map there must be a trash rack installed on the upstream side. The trash rack must be constructed in compliance with the Standard Details for Public Works Construction.

10. A development which is entitled to water from a ditch must provide a headgate and measuring device diversion structure in the ditch, approved by the federal water master or the state engineer.

11. A development which is entitled to water from a ditch must form a homeowner's association which will be obligated to their proportionate share of the ditch's maintenance.

12. For any development with lots ten acres in size or smaller which are entitled to irrigation water, the developer must provide an irrigation management plan which designates administrative responsibility. The drainage or irrigation plan must show how water will be supplied to and tailwater collected for each lot within the development.

13. Where a ditch is piped, where water rights are transferred from a ditch or where drainage goes into a ditch, there must be a continuing responsibility to pay a proportionate share of the costs of ditch maintenance, which can be calculated in terms of the actual costs of ditch maintenance or as though the water rights were still delivered through the ditch by the owner of the water rights. This is required until a change is approved either by all parties holding water rights in the ditch or by the water conveyance advisory committee.

B. Use of the ditch right-of-way for the storage or disposal of wood, debris, garbage or other waste or any other use of the right-of-way area which impedes the access along or maintenance of the ditch is prohibited. (Ord. 1012, 2002; Ord. 763, 1996; Ord. 539, 1991; Ord. 390, 1981)

20.100.090 Roadway facilities.

A. Adequate roadways. New development, with the exception of parcels created by division of land into large parcels as defined by NRS and single-family residential building permits on parcels created prior to the adoption of this title, or as provided in subsection P, shall be served by paved roadways adequate to accommodate the vehicular traffic to be generated by the development. Proposed streets shall provide a safe, convenient and functional system for traffic circulation, and shall be properly related to the county's transportation plan, road classification system, adopted master plan and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each development.

B. Access roads. All developments must be connected to the county's improved thoroughfare and road system by one or more access roads of such dimensions and location approved to the standards specified in the design criteria and improvement standards manual. Requirements for dedication of right-of-way and improvement of access roads may be increased depending on the density or intensity of the proposed development. Access roads within a project shall be designed, constructed and offered for dedication in accordance with the design criteria and improvement standards manual.

C. Road network. New development shall be supported by a regional transportation network having adequate capacity, and safe and efficient traffic circulation. A traffic impact study shall be submitted demonstrating adequacy of the road network as required by the design criteria and improvement standards to accommodate traffic generated by the development, other developed property and undeveloped property approved for development. The traffic impact study shall address the issues specified in the design criteria and improvement standards manual. Improvements to roads designated by the master plan as regional in nature shall be made in accordance with the design criteria and improvement standards manual.

D. Perimeter streets. Rights-of-way for streets abutting the development shall be dedicated to the county according to the standards contained in the master plan and shall be improved to standards set forth in the design criteria and improvement standards manual. In no event shall the perimeter road have a dedicated right-of-way less than 40 feet or an improved width of less than 24 feet.

E. Continuation of roads and dead-end roads. The following shall apply to dead-end roads and roads which will be continued:

1. The arrangement of roads shall provide for the continuation of major roads between adjacent properties when necessary for the convenient movement of traffic, effective fire protection, or for efficient provision of utilities.

a. If the adjacent property is undeveloped and the road must be temporarily dead-ended, right-of-way shall be extended to the property line, and the construction and maintenance of a turnaround is required for temporary use, with a notation that land outside the normal road right-of-way shall revert to abutting property owners whenever the road is continued.

b. Where a road does not extend to the boundary of the development, and its continuation is not required for access to adjoining property, its terminus shall be no

closer than 50 feet to the boundary.

c. Emergency access shall comply with the provisions of the road standards.

d. The developer shall be responsible for posting a sign at the terminus of temporarily dead-ended right-of-way indicating that the right-of-way is intended to be extended in the future.

F. Reserve strips.

1. Reserve strips in the form of one foot outlots may be required to control or restrict access to perimeter or stub roads.

2. Such strips shall be utilized only where their ownership and control is accepted by the public agency having jurisdiction.

3. The outlots shall be deeded to the public agency at the time of recordation of the final map.

G. Road names.

1. Assigned road names shall be shown on the final map and must be consistent with the approved improvement plans.

2. Road naming shall conform to the road naming guidelines as adopted by the county.

H. Private roads.

1. The use of private roads, which meet the specifications contained in the design criteria and improvement standards manual for a public street, is permitted upon review by the planning commission and approval by the board.

2. A corporation or perpetual association or other suitable means must be established for maintenance of the private road.

I. Sidewalks. Within master plan designated urban service areas, sidewalks are required with the creation of parcels of one-half net acre or less in size and for all commercial development, and shall be constructed in accordance with the design criteria and improvement standards.

J. Dedication requirements. Rights-of-way required for existing or future streets, including perimeter streets, and off-site access roads, shall be offered for dedication to the county or other appropriate entity according to the requirements of the master plan, capital improvements plan, or other valid plans approved by the county. Standard rights-of-way widths for county streets are as specifically set forth in the design criteria and improvement standards manual. Dedication of additional rights-of-way beyond those widths specified in the design criteria and improvement standards manual may be required at approaches to intersections, where turn lanes or other improvements are needed as required by the county engineer.

K. Design and improvement standards. In order to provide for streets of suitable location, width and design to accommodate prospective traffic and to afford satisfactory access for law enforcement, firefighting and other public facilities and services, streets serving the development shall be designed and improved in accordance with the standards set forth in the design criteria and improvement standards manual. All streets shall be improved and paved to the width specified in and shall be designed and paved

in accordance with the specifications in the design criteria and improvement standards manual.

L. Road facilities charges. Road impact fees shall be paid when adopted in accordance with chapter 20.300.

M. Access to public lands.

1. Legal access to public lands may not be eliminated by development over the path or way thereof.

2. If a trail or road plan for access to public lands is adopted by a federal agency in ownership or control thereof, and made part of the master plan, then development in the path of or adjacent to such trailheads or roads may be required to dedicate rights-of-way or other easements sufficient to secure public access to such trails or roads, provided that such dedication shall not be disproportionate to the impact of the development. The board may relieve the applicant of other dedication requirements in exchange for such access, rights-of-way, or easements, if it can do so without compromising the public interest.

N. Cul-de-sac streets. All cul-de-sac streets must conform to the following requirements:

1. A residential cul-de-sac street must not serve uses, based on the ultimate permitted zoning density, which will generate more than 200 average daily trips as specified under the most recent edition of the institute of transportation engineer's trip generation manual or 20 single-family residences.

2. A residential cul-de-sac street must not have a center line length measured from the center pin of the cul-de-sac to the center line's intersection with the adjoining road right-of-way line, a length in excess of 600 feet in a high fire hazard area as determined by the county fire marshal or 1,000 feet in all other areas. A cul-de-sac street serving commercial or industrial properties must not exceed a center line length of four hundred feet.

3. A residential cul-de-sac street must have a fifty foot improved surface for the radius bulb measured from the center pin to the face of curb or edge of pavement. Commercial or industrial cul-de-sacs must have a fifty-five foot improved surface for the radius bulb.

4. A residential cul-de-sac street in excess of six hundred feet must have a fifty foot improved radius bulb at the midpoint of the cul-de-sac street.

5. All cul-de-sac streets must have the right-of-way necessary for the operation of the roadway including, but not limited to, roadside drainage, sidewalks and public utilities.

6. All rights-of-way and physical improvements for cul-de-sac street must include a reverse transition curve to the point of tangency.

7. A fire access easement is not a secondary means of access and cannot be used to waive or modify the requirements of this section.

O. Hillside streets. Except as otherwise provided in paragraph 6 below, streets within any project proposed in a hillside area shall be designed and constructed in accordance with the following standards:

1. Proposed streets in hillside area must fit the natural contours of the land.

2. If a location of a road between a valley and a ridge is unavoidable, directional pavements should be split, with the principle of grading being half-cut and half-fill versus all fill (*see* figure 20.100.090.O, Appendix C). Split streets may be provided by the subdivider according to the following schedule:

a. For one lane in each direction, the split section width of the pavement shall be 14 feet;

b. For two lanes in each direction, the split section width of pavement shall be 22 feet. The median between split streets shall not exceed the slope of two foot horizontal for each one foot vertical; and the median shall be planted by the subdivider and maintained by the subdivider, general improvement district or property owners association, to the satisfaction of the county engineer. Lots may be located between the split pavement when approved by the county engineer.

c. Grades of collector and minor streets may exceed 12 percent to a maximum of 15 percent for a distance not greater than 300 feet in any 2,000 feet of street length;

d. Site visibility must conform to AASHTO/ITE standards or other acceptable standard.

3. The following minimum dimensions are to be utilized in the design of hillside streets:

a. All streets shall have suitable pavement widths, sidewalks and drainage facilities per the design criteria and improvements standards.

b. The width of the graded section shall extend three feet beyond the curb face or edge of sidewalk on the fill side and two feet on the cut side of the street.

c. Parking lanes, eight feet in width, may be required on at least one side of all public streets except where existing topography renders development adjacent to the street impractical, or where the street serves solely as an access road, or where an adequate number of off-street parking spaces are provided on each lot adjacent to the street. Streets without parking lanes shall be provided with emergency parking stalls adequate to contain at least one vehicle per lot fronting the street.

d. The following travel lane widths are required in all hillside areas:

i. Local streets: Minor streets must have a minimum travel lane of ten feet;

ii. Collector streets: Collector streets must have minimum travel lane of 12 feet.

4. Split level, one-way streets may be permissible in areas of steep terrain when accepted by the county during project review.

5. Street lighting must be designed to minimize visual impacts and retain rural character while conforming to acceptable safety standards.

6. Modifications to these standards may be made by the planning commission and board if it can be found that the modifications further the purpose and intent of this ordinance by reducing grading and overall visual impacts while retaining acceptable traffic safety and street design characteristics as determined by the county engineer.

P. Exemptions. Utility and public service facilities, as defined in section 20.658.130 of this code, are exempt from the requirements of this section provided that they meet all of the following criteria:

1. The facility is not opened to the general public at any time.

2. The facility is not used for maintenance, storage of materials, supplies or equipment, other than those used on-site.

3. The facility is unmanned, with access by employees only for maintenance and repair of the facility.

4. No office or administrative functions are conducted on the site.

5. A legal access easement is provided to the facility. The access must be a minimum of 24 feet in width. If the access easement connects to a paved public road, the easement shall have a paved approach, a minimum of 20 feet in length. The approach shall be paved with 2 inches of asphaltic concrete on 4 inches of aggregate base material. (Ord. 876, 1999; Ord. 842, 1998; Ord. 801, 1997; Ord. 763, 1996; Ord. 640, 1994; Ord. 641, 1994; Ord. 390, 1981; Ord. 158, 1967)

20.100.100 Determination and satisfaction of adequacy requirements.

A. Adequacy determination. The county shall determine whether a proposed development is served by adequate public facilities as a condition precedent to approval of any development application. (The county shall establish how adequacy standards shall be satisfied for each stage of the development process.) In general, adequacy standards may be satisfied on occurrence of one of the following:

1. Adequate facilities exist at the time of development approval;

2. Adequate facilities will be provided or will be secured by the developer prior to final development approval, but in no event later than issuance of a building permit; or

3. Adequate public facilities will be provided through construction of a capital improvement project by the county, by another public entity, by the developer or by another private entity simultaneous with or in reasonable proximity to the time that the demand will be placed on the public facilities system by the development.

B. Entire project. Adequate public facilities shall be evaluated with respect the entire development project. In the case of requests for plan amendments or zone changes, the development project shall be deemed to be the maximum intensity of development authorized by the amendment or zone change. The county may condition development approval on the phasing of the development project in order to satisfy adequacy requirements.

C. Participation in improvement costs. The county may require that public facilities be oversized to accommodate other developments to be served by a particular capital improvement. In such event, the county may authorize the reimbursement of the developer or property owner through development agreements, proceeds from impact fees, credits against impact fees or special assessments or other means of contributions from other developments benefiting from installation of the improvement. If such means of participation are not available, the adequate public facilities policies and

standards applicable to the development shall be considered as minimum conditions of project approval. (Ord. 763, 1996)

Chapter 20.200

Surveys

Sections:

20.200.010 Requirements.

20.200.010 Requirements.

A. Required. Before a final map of a subdivision can be filed for recording, the county engineer must ascertain that an accurate and complete boundary survey of the lots, blocks, roads, easements and boundaries of the subdivision has been established on the ground by a licensed surveyor.

B. Monuments generally. Monuments must be set as provided in paragraph C below and must be permanently and visibly marked or tagged with the registration and license number of the surveyor under whose supervision the survey was made. A description of each monument to be set subsequently to recordation must be shown on the final map. The minimum allowable error of closure is 1/10,000.

C. Monuments, setting. The engineer or surveyor in charge of survey must set permanent monuments as follows:

1. A class “A” monument must be set:

a. On each boundary corner of the subdivision;

b. Along the boundary lines of the subdivision at intervals of not more than one fourth mile;

c. At street intersections or by reference thereto;

d. At the beginning and ending of each curve unless special conditions require an alternate setting;

e. On all block corners in the subdivision.

2. A class “B” monument must be set on each building site or lot corner in the subdivision.

D. Monuments, construction. Monuments required in this title are as follows:

1. A class “A” monument consists of a capped iron pipe having an inside diameter of two inches or more or a six-inch by 12-inch concrete monument, or a malleable metal capped steel shaft or its equivalent 30 inches long, driven at least 24 inches into the ground.

2. A class “B” monument consists of an iron pipe having an outside diameter of three-fourths inch or more, at least 18 inches long, driven at least 12 inches in the ground extending between four inches and six inches above the surface and permanently stamped, or a reinforcing steel bar with a minimum diameter of five-eighths inch and at least 18 inches long, driven in the ground at least 12 inches and extending above surface of ground at least six inches with top painted red.

3. Where a monument is set in a paved street, it must be set with the top at least six inches below finished grade and be covered with a cast iron cover set flush

with finished street grade.

4. By order entered in the minutes, the board may authorize placement of other specified kinds of monuments in a particular subdivision.

E. Map of record. Every licensed surveyor who surveys a parcel of land in the area of Douglas County into three or more separate parcels of less than five acres and prepares a map or record of each such survey must send a legible copy of such map to the county recorder within 30 days after completion of the map. (Ord. 763, 1996; Ord. 390, 19981)

Chapter 20.220

Installing Utilities Underground

Sections:

20.220.010 Purpose.
20.220.020 Definitions.
20.220.030 Applicability.
20.220.040 Exemptions.
20.220.050 Hardship waiver.
20.220.060 Compliance with standards prerequisite to issuance of building permit.

20.220.010 Purpose.

The purpose of this chapter is to protect the public health and safety of Douglas County residents, and to maintain and enhance the aesthetic qualities and character of urbanizing areas through the requirement of installing certain new utilities, including electric distribution lines, telephone lines and cable television underground. (Ord. 996, 2002; Ord. 801, 1997; Ord. 763, 1996)

20.220.020 Definitions.

The following words and phrases, when used in this chapter, are defined as follows:

A. "Cost of installing utilities underground" means the cost of placing utility service underground, as determined by a Nevada registered engineer's cost estimate, stamped and signed by the engineer, or by an estimate of cost from the utility company as approved by the county engineer.

B. "District or underground utility district" means any special district established by the county pursuant to NRS 704A that is specifically formed to convert poles, overhead wires and associated overhead facilities to underground facilities.

C. "New structure" means a new free standing structure that has utility service; a structure to which additions, alterations, or repairs within any one-year period exceed 50 percent of the building area of the existing structure; or a building that is moved to another location or relocated on the same parcel. The definition includes single family residences and commercial structures.

D. "Normal maintenance" means routine utility maintenance and minor system upgrades that are required to meet current industry standards, including any of the following:

1. Adding two wires to existing poles with wires to make a three phase electrical system or adding an additional phone wire to an existing overhead phone wire.
2. Replacing existing poles with poles up to ten feet taller above ground.

3. Replacing existing electrical distribution or phone wires with larger diameter wires or replacing existing metal wire with fiber-optic cable.

4. Replacing outdated equipment with new equipment.

E. “On-site” means that area within, and including, the property lines of real property and extending to the centerline of any abutting street or road.

F. “Project valuation” means the following:

1. For projects requiring design review, the total valuation of the proposed development as determined by the currently adopted valuation tables of the building official for new structures; or

2. For divisions of land, the valuation of each parcel created, including public and private on-site improvements, as determined by a Nevada certified appraiser, exclusive of existing structures.

G. “Utility” means electricity, telephone and cable television.

H. “Utility service” means facilities for the provision, distribution, or transmission of electricity, telephone and cable television, including wires, conduit, poles, supports, transformers, insulators, switches, and related or appurtenant facilities. (Ord. 996, 2002; Ord. 801, 1997; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.220.030 Applicability.

A. All on-site utilities servicing a division of land created by subdivision map or parcel map, or a new structure must be installed underground, unless exempted in section 20.220.040

B. Any new line extensions, including utility extensions and extensions required to service a division of land created by subdivision map or parcel map or a new structure must be installed underground, commencing from the terminus of the existing utility service for the length of the extension or the project site, unless exempted in section 20.220.040;

C. Any new line extensions or modifications to existing overhead facilities requiring the placement of new utility lines must be installed underground, unless exempted in section 20.220.040. (Ord. 996; 2002; Ord. 801, 1997; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.220.040 Exemptions.

The following types of facilities are exempted from the provisions of this chapter:

A. Existing poles, overhead wires and associated utility services, and any appurtenant structures and equipment such as surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets;

B. New or modifications to poles, overhead wires and associated utility services that are used for the transmission of electric energy at a nominal voltage of 33,000 volts or higher, and any appurtenant structures and equipment such as surface mounted transformers, pedestal-mounted terminal boxes and meter cabinets;

C. Temporary poles, overhead wires and associated utility services used or to be used in conjunction with construction projects;

D. Temporary poles, overhead wires and associated utility services for a temporary use when a temporary use permit has been issued and when the permit requires removal of the temporary utility service upon completion of the temporary use;

E. Normal maintenance and minor system upgrades performed by a public utility doing work governed by the rules, regulations and tariffs of the public utility commission;

F. Emergency poles, overhead wires, and utility services to be installed and maintained for a period not to exceed ten days, with the approval of the director;

G. Whenever an underground service district has already been formed or is projected to be formed pursuant to NRS 704A;

H. The replacement of a panel on an existing structure that has an existing overhead service;

I. Whenever an unreasonable hardship has been found and a waiver granted by the hearing body pursuant to section 20.220.050 below. (Ord. 966, 2002; Ord.801, 1997; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.220.050 Hardship waiver.

A. Whenever the requirement of installing utilities underground causes an unreasonable hardship, the owner or owners of the real property which is subject to the approval, or the utility, may apply to the hearing body for relief from the provisions of this chapter. The request must be in writing and contain a detailed description of the utility services proposed to be placed underground and for a financial hardship waiver the separate itemized cost estimates of the project valuation and cost of the line extension above ground and underground.

B. The hearing body may grant relief after hearing the request for a waiver if the approval is consistent with the intent and purposes of this chapter and one of the following findings can be made:

1. The cost of installing the new underground utilities that are required to serve a division of land created by a subdivision map or parcel map, or a new structure, in comparison to the cost of an above ground utilities is disproportionate to the total cost of the project and the increased cost due to installing the utilities underground exceeds 20 percent of the project valuation;

2. The installation of underground utilities in rural areas, outside of urban service areas, is impractical or unreasonable due to topographic, soil or other conditions including the existence of overhead lines adjacent to the project, when it is on an existing lot or it is a utility initiated line extension. (Ord. 996, 2002; Ord. 801, 1997; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.220.060 Compliance with standards prerequisite to issuance of building permit.

A building permit will not be issued for any construction of a new structure nor will a permit for land development be issued unless the applicant's plans comply with the provisions of this chapter and appropriate conditions of approval have been required, or

until the applicant has obtained a waiver of the requirements. (Ord. 996, 2002; Ord. 801, 1997; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

Chapter 20.300

Impact Fees

Sections:

20.300.010 Definitions.
20.300.020 Applicability.
20.300.030 Procedure.

20.300.010 Definitions.

As used in this chapter, unless the context otherwise requires, the words and terms have the meanings ascribed to them in NRS 278B.010 to 278B.140, inclusive. (Ord. 763, 1996)

20.300.020 Applicability.

A. The board shall consider the imposition of impact fees on new development as a potential revenue source for construction or expansion of capital improvements projects in the formation and annual revision of the five-year capital improvement plan.

B. In reviewing any application for new development, including, but not limited to approval of a tentative subdivision map, planned development, specific plan, special use permit or design review for commercial or industrial property which adds or increases the number of service units to be served by capital improvements projects, the community development department, planning commission and board shall determine whether the new development is likely to require construction or expansion of capital improvement projects, and may employ the provisions of chapter 278B of NRS to fund the same. In the event it determines to do so, then approval of the new development in question shall be conditioned on participation in such a program. (Ord. 763, 1996)

20.300.030 Procedure.

If the board determines to proceed with the imposition of impact fees, it shall follow the procedure provided by chapter 278B of NRS. The planning commission shall serve as the capital improvements advisory committee, the membership of which may be augmented as provided in NRS 278B.150, to meet the requirements thereof. (Ord. 763, 1996)

Chapter 20.400

Development Agreements

Sections:

20.400.010 Purpose.
20.400.020 General provisions.
20.400.030 Action by board.
20.400.040 Required findings for approval.
20.400.050 Ongoing review.
20.400.060 Amendments to approved development agreements.

20.400.010 Purpose.

This chapter provides procedures and requirements for the consideration of development agreements for the purposes specified in and as authorized by NRS 278. (Ord. 763, 1996)

20.400.020 General provisions.

All development agreements filed with the county shall be in compliance with the following:

A. Only a qualified applicant may file an application for a development agreement. A qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of the development agreement, or an authorized agent of a person who has a legal or equitable interest. The director may require an applicant to submit a title report or other evidence satisfactory to the department to verify the applicant's interest in the real property and of the authority of the agent to act for the applicant.

B. An application for a development agreement may be filed concurrently with any other applications having a direct relationship to the property which is the subject of the proposed agreement.

C. An application for a development agreement shall be made on a form provided for that purpose by the community development department, along with the required fee and deposit established by the board.

D. A draft of the proposed development agreement along with the required number of copies and any other required submittal materials must be submitted along with the application. The agreement shall be in the county approved form. Any changes to the form proposed by the applicant must be italicized or underlined.

E. The community development department may require additional information to enable the board to determine whether the development agreement is consistent with

the objectives of the adopted master plan and any applicable specific plan. (Ord. 763, 1996; Ord. 509, 1989)

20.400.030 Action by board.

A. Upon receiving a recommendation from the community development department on a proposed development agreement, the board shall hold a public hearing. The hearing shall be set and notice given as prescribed in chapter 20.20. The hearing may be continued.

B. Following the closing of a public hearing, the board shall determine if the development agreement is consistent with the findings contained within chapter 20.400.040. If determined to be consistent, the board shall introduce an ordinance adopting the development agreement.

C. Following introduction, a second reading shall be held and based on the testimony provided at the hearing, the ordinance shall be adopted, denied or continued. (Ord. 763, 1996; Ord. 509, 1989)

20.400.040 Required findings for approval.

Prior to taking an action to approve a development agreement, the board shall find as follows:

A. The proposed development agreement conforms with the maps and policies of the master plan and any applicable specific plan.

B. The proposed development agreement complies with the requirements of NRS.

C. The proposed development agreement is consistent with the consolidated development code and all other applicable codes and ordinances.

D. The proposed development agreement will not be detrimental to or cause adverse effects to adjacent property owners, residents, or the general public and that provisions have been included to address the completion or phasing of improvements as well as provisions to address abandonment of the project.

E. The proposed development agreement provides clear and substantial benefit to the residents of the county. (Ord. 763, 1996; Ord. 509, 1989)

20.400.050 Ongoing review.

The board shall review all approved development agreements at least once every 24 months to determine whether the applicant, or successor in interest, is demonstrating good faith compliance with the terms of the agreement. This review process may require the submittal of an application form and materials as established by resolution. (Ord. 763, 1996; Ord. 509, 1989)

20.400.060 Amendments to approved development agreements.

Any amendment to an approved development agreement shall be reviewed pursuant to the procedures outlined in this chapter for a new application. (Ord. 763, 1996; Ord. 509, 1989)

Chapter 20.440

Density Bonus and Affordable Housing Agreements

Sections:

20.440.010 Purpose.
20.440.020 General provisions.
20.440.030 Application procedures.
20.440.040 Action by board.
20.440.050 Required findings for approval.
20.440.060 Ongoing review.
20.440.070 Amendments to approved density bonus and affordable housing agreements.

20.440.010 Purpose.

This chapter provides procedures and requirements for the consideration of density bonus and affordable housing agreements for the purposes specified in and as authorized by NRS. (Ord. 801, 1997; Ord. 763, 1996)

20.440.020 General provisions.

All density bonus and affordable housing agreements filed with the county shall be in compliance with the following:

A. Only a qualified applicant may file an application. A qualified applicant is a person who has a legal or equitable interest in the real property which is the subject of the agreement, or an authorized agent of a person who has a legal or equitable interest. The director may require an applicant to submit a title report or other evidence satisfactory to the department to verify the applicant's interest in the real property and of the authority of the agent to act for the applicant.

B. Where a density bonus or affordable housing request does not involve an existing development, the application shall be filed concurrently with all other development applications.

C. The density bonus or affordable housing agreement may only be requested for development projects consisting of ten or more dwelling units, prior to any density increase.

D. For the purposes of this chapter, a "density bonus" shall mean an increase in residential density from that otherwise allowable under the master plan (the base density) in return for provision of housing at affordable levels.

E. When determining the number of units which are affordable, the density bonus shall not be included.

F. When calculating base density or density bonus numbers, any fractional portion of a unit shall be rounded down.

G. In accordance with the housing element of the master plan, density bonuses may be granted as follows:

1. A maximum 25 percent bonus for a project in which one of the following are provided:

a. At least 20 percent of the units are affordable to households earning between 51 percent and 80 percent of the county's median income; or

b. At least 15 percent of the units are affordable to households earning up to 50.9 percent of median income; or

c. At least 20 percent of the units are single-family residences affordable for sale to households with a total household income of 110% or less of the median household income.

2. For any density bonus or affordable housing agreement approved under the provisions of this chapter, the developer shall agree to ensure continued affordability of all restricted income density bonus units for no less than 30 years for rental projects and 15 years for projects involving the sale of individual dwelling units. (Ord. 969, 2001; Ord. 801, 1997; Ord. 763, 1996)

20.440.030 Application procedures.

A. An application for a density bonus or affordable housing agreement shall be made on a form provided for that purpose by the community development department, along with the required fee or deposit established by resolution.

B. The application shall be accompanied by the original draft density bonus or affordable housing agreement and any other submittal materials listed on the application. The agreement shall be in the county approved form and may include the following provisions as well as any other deemed necessary by the county during review of specific proposals:

1. The terms and conditions of the agreement shall run with the land, which is to be developed, shall be binding upon any or all successors in interest of the developer, and shall be recorded in the office of the county recorder, prior to issuance of any building permits for the project;

2. The developer shall give the county the continuing right-of-first-refusal to purchase or lease any or all of the designated units at the fair market value;

3. The deeds to the designated units shall contain a covenant stating that the developer and his or her successors in interest shall not sell, rent, lease, sublet, assign, or otherwise transfer any interest in the same without the written approval of the county confirming that the sales price of the units is consistent with the limits established for very low, low or moderate income households, which shall be related to the consumer price index;

4. The county shall have the authority to enter into other agreements with the developer or purchasers of the dwelling units, as may be necessary to assure that the required dwelling units are continuously occupied by eligible households.

C. The community development department may require that the developer provide additional information necessary for the board to determine whether the density bonus

agreement is consistent with the objectives of the adopted master plan and any applicable specific plan. This may include, but is not limited to, a market feasibility or absorption study for the proposed project. (Ord. 801, 1997; Ord. 763, 1996)

20.440.040 Action by board.

A. Upon receiving a recommendation from the community development department on a proposed density bonus agreement, the board shall hold a public hearing. The hearing shall be set and notice given as prescribed in chapter 20.20. The hearing may be continued from time to time.

B. Following the closing of a public hearing, the board shall determine if the density bonus agreement is consistent with the findings contained within section 20.440.050. If determined to be consistent, the board shall introduce an ordinance adopting the density bonus agreement.

C. Following introduction, a second reading of the ordinance adopting the agreement shall be held and based on the testimony provided at the hearing, the ordinance shall be adopted, denied or continued. (Ord. 763, 1996)

20.440.050 Required findings for approval.

Prior to taking an action to approve or recommend approval of a density bonus or affordable housing agreement, the board shall find as follows:

A. The proposed agreement is consistent with the maps and policies of the master plan and any applicable specific plan;

B. The proposed agreement complies with the requirements of NRS;

C. The granting of the proposed agreement will result in provision of housing for persons with special needs, as identified in the county's affordable housing element;

D. Where a density bonus is proposed, that the granting of the proposed density bonus will not have an adverse impact on adjacent properties or on the general public. (Ord. 801, 1997; Ord. 763, 1996)

20.440.060 Ongoing review.

The board shall review all approved density bonus or affordable housing agreements at least once every 24 months to determine whether the applicant, or successor in interest thereto, is demonstrating good faith compliance with the terms of the agreement. This review process may require the submittal of an application form and materials as established by resolution. (Ord. 801, 1997; Ord. 763, 1996)

20.440.070 Amendments to approved density bonus and affordable housing agreements.

Any amendment to a previously-approved density bonus or affordable housing agreement shall be reviewed pursuant to the procedures outlined in this chapter for a new application. (Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.460

Reimbursement Agreements

Sections:

20.460.010 Purpose.
20.460.020 General provisions.
20.460.030 Application procedure.
20.460.040 Action by the planning commission and board.
20.460.050 Findings for approval.
20.460.060 Enforcement.

20.460.010 Purpose.

The purpose of this chapter is to provide for agreements for reimbursement of the costs of constructing capital improvements or public facilities which result in a benefit to the community and subsequent development. (Ord. 763, 1996; Ord. 509, 1989)

20.460.020 General provisions.

When the owner or developer of property funds construction of capital improvements or public facilities likely to be served by future or other development, it may request, as part of its approval, that the county enter a reimbursement agreement. (Ord. 763, 1996; Ord. 509, 1989)

20.460.030 Application procedure.

A. The request for reimbursement agreement shall be made and filed together with the application for tentative subdivision, planned development or specific plan approval. The board or planning commission may permit a request for reimbursement agreement to be filed following public hearings on the tentative subdivision, planned development or specific plan if the hearings result in imposition of conditions for approval that require the construction of qualifying capital improvements or public facilities.

B. The request for reimbursement agreement shall include a definition of the capital improvement or public facility, the cost, with support materials, a reimbursement plan, a description of the benefit area and the parcels included therein, and a method for determining the proportionate cost to be assessed against such parcels, when developed.

C. An application for a reimbursement agreement shall be made on a form provided for that purpose by the community development department, along with any required fee or deposit established by resolution.

D. The term of the reimbursement agreement shall not exceed ten years. (Ord. 763, 1996; Ord. 509, 1989)

20.460.040 Action by the planning commission and board.

A. The planning commission shall consider the request for reimbursement agreement in connection with its hearing on the application for tentative approval of the subdivision, planned development or specific plan, and determine if the capital improvement or public facility is consistent with the master plan. If the planning commission makes such a finding and recommends approval of the reimbursement agreement, then its recommendation will be forwarded to the board for action.

B. At the board level, the public hearing on the request for reimbursement agreement may be held on the same date as the application for tentative approval, but will be posted as a separate item on the agenda, and separately noticed. In addition to the notice otherwise required by section 20.20.030, notice and copies of the reimbursement plan shall be served on the owners of the affected parcels, at least ten days before the hearing. (Ord. 801, 1997; Ord. 763, 1996)

20.460.050 Findings for approval.

The decision whether to enter a reimbursement agreement is discretionary, and nothing contained in this chapter is intended to vest enforceable rights to a reimbursement agreement in any person. In determining whether to enter a reimbursement agreement, the board shall make affirmative findings as follows:

A. The cost of the capital improvement or public facility is reasonable and the reimbursement plan is fair and equitable to the parcels to be charged thereunder.

B. Construction of the capital improvement or public facility is consistent with the master plan and represents a substantial and measurable benefit to the community.

C. There are adequate resources for the annual operation and maintenance of the facility.

D. The costs of administering the reimbursement agreement have been advanced by the applicant and will not create an unreasonable burden of the county disproportionate to the size of the project and the benefit to the community. (Ord. 763, 1996)

20.460.060 Enforcement.

Copies of the reimbursement agreement and plan shall be recorded in the office of the Douglas County recorder and filed in the office of the department. When the owner of a parcel included in the reimbursement plan applies for a development permit for the parcel, he or she shall comply with the terms of the reimbursement agreement as a condition of the issuance of a permit. (Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.470

Maintenance Districts

Sections

20.470.010 Purpose.
20.470.020 General provisions.
20.470.030 Procedure for petitions.
20.470.040 Notice and action by the board.
20.470.050 Findings for approval for petitions.
20.470.060 Ordinance creating a maintenance district.
20.470.070 Assessments and creation of liens.
20.470.080 Recorded notice of a maintenance district.
20.470.090 Construction of improvements.
20.470.100 Expansion of a maintenance district.
20.470.110 Dissolution of a maintenance district.

20.470.010 Purpose.

The purpose of this chapter is to allow an applicant, who is creating a residential subdivision, to petition the county, instead of creating a common-interest community association, to assume the maintenance of perimeter landscaping, public lighting, security walls, or trails, parks, and open spaces which provide a substantial public benefit or which are required by the county for the primary use of the public. This chapter is enacted pursuant to NRS 278.478 to NRS 278.4787 and uses the definitions in those sections. (Ord. 1066, 2004)

20.470.020 General provisions.

The request to create a maintenance district must be in the form of a petition, which must be signed by the majority of the owners whose property will be assessed, and must contain a description of the tracts of land or residential units that would be subject to assessment. If the county determines that it desires to assume the maintenance of the proposed improvements it must adopt an ordinance to create the maintenance district. The ownership of the maintenance district property will be by the county or by ownership in common shared by the applicant and all future owners of property within the development or subdivision. The county may provide the maintenance or contract to provide the maintenance. The county may also by agreement under NRS 277 agree to have another public agency perform the maintenance. (Ord. 1066, 2004)

20.470.030 Procedure for petitions.

A. For a person who proposes to divide land as a subdivision, the complete petition

for a maintenance district must be submitted to the community development department on a form provided by the department at least 120 days before the approval of the final map for the land. A public hearing must be held by the board on the petition at least 90 days before the approval of the final map.

B. The petition is complete when it contains or is accompanied by the following:

1. Legal descriptions of all tracts of real property that would be subject to the maintenance assessment.

2. The legal description of the maintenance district real property and the proposed ownership of the real property.

3. For landscaping, public lighting, and security walls, a detailed plan with improvements and construction details acceptable to the county.

4. For trails, parks, and open space, a detailed plan with improvements and construction details acceptable to the county and a determination of the relative proportions of the benefit to the development or subdivision and the benefit to the public.

5. An agreement signed by the owners of the subject property agreeing to the terms of the petition including:

a. A grant to the county giving the county, its officers, agents, employees and contractors the right to enter and access the maintenance district property to maintain the improvements on the maintenance district property.

b. A written agreement providing a warranty for all improvements, live plants, and irrigation equipment for one year and indemnification of the county for damage or loss resulting from the applicant's or applicant's agents improper installation or defective design of the improvements during the warrant period.

c. A deposit in the amount of the first six months of assessments and the start up costs of the district. The deposit may be refunded after the assessment amounts have been collected by the county.

6. Pay an application fee, any required deposits or recording fees and any inspection fees set by resolution of the board.

C. For a person, who has a subdivision approved by the county before the effective date of this ordinance with a condition of approval to create a beneficial assessment district, the complete petition for a maintenance district must be submitted to the community development department on a form provided by the department. A public hearing must be held by the board within 60 days of submitting a complete application and before the approval of the final map.

D. For a subdivision with a recorded final map, the request of a majority of owners, who propose to dissolve or have dissolved their common interest community, a petition must be submitted to the community development department on a form provided by the department. A public hearing must be held by the board on the petition within 60 days of submitting a complete application. (Ord. 1066, 2004)

20.470.040 Notice and action by the board.

The board must hold a public hearing on the petition for the creation of a

maintenance district. This hearing may be held on the same date as the application for tentative map approval, but must be posted as a separate item on the agenda, and separately noticed. In addition to the notice otherwise required by section 20.20.020, notice of the hearing on the petition must be mailed to the owners of the affected parcels, at least ten days before the hearing. (Ord. 1066, 2004)

20.470.050 Findings for approval of petitions.

To approve the petition for the maintenance district, the board must find that:

A. The improvements are designed and are or will be constructed to the standards of the county and are or will be in acceptable condition for the county to maintain;

B. The county has the ability to perform the maintenance for the district and cumulatively, for other districts, and that the maintenance does not cause an unreasonable administrative or financial burden on the county;

C. There is funding, if needed, for the public benefit portion of the proposed improvements;

D. A majority of owners agree to the assessment;

E. The proposed improvements are compatible with the character of the area of the county and the proposed costs of the assessment are commensurate with the cots of the houses in the subdivision; and

F. Any other factors the board finds relevant to the application. (Ord. 1066, 2004)

20.470.060 Ordinance creating a maintenance district.

After approval of the petition, the board must approve an ordinance that:

A. Creates or expands a maintenance district consisting of the tracts of land or lots set out in the petition on completion of the improvements. A maintenance district may be created at the time of the final map approval but the assessments will not begin until the county accepts the improvements for maintenance and the dedication of any real property. The county may require both the commencement and the completion of the improvements within a time period specified in the ordinance creating the district.

B. Establishes the method of determining the amount of an assessment for each assessment unit to pay the costs that will be incurred by the county in assuming the maintenance of the proposed improvements and sets the amount of the assessment for each unit, including the administrative costs to the county associated with the district. The assessment amount will be subject to an annual adjustment based on actual costs or expansion of the district.

C. Determines if there is a benefit to the public in addition to the benefit to the development or subdivision, the relative proportion attributable to both, and the source of the appropriate amount of public money for the county's share.

D. Sets the time and manner of the payment of the assessment.

E. Provides that the assessment constitutes a lien on the tracts of land or residential units within the maintenance district.

F. Sets the level of maintenance to be provided.

G. Addresses any other matter that the county determines to be relevant to the

maintenance of the improvements, including but not limited to the ownership of the improvements and the land on which the improvements are located and any exposure to liability associated with the maintenance of the improvements. (Ord. 1066, 2004)

20.470.070 Assessments and creation of a lien.

Assessment amounts will be payable according to the payment schedule adopted in the ordinance creating the district. The county will mail the property owner of the assessment unit a bill for the assessment amount. The county will assess a 10% penalty for each assessment not paid within 30 days from the due date. Interest will accrue on delinquent payments with unpaid principal, penalties, and accrued interest compounded semiannually. Once the assessment amount is levied and is due, it becomes a lien on the assessment unit. The lien will have the same priority as a lien for real property taxes. (Ord. 1066, 2004)

20.470.080 Recorded notice of a maintenance district.

The county must record a copy of the ordinance creating the maintenance district against all the properties included in the district. The notice must be in a form to encumber the property and run with the property. The costs of recording the notice must be paid for by the petitioner. (Ord. 1066, 2004)

20.470.090 Construction of improvements.

The improvements for the maintenance district must be installed or constructed by the applicant in accordance with the county approved improvement plans submitted with the petition, or secured in the manner provided in section 20.720.030, before the maintenance district is created or expanded. Once the improvements are completed, the applicant must notify the county to inspect the improvements for compliance with the plans and county code. (Ord. 1066, 2004)

20.470.100 Expansion of a maintenance district.

A maintenance district may be expanded to include the maintenance of improvements of a new subdivision or a subsequent phase of a subdivision development by filing a petition at least 120 days before the filing of the final map for that phase. The petition to expand a district must contain the information required by section20.470.030. The expansion of a district to include a subsequent phase may be approved if the same conditions required for the creation of the original district are satisfactorily fulfilled. (Ord. 1066, 2004)

20.470.110 Dissolution of a maintenance district.

A maintenance district may be dissolved by the county when:

A. A majority of the property owners of the assessments request the county dissolve the maintenance district and an association for a common-interest community has been formed to maintain the improvements; or

B. The county determines that it is no longer desirable for the county to maintain

the improvements or the improvements are no longer necessary.

C. The improvements are not constructed within the time period set out in the ordinance creating the district. (Ord. 1066, 2004)

Chapter 20.500

Transfer Development Rights

Sections:

20.500.010 Eligibility.
20.500.020 Procedure.

20.500.010 Eligibility.

A. Real property situated in the A-19 and FR-19 districts may transfer development rights to real property situated in designated receiving areas, as shown in the 1996 master plan, as amended.

B. The owner of real property in a sending area may not sell, transfer or convey more development rights than the parcel is permitted under the 1996 master plan, as amended plus bonuses as provided in this chapter.

C. In the A-19 zoning district, no development rights can be transferred, nor can a certificate of eligibility be issued, unless the owner of the real property permanently restricts all appurtenant surface and groundwater irrigation rights against transfer from the sending parcel.

D. The owner of real property in a receiving area may not transfer more development rights to a parcel than the density provided by the base zoning district, an approved planned development or an approved specific plan for the parcel.

E. Transfer of development rights from parcels zoned A-19 is eligible for bonuses using the following calculations:

1. The bonus for the transfer of development rights for each 19-acres shall be 9 units. These bonus units are conferred, and can only be used for transfer. They cannot be used on the sending parcel for any other purpose.

2. A bonus of 7 units per 19-acres shall be provided for each sending parcel for which at least 50% of the 19 acres is located within the designated FEMA 100-year floodplain.

3. A bonus of 7 units per 19-acres shall be provided when transfer of all of the appurtenant surface and groundwater irrigation rights from the parcel is restricted. The restriction against the transfer may provide for substitution of water rights of equivalent volume and equal or senior priority, on approval by the board at the time of substitution.

4. A bonus of 20 units for every 100 acres shall be provided for each sending parcel when the parcel or contiguous parcels are a minimum of 100 acres in area.

5. The board in its discretion may grant additional bonuses not to exceed one unit per 19 acres for dedication of improved and permanent public access easements or easements to rivers, streams, public lands, or significant historical resources. These bonus units are conferred, and can only be used, upon transfer of all development

rights from the sending parcel. It cannot be used on the sending parcel for any other purpose.

6. Minimum parcel size for participation in the TDR program is 40 contiguous acres. Calculations for bonuses on parcels grater than 40 acres shall be on a prorated basis with all bonus calculations rounded to the nearest whole number. Individual parcels may be considered together for the purpose of calculating bonuses.

7. Any existing or remaining residential unit or commercial development on the sending parcel shall require a minimum of 40 acres, which shall not be eligible for transfer or bonuses. The parent parcel or group of parcels will be reduced by 40 acres before calculating units available for transfer and bonuses.

F. Transfer of development rights from parcels in the FR-19 district are eligible for bonuses using the following calculations. These bonus units are conferred, and can only be used, upon transfer of all development rights from the sending parcel. They cannot be used on the sending parcel for any other purpose.

1. The bonus for the transfer of development rights from each 19-acres, of which at least 50% of the 19 acres is located within the designated FEMA 100-year floodplain, shall be one unit.

2. The board in its discretion may grant additional bonuses not to exceed one per unit per 19 acres for dedication of improved and permanent public access easements or easements to rivers, streams, public lands or significant historical resources. These bonus units are conferred, and can only be used, upon transfer of all development rights form the sending parcel. It cannot be used on the sending parcel for any other purpose.

3. A bonus of one unit for every 100 acres shall be provided for each sending parcel when the parcel or contiguous parcels are a minimum of 100 acres in area.

4. Minimum parcel size for participation in the TDR program is 40 contiguous acres. Calculations for bonuses on parcels greater than 40 acres shall be on a prorated basis with all bonus calculations rounded to the nearest whole number. Individual parcels may be considered together for the purpose of calculating bonuses.

5. Lands owned or held in trust by the United States or its agencies are not eligible to participate in this program.

G. Bonuses are conferred only upon transfer of the development rights from a parcel of real property. Partial transfers may occur only from parcels in excess of 40 acres in area. For a parcel in excess of 40 acres, if the owner transfers less than all of the development rights to which the parcel is entitled, the owner shall designate the portion of the parcel from which the development right or rights are being transferred, and a description of the portion will be included in the open space easement or deed restriction required by section 20.500.020. A parcel of real property from which a partial transfer of development rights has been made is not eligible for land division under chapter 20.704 which will result in parcels less than 40 acres in size. (Ord. 968, 2001; Ord. 763, 1996)

20.500.020 Procedure.

A. To transfer or acquire development rights under this chapter, a person shall apply to the community development department for a certificate that the parcel in question is eligible for such transfer or acquisition. The application and certificate shall be on a form prepared by the community development department, and shall include a legal description of the parcel or parcels and a current title report. Documentation to establish eligibility for all bonuses must be provided with the application. If the transferor applies for a density bonus related to the restriction against transfer of water rights, then evidence of the appurtenant surface water rights under the Alpine Decree or state permits for other irrigation water rights shall be provided with the application. If the transferor applies for bonuses related to flood plain preservation, a detailed map showing the property and the floodplain preservation, a detailed map showing the property and the floodplain boundary along with the calculations showing percentage and acreage of the sending parcels in the floodplain must be provided. If the transferor applies for bonuses related to the 100-acre minimum parcel area, a detailed map showing the property or properties and their respective parcel sizes must be provided.

B. In order for the certificate to be issued, the owner must record a deed restriction or grant a perpetual open space easement to the county, a local governmental agency approved by the board, or a nonprofit conservation entity, the form of which shall be subject to the approval of the county and presented with the application for the certificate. The open space easement or deed restriction shall contain words sufficient to restrict transfer of appurtenant surface or other irrigation water rights as required herein.

C. If the director finds that the application is complete and the open space easement or deed restriction is in proper form and has been recorded, then a certificate will be issued to the owner.

D. Upon execution and delivery of the instruments of transfer, the transferee shall record the same, together with the certificate, in the office of the county recorder. The transferee will also file duplicates of the recorded instruments and certificate with the community development department. No transfer shall be effective until and unless the conveyances, the certificate, and the open space easement or deed restriction, are recorded in the office of the county recorder and copies of the recorded instruments filed with the community development department, as provided herein.

E. The community development department and the county recorder will keep records of issued certificates, the transfers and easements or deed restrictions, which shall be available for public inspection during normal working hours. Use of the index and files kept by the community development department shall be limited to determination of eligibility for transfer or acquisition; the official records of any such transfers shall be in the office of the county recorder.

F. Douglas County does not insure title or ownership of development rights, nor does it prepare the conveyances or instruments to effect the transfer. (Ord. 968, 2001; Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.550

Growth Management

Sections:

20.550.010 Capital improvements plan.
20.550.020 Budget procedure.
20.550.030 Plan revision.

20.550.010 Capital improvements plan.

With the planning commission's advice, comment and recommendation, acting as the capital improvements plan committee, the board shall annually adopt a short term capital improvements plan, which will plan for the construction and funding of capital improvements for the ensuing five years. (Ord. 763, 1996)

20.550.020 Budget procedure.

A. Budget. The county manager shall cause to be prepared and presented a capital improvements plan and budget, which shall include, but not be limited to the following:

1. A current inventory of capital improvement projects proposed by all county departments, including an estimated cost for each such project in current dollars and an estimate of ongoing costs for operation and maintenance of the same;
2. A list of ongoing projects, commenced in previous years, but not complete, with a summary of the progress, the funds committed, the funds spent, and the schedule for completion of each such project;
3. A summary of the funds and revenue sources available for capital improvements for the ensuing fiscal year and in the coming five years;
4. An analysis of the relative importance of the proposed improvements, which may include analyses of the levels of service provided by the various agencies and departments and the relationship between the capital improvements projects and the levels of service;
5. An analysis of the proposals in comparison with the adopted master plan and approved capital improvements program;
6. An analysis of the feasibility of using impact fees to fund improvements, to the extent that such imposition of such fees is permitted by law. (Ord. 763, 1996)

20.550.030 Plan revision.

A. The capital improvements plan will be presented for review to the planning commission in the fall of each year, and no later than its regular meeting in January, for its advice, comment and recommendations for the formation of the plan for the following five years. The planning commission shall consider and act upon the same on or before its regular meeting in February of each year, and forward its report to the

board.

B. The tentative capital improvements budget and plan shall be considered by the board as part of the annual budget process, and the plan for the coming fiscal year and the four years thereafter shall be adopted no later than the adoption of the final budget in each fiscal year. (Ord. 763, 1996)

Chapter 20.560

Building Permit Allocation and Growth Management

Sections:

20.560.010 Short title.
20.560.020 Applicability.
20.560.030 Legislative findings.
20.560.040 Consistency with master plan.
20.560.050 Definitions.
20.560.060 General provisions.
20.560.070 Calculation of allocations.
20.560.080 Projects with preexisting development agreements.
20.560.090 Projects subject to vesting.
20.560.100 Affordable housing projects and certain agricultural parcels.
20.560.110 Procedures.
20.560.120 Effect of procedures.
20.560.130 Administration and appeals.
20.560.140 Transfer of allocations.
20.560.150 Banking and borrowing.
20.560.160 Prohibitions and penalties.
20.560.170 Interpretation and conflict.
20.560.180 Saving provision.
20.560.190 Effective date and repeal.

20.560.010 Short title.

This chapter may be cited as the Douglas County Building Permit Allocation and Growth Management Ordinance. (Ord. 1199, 2007)

20.560.020 Applicability.

This chapter applies to all residential real property in Douglas County outside the portion of Douglas County within the Lake Tahoe Basin subject to the jurisdiction of the Tahoe Regional Planning Agency. (Ord. 1199, 2007)

20.560.030 Legislative findings and purpose.

A. The board finds and declares as follows:

1. A measure of sustained, balanced growth in Douglas County is both desirable and necessary for the continued viability of the community.

2. The health, safety and general welfare of the county's citizens dictate the continued availability of essential public facilities and services and the adequacy of natural community resources.

3. The ability to provide any one or more essential resources or services at the quality and quantity desired by the community is an integral part of the county's quality of life.

a. Growth experienced in the past, and pressures for continued growth indicate that Douglas County may reach capacity in the delivery of one or more of essential resources or services.

b. If capacity to provide an essential service or resource is reached, the board may stop residential growth for an interim period of time in all or a portion of the county.

c. The board declares that there are limits to the capacity or capability of the county or other agencies in its jurisdiction to deliver water, sewer, drainage, transportation services and facilities.

4. Management of population growth as provided in this chapter is necessary and desirable to preserve and enhance the quality of life for the communities and inhabitants of Douglas County.

B. The board finds and declares the following essential resources, facilities and services will be considered for the managed growth of Douglas County:

1. Water resources including, but not limited to, public and private water systems, and all other sources for domestic, industrial, agricultural and municipal use; the quantity, quality, and supply of water; and the capacity, system and infrastructure of systems.

2. Wastewater treatment, sanitary sewer and disposal systems, public and private; treatment and disposal capacity, system or infrastructure ability to transport sewage from a residential dwelling unit to the treatment system, as well as any consequences or potential consequences for public health caused by the use of individual sewage disposal systems.

3. Law enforcement and judicial facilities and services.

4. Fire protection facilities, equipment and services.

5. State, local and federal roads and highways, traffic and circulation.

6. Drainage systems, including storm sewer and flood protection.

7. School enrollment and capacity.

8. Community facilities and services, including senior services, public health, and parks and recreation.

9. Environmentally sensitive lands.

10. Affordable housing.

11. Agricultural resources.

12. Other resources, facilities and services as determined by the board.

C. Based upon these findings, the board has determined that a workable and reasonably equitable system for the management of population growth, through the management of building permits for defined residential uses will be a part of the land development process. The provisions of this chapter achieve this purpose. (Ord. 1199, 2007)

20.560.040 Consistency with the master plan.

A. This chapter is consistent with the text, goals and policies in the master plan for a building permit allocation system and chapter 278 of the Nevada Revised Statutes. All development must be consistent with these regulations.

B. This chapter results from extensive public hearings conducted before the planning commission and board pursuant to chapter 278 of NRS, chapters 20.600 and 20.608 of this code, public hearings on natural resources, public services and facilities, and the plan implementation text, goals and policies of the master plan.

C. The board has considered a number of studies, data and reports, the suggestions of other government entities, comments of interested persons and recommendations of the planning commission in determining whether this chapter should be adopted. The board finds there is a need for the Douglas County Building Permit Allocation and Growth Management Ordinance to achieve the purposes stated in this chapter and to properly implement the text, goals and policies of the master plan.

20.560.050 Definitions.

As used in sections 20.560.010 to 20.560.180, inclusive, unless the context otherwise requires, the following words and terms have the following meanings. Words and terms not defined in this section are as defined in appendix A of title 20 of the Douglas County Code or the Nevada Revised Statutes.

A. “Allocation”. A right granted by the director pursuant to this chapter to make application for a building permit to build one dwelling unit. An allocation is not a guarantee of receiving approval for a building permit. Approval of the building permit itself will occur through the established building permit review process.

B. “Allocation period”. A review period, generally three months in duration, commencing on the first day on which applications may be accepted for the allocation period and ending on the day preceding the first day on which applications may be accepted for the next allocation period.

C. “Applicant”. The owner of a parcel of real property, who may be represented by an agent designated in writing, who applies for an allocation. The agency relationship must be disclosed on the application.

D. “Building permit”. A building permit issued pursuant to the provisions of title 20.

E. “Development”. The entire plan to construct or place one or more dwelling units on a particular lot, tract, parcel or contiguous parcels of land within the County, including but not limited to a subdivision, parcel map, planned development, specific plan, or manufactured or mobile home project.

F. “Development Agreement”. An agreement approved pursuant to the provisions of chapter 20.400 or valid pursuant to section 20.01.070.

G. “Dwelling unit”. Has the meaning as defined in appendix A of title 20 and includes manufactured homes. For purposes of this chapter, dwelling unit does not

include time share or other fractional ownership of a dwelling unit, residential care facility, nursing home or other facility designated for the group care of its residents.

H. “Excess allocations”. Unissued or unused allocations available for issuance at any time out of their respective pool(s).

I. “Final project approval”. Board approval after the final public hearing.

J. “Individual pool”. A group of allocations designated by the board for distribution to individuals including owners, contractors, and entities. Entities must show ownership interests of all natural persons or entities with more that 10 % ownership. An individual with multiple applications for individual pool allocations may only be issued one allocation per round.

K. “Permanently affordable unit”. A dwelling unit that is deed restricted for a period of not less than 30 years for lease to households whose combined annual income from all sources is 80 percent or less than the County’s median income or a dwelling unit that is deed restricted for not less than 15 years for individual sale to households whose combined annual income from all sources is 110 percent or less than the County’s median income, or as otherwise defined by state law.

L. “Population”. The number of people in Douglas County as determined by the last preceding national decennial census conducted by the Bureau of the Census of the United States Department of Commerce pursuant to Section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 U.S.C. § 141(c). The tabulation of population reported by the Secretary of Commerce for a particular decennial census date will apply for purposes of this chapter from December 31 of the calendar year immediately following that decennial census date for the following decade unless a Special Census is performed during that period.

M. “Project”. An approved subdivision map, planned development, specific plan or attached or semi-detached multi-family residential project.

N. “Project pool”. A group of allocations designated by the board for distribution to projects.

O. “Pro-rata”. A method of issuing allocations to applicants in the same proportion that the total number of available allocations bears to the total number of requested allocations.

P. “Special Census”. Any census conducted pursuant to NRS 244.183 to determine the number of people in Douglas County at a time other than the time the National Decennial census is taken.

Q. “Successive rounds”. A method of issuing allocations to applicants who have applied for more than one allocation in the individual pool or for more than five allocations in the project pool. The allocations are distributed through a series of rounds, in each round of the individual pool one allocation is issued to each individual applicant and each round of the project pool up to five allocations to each applicant until the applicant has received all allocations applied for or the supply of allocations is exhausted, whichever first occurs.

R. “Unused allocation**”.** An allocation that is available to be issued or one that has been issued but for which a building permit has not been issued during its period of validity and has lapsed and is void or has been surrendered. (Ord. 1278, 2009; Ord. 1199, 2007)

20.560.060 General provisions.

A. Allocation required for a building permit. Except as otherwise provided in this chapter, an allocation is required as a condition precedent to the issuance of a building permit that results in the creation of a new dwelling unit. For structures containing more than one dwelling unit, one allocation for each dwelling unit in the structure is required as a condition precedent to issuance of a building permit for the structure.

B. Replacement of dwelling unit. An existing or destroyed dwelling unit may be replaced with another dwelling unit without obtaining an allocation, provided that the replacement unit is located on the same parcel, tract or lot, and the owner obtains a building permit to replace the dwelling unit.

C. Period of validity. An allocation is valid and can only be used for a period of one year from the date of issue, unless it is issued under a banking and borrowing project plan provided in section 20.560.150. At the end of the year an issued allocation lapses and is void, unless a complete application for a building permit has been filed and is under review, or as otherwise provided under the approved banking and borrowing plan. An extension may only be granted as provided in section 20.560.110 (F).

D. Use of allocations. An allocation is used by being issued a building permit

E. Building permit approvals. All building permit applications that require an allocation for issuance will be reviewed and processed in accordance with title 20.

F. Surrender of allocations. An allocation that a recipient does not expect to use during the period for which it is valid may be surrendered

G. Transferability. Allocations are parcel specific and are not transferable to other developments or owners. An allocation may only be transferred under section 20.560.140 or as part of an approved banking and borrowing program under section 20.560.150.

H. Periodic review. The board may during a master plan review, and must at every five year interval, commencing in 2011 review the growth of the population and the number of allocations used, the effect of growth on essential resources, facilities and services, and the quality of life for the communities and inhabitants of Douglas County to determine if there has been a change that requires amendment of this chapter. If the board determines that the administrative procedures of this chapter not affecting the total number of allocations must be changed based on its review, the changes may be made by the board in the form of an ordinance at any time. (Ord. 1235, 2008; Ord. 1199, 2007)

20.560.070 Calculation of allocations.

A. The base year for determination of population growth and the number of persons per household is the 2000 national decennial census conducted by the Bureau

of Census of the United States Department of Commerce pursuant to section 2 of Article I of the Constitution of the United States and reported by the Secretary of Commerce to the Governor pursuant to 13 § 14(c).

B. The base number of allocations is calculated using the Douglas County 2000 census data population, outside of the jurisdiction of the TRPA, estimated at 34,520. The rate of population growth is converted to households (dwelling units) by the use of the census estimate of 2.5 persons per dwelling unit. A 2% growth factor applied to the 2000 census represents 276 dwelling units. Dwelling units are converted to allocations and increased at a 2% compounded annual rate resulting in a beginning base number of allocations for July 1, 2007 of 317 allocations.

C. The number of allocations is compounded annually at a rate of 2% for the 50 year planning period resulting in a total number of allocations of 26,812. Any modification in the total number of allocations or a modification in the 2% growth rate must be placed on the ballot by the County for an advisory vote prior to implementation of any modification.

D. The method used to account for those dwelling units that are exempt from the allocation provisions because of preexisting development agreements in section 20.560.080 or vested projects in section 20.560.090 is to reduce the number of allocations available for the development of new dwelling units over a 25 year period. The calculation of allocations available annually for distribution is as follows:

Table A

Year Count	July 1 Year	Total Allocations	Vested projects	Allocations available to distribute
1	2007	**317**	149	168
2	2008	**323**	151	172
3	2009	**330**	155	175
4	2010	**336**	158	178
5	2011	**343**	161	182
6	2012	**350**	164	186
7	2013	**357**	168	189

8	2014	**364**	171	193
9	2015	**371**	174	197

(continued on next page)

Year Count	July 1 Year	Total Allocations	Vested projects	Allocations available to distribute
10	2016	**379**	178	201
11	2017	**386**	182	204
12	2018	**394**	186	208
13	2019	**402**	190	212
14	2020	**410**	194	216
15	2021	**418**	197	221
16	2022	**427**	200	227
17	2023	**435**	204	231
18	2024	**444**	208	236
19	2025	**453**	212	241
20	2026	**462**	217	245
21	2027	**471**	220	251
22	2028	**480**	225	255
23	2029	**490**	230	260
24	2030	**500**	234	266
25	2031	**510**	239	271

(continued on next page)

Year Count	July 1 Year	Total Allocations	Vested projects	Allocations available to distribute
26	2032	**520**		520
27	2033	**530**		530
28	2034	**541**		541
29	2035	**552**		552
30	2036	**563**		563
31	2037	**574**		574
32	2038	**586**		586
33	2039	**598**		598
34	2040	**609**		609
35	2041	**622**		622
36	2042	**634**		634
37	2043	**647**		647
38	2044	**660**		660
39	2045	**673**		673
40	2046	**686**		686
41	2047	**700**		700

(continued on next page)

Year Count	July 1 Year	Total Allocations	Vested projects	Allocations available to distribute
42	2048	**714**		714
43	2049	**728**		728
44	2050	**743**		743
45	2051	**758**		758
46	2052	**773**		773
47	2053	**788**		788
48	2054	**804**		804
49	2055	**820**		820
50	**2056**	**837**		837
Totals		26,812	4,767	22,045

(Ord. 1199, 2007)

20.560.080 Projects with preexisting development agreements.

A. A project with a development agreement lawfully adopted prior to the effective date of this chapter, provided that any and all commitments, covenants, promises or other requirements of the development subject to an agreement are kept and performed, is exempt from the allocation provisions of this chapter.

B. If a project subject to a preexisting development agreement is granted a material modification to provide for an increase in density, the density increase will be subject to the allocation provisions of this chapter, and the original density must remain exempt from the provisions of this chapter.

C. If a project subject to a preexisting development agreement materially breaches the agreement or secures a material modification granting relief from requirements to

construct public improvements of regional significance; it will be subject to the provisions of this chapter.

D. Extensions of time will not be regarded as material modifications unless the extension relieves the owner of its obligations to construct public improvements of regional significance within the period provided in the original development agreement, in which case the provisions of this chapter will apply. If the county is a participant in paying for or constructing the public improvements of regional significance and agrees to extend the period of time for performance for both the county and the owner, the extension will not be regarded as a material modification under this section.

E. The building permits for these projects must be tracked by the community development department.

F. The number of building permits available to a project or projects with preexisting development agreements in any given year is not limited. (Ord. 1235, 2008; Ord. 1199, 2007)

20.560.090 Projects subject to vesting.

A. Projects, including residential projects of more than four units that have received tentative subdivision or planned development approval, tentative serial parcel map approval with subdivision standards, or in the case of a multi-family project, final project approval, prior to the effective date of this chapter, will be considered vested. A list of vested projects will be approved by resolution of the board. Extensions of time for filing a final map will not affect the status of vested projects.

B. The building permits for these projects must be tracked by the community development department.

C. An applicant seeking vested status that has a tentative map approval or final approval before the effective date of this chapter and was not considered by the board for inclusion in the resolution with the list of vested projects will have the right to a hearing with the board.

D. The number of permits available to a vested project or projects in any given year is not limited. (Ord. 1199, 2007)

20.560.100 Affordable housing projects and certain agricultural parcels.

The following categories of projects or parcels are exempt from the allocation provisions of this chapter. When an exemption is allowed, it will result in an equivalent reduction from the pool of excess allocations. If an exemption is allowed and there are no excess allocations, then the number of future allocations to be released will be reduced by an equivalent number. The total number of allocation allowed as exempt from the allocation provisions under this section will not exceed 2200 allocations over 50 years.

A. Permanently affordable dwelling units will be entitled to claim the exemption from the allocation provisions. To receive the exemption, the applicant must record deed restrictions on the parcels or obtain approval of an affordable housing agreement

under chapter 20.440, provided that the exemption will only apply to the affordable units.

B. Accessory dwellings on an A-19 agricultural parcel or A-19 agricultural parcels under common ownership in excess of 100 acres will be exempt from the allocation provisions. This exemption may be claimed for no more than one accessory dwelling per 100 acres.

C. A dwelling unit on a parcel created under the provisions of section 20.714.030 Ranch heritage parcels, or 20.714.040 Agricultural 2-acre parcels will be exempt from the allocation provisions.

D. The building permits for the projects with an exemption from the allocation provisions under this section must be tracked by the community development department. (Ord. 1235, 2008; Ord. 1199, 2007)

20.560.110 Procedures.

A. The board, after accounting for banking and borrowing, will distribute the year's available allocations into the project pool and the individual pool by resolution. If the board determines that too many allocations have been distributed to either pool it may redistribute allocations by resolution.

B. Allocations must be released quarterly, with each allocation period having a one month application period and a two month period for issuance of allocations. The allocations in each pool must be divided equally between the 4 allocation periods with any remainder placed in the first allocation period. For the first allocation period, applications must be filed in July and allocations issued in August and September. Allocations may be applied for and distributed in the same manner for the second allocation period from October 1 through December 31, the third allocation period from January 1 to March 30, and the fourth allocation period from April 1 to June 30.

C**.** General provisions for allocations.

1. Allocations will be distributed based on the time and date of the receipt of the allocation application, with the approved completed applications that are earliest being distributed first.

2. An applicant may submit multiple applications during the application period.

3. If there are more applications than allocations in the pool in the allocation period, the applicants that do not receive an allocation are automatically included in the next allocation period with the original time and date of application.

4. Excess allocations, if not credited for projects under 20.560.100, will be carried over in their respective pools from allocation period to allocation period. Until the board determines a different distribution, excess allocations will be distributed out of their respective pools prior to the issuance of any quarterly allocations out of each pool. When excess allocations exist, an applicant may submit an application at any time and an allocation will be issued or denied within 10 working days. If no excess allocations exist, an applicant must submit an application pursuant to subsection (B), above.

D. For the individual pool, a single allocation per individual applicant will be distributed in successive rounds until the allocations are used.

E. For the project pool, allocations will be distributed with up to 5 allocations per applicant, in successive rounds.

F. The applicant must file a completed application for a building permit within one year of the issuance of an allocation, together with the deposit required. The director may grant a single 6-month extension to an applicant upon a showing of good cause, which must include a showing of material progress toward the submission of a completed building permit application. Upon notification from the building department that the building permit application has been approved, the applicant must meet all the requirements for the issuance of the permit, including payment of all applicable fees. If a completed application for a building permit has not been submitted within the period provided, the allocation will lapse and may be redistributed according to the provisions of this chapter.

G. There will be no refunds of application, extension, transfer or other fees collected pursuant to this chapter, even if an allocation, building permit application or building permit expires. Refunds of building permit application or building permit fees will be based on the provisions of title 20.

H. Fees provided in this chapter will be set by resolution adopted by the board.

I. All applications filed by or on behalf of an owner will be imputed to the owner and considered as having been filed in the owner's name for purposes of distribution of the allocations.

J. The board may adopt additional policies and procedures for the distribution of allocations consistent with this chapter and section 20.560.060(H). (Ord. 1278, 2009; Ord. 1199, 2007)

20.560.120 Effect of procedures.

A. Construction of a dwelling unit with an allocation requires the issuance of a building permit, approval of all required plans and payment of all required fees.

B. In the event that a moratorium is declared as the result of local, regional, state or national emergency, or for any other reason that concerns the capacity of an essential public facility or resource, the property owner who holds an allocation may, at the option of the board, be declared to be subject to the provisions of the moratorium.

C. An allocation does not vest property rights related to the density of a parcel of land at a quantity greater than the density permitted by the master plan or zoning code in effect at the time application is submitted for a building permit.

D. The number of allocations for a single parcel of land that a property owner may purchase will be based only on an approved project or a legally existing parcel of land. (Ord. 1199, 2007)

20.560.130 Administration and appeals.

A. Allocations will be issued as certificates with serial numbers. A log must be maintained by the building department recording the serial numbers of issued allocation

certificates, building permit numbers issued for the allocation, relevant dates and corresponding assessor's parcel numbers and addresses. The log will also contain any other information deemed relevant by the director for the keeping of records and administration of this chapter.

B. The director will be the final decision-maker for this chapter, except for those provisions designated for decision by the board. The appeal of the decision of the director is to the board and must be pursuant to the provisions of chapter 20.28. (Ord. 1199, 2007)

20.560.140 Transfer of allocations.

A. The director may approve a transfer of an allocation to a parcel other than the parcel to which the allocation has been assigned under the following circumstances:

1. The parcel of land assigned an allocation is found to be unbuildable based on physical characteristics of the land, slope, seismic characteristics, potential for flooding, natural resources, or other physical aspects of development applicable to the specific parcel which were not known at the time the allocation was issued. If an allocation is transferred because a parcel is found to be unbuildable under this subsection the owner of that parcel or their successor will not be eligible for an allocation for that parcel again in the absence of changed circumstances.

2. An action of the county has resulted in reduction of density applicable to the subject property and the allocation was purchased prior to the public action changing the density.

3. The transfer is made to another parcel within the same project under the same ownership.

B. The director may approve a transfer of an allocation to a purchaser of the parcel to which the allocation has been assigned under the following circumstances:

1. The property owner had complied in good faith with the procedures and policies of the county, and due to personal circumstances beyond the control of the property owner, is unable to proceed with construction of the approved dwelling. This provision is intended to apply to circumstances such as, and not limited to, death of a family member, serious or debilitating illness, loss of employment, or extraordinary change in personal financial circumstances that would preclude proceeding with construction. A relocation to accept new employment is generally not considered an acceptable reason for the director to allow a transfer of an allocation to another owner.

2. The property owner must relocate in response to military orders.

C. The approved transfer of an allocation does not extend the allocation's period of validity as defined in Section 20.560.060(D).

D. In order to transfer an allocation, the property owner must petition the director by submitting an application containing the information deemed necessary by the director. The petition must be accompanied by a fee, in an amount set by resolution of the board, to cover the costs of review and investigation.

E. The application at a minimum must contain the property owner's name, mailing address, and daytime phone number, the address of the subject property, the assessor parcel number, and the circumstances under which the transfer is being sought. In addition, the property owner must submit proof that an allocation has been issued for the subject property.

F. The director must consider the petition and may either approve, approve subject to conditions, or deny the petition in writing. The director must base the decision on the criteria in subsection A or B of this section.

G. Appeal of a denial of a petition to transfer is to the board as provided in section 20.560.130(B). (Ord. 1199, 2007)

20.560.150 Banking and borrowing.

Banking and borrowing is a procedure that takes allocations available over multiple years and makes them available to a single project. If a proposed residential subdivision, planned development of more than four units, or attached or semi-detached multi-family residential project requires more allocations than are available in a single allocation period, the applicant may request banking of current allocations and borrowing of future allocations. The following provisions govern banking and borrowing.

A. Banking and borrowing may only be allowed as part of a development agreement between an applicant and the county.

B. The cumulative number of allocations taken by all projects requesting to bank and borrow may not exceed 40% of any year's allocations available to distribute (per Table A).

C. A project may not bank and borrow allocations that exceed the unit count in its development agreement.

D. A project containing 40 or more units may bank and borrow from the allocations available to distribute within 10 years of the approval of each phase in a phasing plan map or a final project approval for a multi-family project as provided for in the development agreement.

E. A project containing fewer than 40 units may bank or borrow from the allocations available to distribute within 3 years of the approval of a tentative map as provided for in the development agreement or a final project approval for a multi-family project.

F. A project requesting banking and borrowing may apply for any available allocations in the project pool in its first year, which may be banked for use in the project's first phase.

G. Banked and borrowed allocations may be used at any time during the life of the phase of a phasing plan pursuant to the development agreement.

H. The number of banked and borrowed allocations in each year must be accounted for through the reduction of an equal number of allocations from the allocations available to distribute for that year. The director will account for each project that secures allocations pursuant to this section, and for project totals.

I. Projects that bank and borrow allocations are subject to an additional fee to be set by resolution of the board.

J. Any project that proposes to bank and borrow must comply with chapter 20.400 and meet the following criteria, all of which are subject to affirmative findings by the board:

1. The number of allocations required to support the project will not significantly reduce the number of allocations available to future projects that may require banking and borrowing.

2. The project may secure allocations through banking and borrowing in order to provide a development schedule that is necessary for the project:

a. To support the construction of improvements necessary for public health and safety.

b. To make the phasing of development economically viable.

c. To demonstrate the financial security to recover the capital investment for public infrastructure necessary to meet required capacity standards for development completed through a phased process.

d. To repay, if necessary, the public sector for the financing infrastructure or other facility improvements. (Ord. 1199, 2007)

20.560.160 Prohibitions and penalties.

A. It is unlawful for any person to:

1. Construct, cause or initiate construction of any structure for which an allocation or building permit is required or to connect or cause the connection of any structure, mobile home or vehicle with any public or private water or sewer system without an allocation or building permit.

2. Obtain, issue or transfer an allocation or any interest in any allocation except as provided in this chapter.

3. Falsely certify or misrepresent any interest in realty or enter into any fraudulent contract or contrived contract or transaction for selling or buying realty for purposes of evading an allocation limitation provided in response to this chapter.

B. Any violation of this section will be punished by a misdemeanor. In addition, upon proof of conviction, the property owner convicted will not be eligible to apply for an allocation or residential building permit in the current or following calendar year.

C. Enforcement of this chapter is by the director and the building official with the assistance of the district attorney.

D. Allocations will be void and canceled by the director if fees are paid by insufficient funds check. (Ord. 1199, 2007)

20.560.170 Interpretation and conflict.

In their interpretation and application, the provisions of this chapter must be held to be the minimum requirements for the promotion of the public health, safety, morals, convenience and general welfare, and must be construed broadly to promote the purposes for which they are adopted. The provisions of this chapter are not intended

to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as expressly provided for in this chapter. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation of the county or other provision of law, the provision that is more restrictive or imposes higher standards controls. (Ord. 1199, 2007)

20.560.180 Saving provision.

The provisions of this title must not be construed as abating any action now pending under, or by virtue of, prior existing land development regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation, or as waiving any right of the County under any chapter or provision existing at the time of adoption of these regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation, by lawful action of the county except as expressly provided for in these regulations. (Ord. 1199, 2007)

20.560.190 Effective date and repeal.

This chapter is effective on July 1, 2007 and will remain in effect unless modified or superseded by other legislation, in the manner provided by law. The approval of this ordinance establishing a building permit cap under the Master Plan repeals the Sustainable Growth Initiative approved by the voters on November 5, 2002 and effective November 7, 2002, as Question 4, and the board will cause this ordinance to be placed on the ballot as an advisory question for the general election of November 2008. (Ord. 1199, 2007)

Chapter 20.600

General Provisions

Sections:

20.600.100 Purpose
20.600.020 Master plan consistency.

20.600.010 Purpose.

The purpose of the zoning regulations is to promote the public health, safety, general welfare and preserve and enhance the aesthetic quality of the county by providing regulations to ensure an appropriate mix of land uses in an orderly manner. In furtherance of this purpose the county desires to achieve a pattern and distribution of land uses which generally achieve the following:

A. Implement the goals and policies of the master plan;

B. Retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses, recreation and amenities;

C. Allow for the infill and restoration of areas at their prevailing scale and character;

D. Accommodate expansion of development into vacant lands within environmental and infrastructure constraints;

E. Maintain and enhance significant environmental resources;

F. Provide a diversity of areas characterized by differing land use activity, scale and intensity;

G. Establish Douglas County as a unique and distinctive place with a high quality of life and aesthetic resources, as well as a secure environment for the county's residents and businesses. (Ord. 763, 1996; Ord. 641, 1994; Ord. 353, 1980; Ord. 167, 1968)

20.600.020 Master plan consistency.

The zoning regulations contained in this title have been found consistent with the goals and policies of the Douglas County master plan, pursuant to the provisions of Chapter 278 of NRS. All development within the boundaries of the county, except as otherwise provided, must be consistent with these regulations. (Ord. 763, 1996)

Zoning Review Procedures

Chapter 20.602

Pre-application Conference

Sections:

20.602.010 Purpose and intent.
20.602.020 Application for pre-application conference.

20.602.010 Purpose and intent.

The purpose of the pre-application conference is to acquaint the county with the intentions of an applicant, to acquaint the applicant with any applicable policies and procedures, to identify county codes and improvement standards, and to identify significant development opportunities or constraints. (Ord. 763, 1996; Ord. 390, 1981)

20.602.020 Application for pre-application conference.

A. The application shall be filed with the community development department with any applicable fee.

B. Submittal for a pre-application conference does not constitute a formal filing of a project under provisions of NRS and is intended solely to assist the project applicant and county in the review of conceptual zoning permits. (Ord. 763, 1996)

Chapter 20.604

Special use permits

Sections:

20.604.010 Purpose and intent.
20.604.020 Limits on authority.
20.604.030 Status of specially permitted uses.
20.604.040 Application for special use permit.
20.604.050 Procedures for special use permits.
20.604.060 Findings.
20.604.070 Decision on special use permit and appeal.
20.604.075 Amendments and revisions to a special use permit.

20.604.010 Purpose and intent.

A. Specially permitted uses are those uses which are generally compatible with the land uses permitted by right in a given zoning district, but which require individual review of their location, design and configuration and the imposition of conditions to ensure the appropriateness of the use at a particular location within a given zoning district.

B. Only those uses that are enumerated as special permitted uses in a particular zoning district or those nonconforming uses which are permitted to be reestablished or expanded pursuant to chapter 20.698 shall be authorized. A special use permit must not be required for a use allowed as a permitted use in a given zoning district. No specially permitted use shall be established until a special use permit is issued in accordance with the provisions of this chapter. (Ord. 1319, 2010; Ord. 763, 1996; Ord. 641; 1994; Ord. 295, 1978; Ord. 167, 1968)

20.604.020 Limits on authority.

A. The planning commission, and the board when a special use permit is associated with an application that requires a hearing by the board or on appeal, shall have no authority to vary, modify or waive any of the regulations or standards prescribed for any use for which a special use permit is required and any purported such modification, variance or waiver shall be void.

B. This provision must not prevent the property owner from concurrently applying for a variance pursuant to chapter 20.606. (Ord. 1319, 2010; Ord. 763, 1996)

20.604.030 Status of specially permitted uses.

A. The designation of a use in a land use district as a specially permitted use does not constitute an authorization or assurance that such use will be approved.

B. Approval of a special use permit must authorize only the particular use for which

the permit is issued.

C. No use authorized by a special use permit shall be enlarged, extended, increased in intensity or relocated unless an application is made to modify the special use permit in accordance with the procedures set forth in this code.

D. Development of the use must not be carried out until the applicant has secured all the permits and approvals required by this title, the Douglas County code, or regional, state and federal agencies. (Ord. 1319, 2010; Ord. 763, 1996)

20.604.040 Application for special use permit.

A. An application for a special use permit may be submitted by the property owner or by an agent on the owner's behalf.

B. The application must be processed as provided in chapter 20.04.

C. If the proposed use requires a division of land as provided in this title, an application for a land division permit shall be submitted in conjunction with the application for a special use permit. Approval of the special use permit shall not become effective until final approval of the land division permit; provided, that if the land division is proposed in phases, the approval of the special use permit shall take effect upon final approval of the phase of the land division containing the property on which the specially permitted use is to be located. (Ord. 1319, 2010; Ord. 763, 1996; Ord. 295, 1978; Ord. 167, 1968)

20.604.050 Procedures for special use permits.

A. The director must submit his report to the planning commission containing the required findings and recommendations on each application for a special use permit.

B. The planning commission must hold a public hearing not later than 65 days after the application has been deemed complete. Published and personal notice of the public hearing must be given in the manner provided in chapter 20.20. The public hearing must be conducted in accordance with chapter 20.24.

C. When a special use permit is associated with an application that requires a hearing by the board or on appeal, the application shall be processed in accordance with chapter 20.12. (Ord. 1319, 2010; Ord. 763, 1996)

20.604.060 Findings.

When considering applications for a special use permit, the commission or board, where applicable, must evaluate the impact of the special use on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location and make the following findings:

A. The proposed use at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

B. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse

impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include, but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to mitigate such impacts;

C. The proposed use will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

D. The proposed use incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets;

E. The proposed use incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed special use on adjacent properties;

F. The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report;

G. The proposed special use complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to the proposed special use and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of this title; and

H. The proposed special use will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity. (Ord. 1319, 2010; Ord. 801, 1997; Ord. 763, 1996; Ord. 295, 1978; Ord. 167, 1968)

20.604.070 Decision on special use permit and appeal.

The planning commission must render its decision on the special use permit application in accordance with chapter 20.10, and may impose conditions in accordance with chapter 20.14. If the appropriateness of the use cannot be assured at the location, the application for special use permit shall be denied as being incompatible with existing uses or uses permitted by right in the district. Appeal must be to the board of adjustment in accordance with chapter 20.12. The planning commission is the final decision maker, unless an application for a special use permit is associated with an application that requires a hearing by the board, or the final decision of the planning commission is appealed, then the planning commission must forward a recommendation to the board. (Ord. 1319, 2010; Ord.763, 1996; Ord. 339, 1980; Ord. 249, 1976; Ord. 203, 1973; Ord. 167, 1968)

20.604.075 Amendments and revisions to a special use permit.

Applications for amendments and revisions to a special use permit must be processed in conformance with the provisions of section 20.28.040. (Ord. 1319, 2010)

Chapter 20.606

Variances

Sections:

20.606.010 Major and minor variances.
20.606.020 Application for variance.
20.606.030 Procedures for minor variance.
20.606.040 Procedures for major variance.
20.606.050 Findings for variances.
20.606.060 Decision on variance.
20.606.070 Limitations on variance.

20.606.010 Major and minor variances.

A. Applications for variances which request reductions to the requirements of the base zoning district of 35% or less for off-street loading, 20% or less for building setback or fence height, or 10% or less for off-street parking or open space area, are minor variances and may be approved administratively by the director. An increase in accessory dwelling floor area of 10% or less in cases where there is an existing accessory building proposed to be converted to an accessory dwelling is also considered to be a minor variance.

B. All other applications for variances, including those related to sign permits, are major variances and must be approved by the planning commission, the final decision-maker. The director must be responsible for processing such applications for major variances. (Ord. 1319, 2010; Ord. 1238, 2008; Ord. 801, 1997; Ord. 763, 1996; Ord. 199, 1973)

20.606.020 Application for variance.

An application for a variance may be submitted by the property owner or an agent authorized in writing to act on the owner's behalf to the community development department in accordance with chapter 20.04. (Ord. 763, 1996; Ord. 199, 1973)

20.606.030 Procedures for minor variance.

The director must render a decision on each minor variance application in accordance with chapter 20.06 and may impose conditions pursuant to chapter 20.14. Appeal of the decision must be to the planning commission in accordance with the procedures set forth in section 20.28.020. Notice of the filing of the application must be made in accordance with section 20.20.040. (Ord. 1319, 2010; Ord. 763, 1996; Ord. 199, 1973)

20.606.040 Procedures for major variance.

A. The director must submit his report to the planning commission containing the county staff's findings and recommendations on each application for a major variance in the manner provided in section 20.10.

B. The planning commission must hold a public hearing not later than 65 days after the application has been deemed complete. Published and personal notice of the public hearing must be given in the manner provided in chapter 20.20. The public hearing must be conducted in accordance with chapter 20.24.

C. When a variance is associated with an application that requires a hearing by the board or on appeal, the application shall be processed in accordance with chapter 20.12. (Ord. 1319, 2010; Ord. 763, 1996; Ord. 199, 1973)

20.606.050 Findings for variances.

A. The director must not approve a minor variance unless undue hardship is self-evident and the following findings are met:

1. The granting of the variance will not substantially impair the intent and purpose of this title or the goals, policies and objectives embodied in the master plan;

2. The variance is not requested exclusively on the basis of economic hardship to the applicant; and

3. The variance does not result in the establishment of a use (including lot size) which is not permitted within the specific zoning district.

B. The planning commission must not approve a major variance unless it finds that:

1. By reason of exceptional narrowness, shallowness, or shape of the property in question, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the property in question, the strict application of the provisions of that title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the applicant;

2. The circumstances or conditions do not apply generally to other properties in the same land use district; and

3. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, substantial impairment of natural resources or be detrimental to the public health, safety and general welfare. (Ord. 1319, 2010; Ord. 763, 1996; Ord. 533, 1991; Ord. 199, 1973)

20.606.060 Decision on variance.

The planning commission must approve, conditionally approve or deny the application for major variance. The commission may impose conditions in accordance with chapter 20.14 and section 20.606.070. Appeal of the decision must be to the board of adjustment in accordance with chapter 20.12. The planning commission is the final decision maker, unless an application for a variance is associated with an application that requires a hearing by the board, or the final decision of the planning commission is appealed, then the planning commission must forward a recommendation to the board. (Ord. 1319, 2010; Ord. 801, 1997; Ord. 763, 1996; Ord. 199, 1973)

20.606.070 Limitations on variance.

A. No minor or major variance shall be granted that allows a land use prohibited in the zoning district in which it is located or that changes any boundary of the district, nor shall any variance be granted that changes the density of residential use or that changes the intensity of non-residential use. Any variance so granted is null and void, and any activities undertaken pursuant to such variance must be deemed in violation of this title.

B. The planning commission, in approving a major variance, and the director, in approving a minor variance, must impose the following conditions:

1. Where no other discretionary permit is required, the variance will expire and become null or void if the project does not comply with the provisions of chapter 20.30;

2. Where approved concurrent with another discretionary permit, the variance must run with the time established for the other permit; and

3. Conformance to plans approved as a part of the variance.

C. No variance shall be granted which alters or modifies the procedures under Part I or Part II of this title. (Ord. 1319, 2010; Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 533, 1991; Ord. 392, 1981; Ord. 199, 1973; Ord. 167, 1968)

Chapter 20.608

Amendment to Master Plan

Sections:

20.608.010 Procedures for amending master plan text.
20.608.020 Procedures for amending master plan map.
20.608.030 Decision on master plan text or map amendment by planning commission and referral to board.
20.608.040 Findings for master plan amendments.
20.608.050 Initial decision on amendment to master plan by board.

20.608.010 Procedures for amending master plan text.

The text of the adopted master plan, including element changes, may be amended at any time. Amendments to the master plan text may be initiated by the director, the planning commission, the board or by application of a resident, property owner or owner of a business located in the county. Proposed text amendments by property owners or business owners shall be reviewed and processed by the community development department. The planning commission shall hear the request within 120 days of acceptance by the department. A public hearing will be scheduled before the board within 45 days of the planning commission action. Reapplication of a master plan text amendment following denial by the board must comply with Section 20.28. (Ord. 1294, 2009; Ord. 1001, 2002; Ord. 838, 1998; Ord. 763, 1996; Ord. 395, 1982; Ord. 314, 1979)

20.608.020 Procedures for amending master plan map.

The director, planning commission, the board, or a property owner, resident or the owner of a business located in Douglas County may initiate a request for amendment of the master plan map. The community development department shall be responsible for reviewing and processing of master plan map amendments. Applications for master plan map amendments may be submitted to the department up to twice each calendar year in December and June for consideration as part of the bi-annual master plan amendment review cycles. Specific submittal dates will be determined by the director. The planning commission shall hear the request within 120 days of acceptance by the department. A public hearing will be scheduled before the board within 45 days of the planning commission action. Only the board may initiate an amendment of the master plan for a parcel within 12 months after an amendment on that parcel has been denied. (Ord. 1294, 2009; Ord, 1001, 2002; Ord. 838, 1998; Ord.763, 1996; Ord. 395, 1982; Ord. 314, 1979)

20.608.030 Decision on master plan text or map amendment by planning commission and referral to board.

A. Prior to adoption of any master plan amendment, the planning commission shall hold a public hearing in accordance with the procedures in chapter 20.20, after receiving the report of the director. The department shall cause notice of the hearing to be published in the manner provided in chapter 20.20. For amendments to the master plan map or text amendments seeking a change to minimum parcel size policy provisions, personal notice also shall be given in the manner provided in section 20.20.030. A master plan application may be continued by the commission pursuant to 20.24.050. The commission may approve a master plan amendment only upon the affirmative vote of a two-thirds majority of the total membership of the commission. Following a two-thirds vote in favor of an amendment, the commission shall adopt the amendment by resolution expressly referencing the decision and signed by the chairman and secretary of the commission. Following denial of an amendment, the commission shall forward to the board a report expressly referencing the decision and the findings of the commission.

B. An attested copy of the amendment shall be filed with the county clerk within 30 working days of its adoption. (Ord. 1001, 2002; Ord. 838, 1998; Ord. 801, 1997; Ord. 763, 1996; Ord. 395, 1982; Ord. 314, 1979)

20.608.040 Findings for master plan amendments.

The planning commission and the board shall, in approving an amendment to the master plan land use map or text, make the following findings:

A. The proposed amendment is consistent with the policies embodied in the adopted master plan and the applicant has demonstrated the amendment promotes the overall goals and objectives of the mater plan and has demonstrated a change in circumstances since the adoption of the plan that makes it appropriate to reconsider one or more of the goals and objectives of land use designations.

B. The proposed amendment is based on a demonstrated need for additional land to be used for the proposed use, and that the demand cannot be reasonably accommodated within the current boundaries of the area.

C. The proposed amendment would not materially affect the availability, adequacy, or level of service of any public improvement serving people outside of the applicant's property and will not be inconsistent with the adequate public facilities policies contained in chapter 20.100 of this title;

D. The proposed amendment is compatible with the actual and master planned use of the adjacent properties and reflects a logical change to the boundaries of the area in that it allows infrastructure to be extended in efficient increments and patterns, it creates a perceivable community edge as strong as the one it replaces, and it maintains relatively compact development patterns. (Ord. 1001, 2002; Ord. 763, 1996)

20.608.050 Initial decision on amendment to master plan by board.

A. Following receipt of a certified copy of the resolution approving a master plan amendment or the report referencing the decision and findings of the planning commission, the board shall schedule a public hearing to decide whether to adopt the

amendment. The public hearing shall be conducted in accordance with chapter 20.24. The community development department shall cause notice of the hearing to be published in the manner provided in chapter 20.20. For amendments to the master plan map or text amendments seeking a change to minimum parcel size policy provisions, personal notice also shall be given in the manner provided in section 20.20.030. A master plan application may be continued by the board pursuant to section 20.24.050.

B. At the hearing the board shall take action to approve, approve as modified, or deny the proposed amendment.

C. If the board's approval proposes to change the amendment, as adopted by the planning commission, it shall refer the proposed changes to the commission for its report and recommendation. The commission shall review the proposed changes at a regularly scheduled meeting and file an attested copy of its report and recommendation with the county clerk within 40 days after referral from the board. Failure to so file the report and recommendation within the period shall be deemed to be approval of the proposed changes to the amendment.

D. The text of the master plan shall be amended to reflect the board's decision and, where applicable, the decision of the board shall be reflected on the master plan map. (Ord. 1001, 2002; Ord. 931, 2000; Ord. 763, 1996; Ord. 395, 1982; Ord. 314, 1979)

Chapter 20.610

Zoning Administration

Sections:

20.610.010 Procedures for amending zoning regulations.
20.610.020 Procedures for zoning text or map.
20.610.030 Decision of the planning commission.
20.610.040 Decision of the board on zoning amendments.
20.610.050 Findings for zoning map amendments.
20.610.060 Determination on unlisted uses.
20.610.070 Application procedure.
20.610.080 Investigation and report.
20.610.090 Findings.

20.610.010 Procedures for amending zoning regulations.

Amendments to the text of the zoning regulations must be in the form of an ordinance and may be initiated by the community development department, the planning commission, the board or by request of a property owner, resident or owner of a business located in the county. Requests by the public must be submitted to the community development department. (Ord. 971, 2001; Ord. 763, 1996; Ord. 609, 1993; Ord. 274, 1977; Ord. 167, 1968)

20.610.020 Procedures for zoning text or map.

A. For amendments to the text of the zoning regulations or zoning maps, the amendment must be referred to the planning commission by the community development department for a public hearing. The department must notice the hearing as provided in chapter 20.20. (Ord. 971, 2001; Ord. 763, 1996; Ord. 609, 1993; Ord. 274, 1977; Ord. 167, 1968)

20.610.030 Decision of the planning commission.

The planning commission must consider the amendment at a public hearing and within 10 days following the public hearing, the planning commission must file its written report recommending approval, approval with modification or disapproval of the proposed zoning amendment with the county clerk for the board's consideration. (Ord. 971, 2001; Ord. 763, 1996; Ord. 609, 1993; Ord. 274, 1977; Ord. 167, 1968)

20.610.040 Decision of the board on zoning amendments.

Within 30 days following the filing of the planning commission's report with the county clerk, the board must consider the ordinance containing the proposed zoning text amendment or the map amendment at a public hearing, noticed and conducted in accordance with the provisions of NRS and chapters 20.20 and 20.24. The zone text

amendment must be adopted by ordinance and the map amendments must be adopted in accordance with all procedures established in this code. Following approval of the ordinance or map amendment, the Douglas County Code's zoning text or County's zoning map shall be changed to reflect the amendment. (Ord. 971, 2001; Ord. 763, 1996)

20.610.050 Findings for zoning map amendments.

When approving a zoning text or map amendment the planning commission and the board must make the following findings:

A. That the proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

B. That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;

C. That the proposed amendment is compatible with the actual and master planned use of the
adjacent properties. (Ord. 971, 2001; Ord. 763, 1996; Ord. 609, 1993; Ord. 274, 1977; Ord. 241, 1976; Ord. 167, 1968)

20.610.060 Determination on unlisted uses.

The director, upon a written request, or the planning commission upon referral by the director, may determine whether a use not specifically listed as a use that is principally permitted or specially permitted in a particular zoning district of the county based on similarity of the use to uses already listed in accordance with the following:

A. Where the term "similar uses permitted by director determination" is mentioned within any zone district, it shall be deemed to mean other uses which, in the judgment of the director as evidenced by a written decision, are similar to and not more objectionable to the general welfare than those uses specifically listed in the same district.

B. The director may refer a determination on an unlisted use to the planning commission.

C. The director or the planning commission shall not determine that a use is permitted in a zone when the use is specifically first listed as permissible in a zone district allowing more intensive uses.

D. The procedures of this chapter shall not be substituted for the amendment procedure as a means of adding new uses to the list of permitted or specially permitted uses.

E. The planning commission may, on its own motion or at the request of any affected party, reconsider and change a written decision regarding uses previously determined by the planning commission or by the director.

F. The director's determination regarding conformance of a use to a zone district may be appealed to the planning commission pursuant to section 20.28.020. The planning commission's determination regarding conformance of a use to a zone district

may be appealed to the board, pursuant to section 20.28.020. (Ord. 763, 1996; Ord. 599, 1993; Ord. 497, 1989)

20.610.070 Application procedure.

Application for a determination on an unlisted use shall be made in writing to the director, and shall include a detailed description of the proposed use and any other information as may be required to facilitate review of the request, along with the required fee as established by resolution. (Ord. 763, 1996)

20.610.080 Investigation and report.

The director shall prepare a report which will address the following, and shall submit copies to the applicant and to the planning commission:

A. Comparison of the proposed use to the type and intensity of other uses principally permitted or conditionally permitted in the same zone district;

B. Evaluation of the purpose and intent of that zone district;

C. Review of the master plan to compare the proposed use characteristics with the applicable goals and objectives. (Ord. 763, 1996)

20.610.090 Findings.

The director, or the planning commission upon referral by the director, shall base the decision upon the following findings:

A. The use in question is of a similar type and intensity to other principally permitted or conditionally permitted uses in the same zone district.

B. The use in question meets the purpose and intent of the district in which it is proposed.

C. The use in question meets and conforms to the applicable policies and maps of the master plan.

D. If the amendment is in a receiving area and changes land to any industrial, commercial, or residential district, or otherwise increases the density or intensity of use, that the amendment is being requested in the context of a specific plan or a planned development, and utilizes transfer development rights. (Ord. 1008, 2002; Ord. 763, 1996; Ord. 674, 1994; Ord. 641, 1994; Ord. 628, 1994; Ord. 599, 1993; Ord. 497, 1989)

Chapter 20.612

Specific Plan

Sections:

20.612.010 Applicability.
20.612.020 Application for specific plan.
20.612.030 Procedures for specific plan.
20.612.040 Density.
20.612.050 Findings for approval of specific plan.
20.612.060 Amendments to adopted specific plan.

20.612.010 Applicability.

A specific plan is required for any development in excess of 160 acres in areas shown on the master plan land use map as “receiving area” (RA). A specific plan may be used in conjunction with either subdivision maps or a planned development, and may be used for projects of 40 acres or greater. If a request to establish a specific plan is initiated by a property owner or his authorized agent, the specific plan shall be submitted with the appropriate application materials and fees. Specific plans in receiving areas must use transfer development rights in connection with any change in intensity or density of use, including any change to a residential, commercial or industrial zoning district or combination thereof. (Ord. 1008, 2002; Ord. 801, 1997; Ord.763, 1996)

20.612.020 Application for specific plan.

An application for a specific plan shall be submitted to the community development department. The application shall be processed by the department as provided in chapter 20.04. If the property is not within a single ownership and all owners agree to the proposed development, then all owners shall join the application, and a map showing the extent of ownership shall be submitted with the application. If an applicant is proposing a specific plan along with a master plan land use or text change, the specific plan application must be submitted at the same time as the master plan amendment application. The application for a specific plan shall include, but not be limited to a plan depicting a land use and circulation system concept for the property that is consistent with the goals and policies embodied in the master plan, conceptual infrastructure plans, open space plans and other facilities necessary to serve the site given existing and planned public facilities and services. The following documents shall be included in the application, provided that the director may waive submission of documents that are not pertinent to the proposed development:

A. A map showing proposed specific plan area boundaries and the relationship of the area to abutting uses and structures;

B. A map of the specific plan area showing sufficient topographical data to indicate clearly the character of the terrain, the location of ridgelines and drainage patterns and active or potentially active faults;

C. A plan indicating the existing and proposed uses, approximate gross floor area, lot coverage, height, parking and density;

D. A circulation plan, showing proposed streets and the relationship to the local and regional circulation system, and a traffic impact analysis;

E. A preliminary development schedule indicating phases or tentative subdivision boundaries, the sequence and timing of development and the timetable for provision of adequate public facilities and services;

F. A plan for extension of public facilities and services and for flood control and drainage, including proposed financing arrangements for public improvements;

G. Any additional requirements as are needed to meet approval standards; and

H. Terms for abandonment or termination of the project.

I. A plan demonstrating the applicant's ability to comply with the provisions of Chapter 20.560, Building Permit Allocation and Growth Management. (Ord. 1289, 2009; Ord. 763, 1996)

20.612.030 Procedures for specific plan.

The board, upon recommendation of the planning commission, shall be the final hearing body for specific plans. The planning commission shall prepare its recommendation following a public hearing pursuant to section 20.24.010. Published and personal notice pursuant to chapter 20.20 shall be required. Following receipt of the commission's recommendation, the board shall render its decision in accordance with section 20.12.010. (Ord. 763, 1996)

20.612.040 Density.

A. A specific plan situated within a master planned receiving area may increase the allowed residential densities by acquiring transfer development rights, as provided by chapter 20.500. Establishing industrial or commercial zoning districts or uses within the receiving area requires transfer of development rights in the amount of 10 units per acre. If a specific plan is approved subject to transferred development rights, the transfers must be perfected and recorded prior to recordation of the final plan for the phase or phases in which they are to be used.

B. A specific plan situated within a receiving area may apply to the planning commission and board, and the planning commission may recommend, and the board approve, a waiver of the requirement of transferred development rights. The number of transferred development rights waived may not exceed the number or percentage of affordable housing units provided within the project, as defined, and for the duration provided by subsection 20.440.020.G. The approval of a waiver, and provision of the affordable housing units, must be in the manner otherwise provided for density bonus and affordable housing agreements in chapter 20.440.

C. An applicant proposing a specific plan may apply to the planning commission and

board, and the planning commission may recommend, and the board approve, a density bonus or affordable housing agreement, in accordance with the provisions of chapter 20.440. (Ord. 1008, 2002; Ord. 801, 1997)

20.612.050 Findings for approval of specific plan.

In order for the planning commission to recommend approval and the board to approve the proposed specific plan, the following findings shall be made:

A. That the proposed location of the development and the proposed conditions under which it will be operated or maintained is consistent with the goals and policies embodied in the master plan;

B. That the proposed development is in accordance with the purposes and objectives of this title and, in particular, will further the purposes stated for each zoning district;

C. That the proposed development conforms to the adequate public facilities policies of this title;

D. That the development will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to such a development; and will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the county; and

E. That the applicant has demonstrated the ability to provide transfer development rights (TDR's) to meet project phasing. (Ord. 763, 1996)

20.612.060 Amendments to adopted specific plan.

Requests for amendments to an adopted specific plan shall be processed in the same manner as an application for original approval of the specific plan. (Ord. 763, 1996)

Chapter 20.614

Design Review

Sections:

20.614.010 Applicability.
20.614.020 Application for design review.
20.614.030 Procedures for design review.
20.614.040 Findings.
20.614.050 Decision on design review and appeal.

20.614.010 Applicability.

A. Development subject to design review shall include all new construction, exterior remodeling, additions, or changes in use requiring additional parking, which involves structures used for multi-family residential, commercial, industrial or public purpose and are identified as permitted subject to design review in the specific zoning districts. No building permit shall be issued for a development subject to design review until a design review has been approved in accordance with this chapter and conditions of approval have been met.

B. The following uses are exempt from the design review requirements:

1. Interior remodels which do not result in substantial changes in the character of the occupancy or use, or cause greater impact on traffic, water or sewer usage, as determined by the director;

2. Repair and maintenance of structures or parking areas constrained by the existing structure and not altering existing drainage patterns or easements;

3. Replacement or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair of such structure is determined by the director to be consistent with the design, use and intensity of the original structure and consistent with the zoning and master plan designations;

4. Reductions of floor area or building area within a previously approved design review where it is determined that the modification would not result in a significant change in site design, building design, or functionality of the site;

5. Single-family residential development.

C. The following projects are subject to minor design review:

1. Accessory dwelling units;

2. Expansions of multi-family residential, institutional, commercial or industrial buildings of less than 25% in total floor area, where the proposed expansion will not cause increased impacts on existing infrastructure and public services, as determined by the director;

3. Changes in use requiring additional parking, where the proposed use will not cause increased impacts on existing infrastructure and public services, as determined by the director, and the use is proposed in existing structures;

4. Exterior remodeling;

5. Residential multi-family projects consisting of two dwelling units.

6. Telecommunications sites as defined in section 20.660.130.H.

7. Non-commercial telecommunications site, multiple structures, or those not meeting setback or height requirements, including station antenna structures, as defined in Section 20.660.150(I), with notice to adjoining landowners, pursuant to Section 20.20.040.

8. Metal Storage containers, sea cargo, cargo, or similar containers.

9. All wind energy conversion systems located in residential zoning districts with a total system height greater than 35 feet. Noticing of abutting parcels is required.

10. All wind energy conversion systems located in non-residential zoning districts. (Ord. 1315, 2010; Ord. 1313, 2010; Ord. 1215, 2007; Ord. 1036, 2003; Ord. 1007, 2002; Ord. 871, 1997; Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 501, 1989; Ord. 400. 1982; Ord. 205, 1973; Ord. 196, 1972; Ord. 167, 1968)

20.614.020 Application for design review.

A. An application for design review may be submitted by the property owner or by an agent on the owner's behalf.

B. The application shall be submitted in accordance with chapter 20.04 to the community development department. The application shall be processed as provided in chapter 20.04.

C. If the design review is submitted concurrent with a request for a division of land, an application for a land division permit shall be submitted in conjunction with the application for design review. Approval of the design review shall not become effective until final approval of the land division permit; provided that if the land division is proposed in phases, the approval of the design review shall take effect upon final approval of the phase of the land division containing the property on which the design review is to be located. (Ord. 763, 1996)

20.614.030 Procedures for design review.

The director shall be the final decision-maker for design review applications. Design review applications are subject to administrative review and do not require a public hearing. Notice of the filing of the project shall be in accordance with section 20.20.040. (Ord. 763, 1996; Ord. 501, 1989; Ord. 400, 1982; Ord. 167, 1968)

20.614.040 Findings.

When considering applications for design review, the director shall evaluate the impact of the design review on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the development and make the following findings:

A. The proposed development is consistent with the goals and policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;

B. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both;

C. The proposed development will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

D. The proposed development incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets;

E. The proposed development incorporates features to minimize adverse effects, including visual impacts, of the proposed development on adjacent properties;

F. The project is not located within an identified archeological/cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report;

G. The proposed development complies with all additional standards imposed on it by the particular provisions of this chapter, the Douglas County design criteria and improvement standards and all other requirements of this title applicable to the proposed development and uses within the applicable base zoning district, including but not limited to, the adequate public facility policies of chapter 20.100; and

H. The proposed development will not be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity. (Ord. 763, 1996)

20.614.050 Decision on design review and appeal.

A. The director shall approve, deny or conditionally approve the design review within 30 working days of the project being deemed complete in accordance with chapter 20.04. Appeal of the director's decision shall be to the planning commission.

B. The director in his sole discretion may refer the design review for review and decision by the planning commission in lieu of rendering a decision on the application. In such event, the planning commission shall consider the design review at a public hearing and render its decision in accordance with section 20.28.020. Appeal shall be to the board in accordance with section 20.28.020. The planning commission and the board shall apply the standards set forth in this chapter in acting on the design review.

C. The director shall approve, deny or conditionally approve a minor design review within fifteen working days of the project being submitted to the community

development department. (Ord. 1210, 2007; Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 501, 1989; Ord. 167, 1968)

Chapter 20.616

Home Occupation Permit

Sections:

20.616.010 Purpose.
20.616.020 Application procedure.
20.616.030 General provisions.
20.616.040 Additional provisions for mobile businesses.
20.616.050 Review by director.
20.616.060 Modification or revocation by the planning commission.

20.616.010 Purpose.

A. The purpose of the home occupation permit provisions is to permit the establishment and operation of businesses within residential neighborhoods, in a way to minimize any impacts of the businesses on adjacent properties or the general neighborhood. Home occupations are limited to those uses which may be conducted within a residential dwelling or accessory structure, without in any way changing the appearance or condition of the residence or the surrounding neighborhood.

B. No home occupation may occur and no permit for a home occupation shall be issued unless the procedures and criteria specified in this chapter are satisfied. It is the applicant's responsibility to review any applicable codes, covenants and restrictions (CC&R's) which may limit the establishment of a home based business. (Ord. 763, 1996; Ord. 719, 1995; Ord. 641, 1994; Ord. 343, 1980; Ord. 167, 1968)

20.616.020 Application procedure.

A. An application for a home occupation permit must be filed with the community development department, and renewed annually, along with a payment of fees as established by resolution of the Board.

B. The community development department shall review the request for a home occupation permit to ensure compliance with the criteria for operations established in this chapter. In rendering a decision, the director shall clearly state, in writing, any conditions of approval or reasons for denial. (Ord. 1252, 2008; Ord. 763, 1996; Ord. 719, 1995; Ord. 641, 1994; Ord. 343, 1980; Ord. 167, 1968)

20.616.030 General provisions.

Home occupations may be permitted on all residential, agricultural and forest and range properties, provided that the use is operated pursuant to the following conditions of operation:

A. The home occupation shall be incidental and secondary to the use of the dwelling for residential purposes. Home occupations shall be conducted entirely within

the dwelling unit or the accessory structure with the exception of incidental storage of vehicles or trailers. No vehicles or trailers shall be visible nor shall noise be audible, or otherwise noticeable, from adjoining properties.

B. No signs relating to the home occupation shall be allowed. Customers or clients may come to the residence, however, only on an appointment basis.

C. Home occupation permits are valid only for the persons and residence approved by the county and are nontransferable. For parcels less than five acres in size, no one other than a resident of the dwelling shall be employed at the premises in the conducting of a home occupation. For parcels of five acres or greater, in addition to the resident employees, three additional employees may be employed at the residence. These provisions do not preclude a business owner, such as a general contractor, from having additional employees provided that those employees do not come to the residence for business purposes.

D. No dwelling shall be built or altered in such a manner as to change the residential character and appearance of the dwelling, or in such a manner as to cause the structure to be recognized as a place where a non-residential use is conducted. There shall be no entrance or exit specifically provided or marked on the dwelling for the conduct of the home occupation.

E. No equipment or process shall be used which creates visual or audible electrical or mechanical interference in any radio or television receiver or other device outside the dwelling unit structure, or causes fluctuations in the line voltage outside the dwelling unit structure. There shall be no home occupation activities that are objectionable due to glare, dust, fumes, odor, vibration or noise noticeable beyond the property line.

F. Home occupations involving manufacturing or fabrication of materials or the receiving of customers on an appointment basis must meet the minimum life safety provisions of the Uniform Building Code for the specified occupancy type.

G. No home occupation shall interfere with the maintenance of any required parking spaces including those located within a garage or carport.

H. No vehicles, trailers or construction equipment, except those normally incidental to a residential use shall be parked so as to be visible from a public right-of-way. The home occupation shall not cause, involve or result in the outside storage of construction materials including, but not limited to electrical material, plumbing material or lumber. Home occupations shall not involve the use or on-site storage of chemicals, flammable materials, or other hazardous materials except as may be permitted by the Uniform Fire Code.

I. The home occupation shall not generate vehicular traffic or vehicular parking which degrades or is otherwise detrimental to the residential nature of the neighborhood.

J. If the home occupation is to be conducted in a rental unit, a written statement from the property owner giving his or her permission for operation of the home occupation shall be provided to the county.

K. No home occupation shall involve automobile repair, body work, upholstering or similar automobile-related activity, nor shall it involve the handling, packaging or

processing of food products. (Ord. 801, 1997; Ord. 763, 1996; Ord. 719, 1995; Ord. 641, 1994; Ord. 343, 1980; Ord. 167, 1968)

20.616.040 Additional provisions for mobile businesses.

Home occupation permits for mobile businesses may be permitted, provided that the mobile business is operated pursuant to the conditions of operation described above in section 20.616.030, in addition to the following conditions which specifically apply to mobile businesses:

A. The mobile business must comply with all applicable requirements of any agency with regulatory or permitting authority over the conduct of that business**.**

B. Any automotive-related services shall be limited to cleaning, detailing, and minor replacement or repair to glass or accessory parts; no mobile business operating under a home occupation permit shall be permitted to conduct auto repair, auto body or engine work, except on an emergency roadside repair basis.

C. No work shall be conducted in a publicly accessible parking lot; however, work may be conducted in parking lots which are restricted to employees only.

D. No work shall be conducted on county-owned property, including parks, parking lots, or public rights-of-way. (Ord. 801, 1997; Ord. 763, 1996; Ord. 719, 1995)

20.616.050 Review by director.

The director may periodically review any home occupation permit to ensure that it is being operated in a manner consistent with the conditions of operation and in a manner which is not detrimental to the public health, safety, or welfare, or materially injurious to properties in the vicinity. If, after review, the director deems that there is sufficient evidence to warrant a full examination, then a public hearing date shall be set. (Ord. 763, 1996; Ord. 719, 1995; Ord. 641, 1994; Ord. 343, 1980)

20.616.060 Modification or revocation by the planning commission.

A. If the director determines that the home occupation is not being conducted in compliance with the requirements of this chapter, the director shall notify the operator of the home occupation of the date for a public hearing on the operator's compliance with this chapter. Such notice shall be sent by certified mail and shall state that the planning commission will be reviewing the home occupation permit for possible modification or revocation. It shall also state the date, time and place of the hearing. The public hearing shall be conducted and notice given in accordance with chapters 20.20 and 20.24.

B. The director shall investigate fully the evidence and prepare a report to the planning commission regarding the reported violation of the home occupancy requirements. A copy of the report shall be sent to the operator of the home occupation. Upon conclusion of the hearing per chapter 20.24, the planning commission shall make one of the following determinations and take such accompanying action:

1. Find that the home occupation permit is being conducted in an appropriate

manner and that no action to modify or revoke the permit is necessary; or

2. Find that the home occupation permit is not being conducted in an appropriate manner and impose modifications to conditions as are necessary; or,

3. Find that the home occupation permit is not being conducted in an appropriate manner and that measures are not available to mitigate the impacts of the business. Upon making this determination, the planning commission shall revoke the home occupation permit and order the operation to cease and desist in the time specified by the planning commission. (Ord. 801, 1997; Ord. 763, 1996; Ord. 719, 1995; Ord. 641, 1994; Ord. 343, 1980)

Chapter 20.618

Sign Permit

Sections:

20.618.010 Purpose.
20.618.020 Permit required.
20.618.030 Application for sign permit.
20.618.040 Procedures for sign permit.
20.618.050 Inspection.

20.618.010 Purpose.

The board finds and declares that the establishment of regulations and minimum standards for the erection and maintenance of outdoor signs and billboards within the county are necessary for the purpose of promoting the public health, safety, and general welfare, and the establishment of such regulations and minimum standards are in accordance with the provisions of and purposes of the NRS.

The board further finds that the sign provisions provide minimum standards to safeguard life, health, property and public welfare in keeping with the unique character of the county by regulating and controlling the size, height, design, quality of materials, construction, location, electrification, and maintenance of all signs and signs structures not located within a building, and including temporary signs attached to or affixed upon windows, and to accomplish the following results:

A. To protect and enhance the character of residential neighborhoods, open views and vistas, and property values by prohibiting obtrusive and incompatible signs;

B. To promote and maintain healthy commercial centers and property values for effective communication of the nature of goods and services and avoidance of wasteful, ugly and unsightly competition in signs;

C. To provide a reasonable and comprehensive system of control of signs, integrated within a part of the general planning program and zoning ordinance, and not as a distinct police power that is exercised separate and apart from the zoning power;

D. To encourage signs which are well-designed and pleasing in appearance and to provide incentive and latitude for variety, good design relationship and spacing and location;

E. To encourage a desirable area character with a minimum of overhead clutter;

F. To attract and direct persons to various activities and enterprises in order to provide for the maximum public convenience; and

G. To enhance the economic value of the community and each area in it through the regulation of size, location, design and illumination of signs. (Ord. 763, 1996; Ord. 386, 1981)

20.618.020 Permit required.

It is unlawful for any person to erect, enlarge, alter, or relocate, within Douglas County, any sign or other advertising structure as defined in appendix A of this title without first obtaining a sign permit and building permit except as otherwise provided in chapter 20.696. Sign permits are valid for 180 days after issuance. (Ord. 763, 1996; Ord. 386, 1981)

20.618.030 Application for sign permit.

An application must be submitted by the property owner or by an agent on the owner's behalf on the form provided by the county with the fee established by resolution. (Ord. 763, 1996; Ord. 386, 1981)

20.618.040 Procedures for sign permit.

A. The director shall check the application, plans and specifications for sign permits. No permit shall be issued unless the plans and specifications have been reviewed and approved by all applicable departments and divisions. If the department is satisfied that the work described in an application for permit and the plans and specifications filed therewith conform to the requirements of chapter 20.696 and all other laws and ordinances, and that the appropriate fees have been paid, a sign permit shall issued and forwarded to the building division for building permit issuance.

B. If the community development department determines from the application or from the inspection of the premises that signs or other advertising structures exist on the premises, no permit shall be issued for any new sign or advertising structure which would increase the gross size or dimensional area of all signs or advertising structures beyond the allowable limits.

C. If the community development department determines from the application and accompanying plans or drawings that a proposed sign or advertising structure is, by reason of unusual or unique shape, color combination or context, likely to be out of harmony with the prevailing style or pattern of signs or advertising structures in the area of the county in which it is proposed to be located, the director shall forthwith submit the application and accompanying data as herein required to the planning commission, and the commission shall consider and review the same within 30 working days from the date of filing. If the commission finds and determines that the proposed sign or advertising structure is offensive or undesirable from the standpoint of color harmonics, size or if by reason of its shape, context or unique graphic portrayal of an object or objects it will create disharmony, it may reject or disapprove the application. In the alternative, it may recommend any changes, alterations or modifications of the proposed sign or advertising structures as will cause it to harmonize with the prevailing architectural or existing sign or sign pattern or patterns. In the event the application is rejected or disapproved, or in the event the applicant refuses or declines to comply with any recommendations of the planning commission for change, alteration or modification, the applicant may appeal as provided in this title. (Ord. 763, 1996; Ord.

386, 1981)

20.618.050 Inspection.

Every sign erected in the county shall be subject to inspection by the community development department to ensure compliance with all provisions of this section and title, as amended. (Ord. 801, 1998; Ord. 763, 1996; Ord. 386, 1981)

Chapter 20.620

Temporary Use Permit

Sections:

20.620.010 Purpose.
20.620.020 General provisions.
20.620.030 Permits required.
20.620.040 Temporary banner permits.
20.620.043 Temporary A-frame sign permits.
20.620.045 Temporary balloon and inflatable device permits.
20.620.050 Temporary use permit.
20.620.060 Application procedure.
20.620.070 Review criteria.

20.620.010 Purpose.

The purpose of this chapter is to regulate land use activities of a temporary nature so as to protect the public health, safety, and welfare. The intent of these regulations is to ensure that temporary uses will be compatible with surrounding land uses, to protect the rights of adjacent residents and landowners, and to minimize any adverse effects on surrounding properties and the environment. (Ord. 763, 1996)

20.620.020 General provisions.

A. Temporary uses shall be permitted only as specified in those zone districts where temporary uses are specifically permitted.

B. A temporary use or structure which does not have a valid temporary use permit is declared to be a public nuisance, subject to the enforcement provisions of this code and other applicable laws.

C. A change in ownership or operator of a use or structure subject to a temporary use permit, as specified in this chapter, or an approved change or modification to the structure or use allowed on a parcel subject to a permit, shall not affect the time periods established by this chapter to allow the temporary uses or structures.

D. When the last period of time allowed by this chapter has lapsed, the temporary use permit and any extension is void.

E. Noncompliance with the conditions of approval for the use permit shall be grounds for the reviewing authority to cancel and void any permit for a temporary use. The reviewing authority shall give notice of the action, along with the reasons for the action, to the permittee. The permittee may appeal the decision by filing an appeal as allowed and specified in chapter 20.28.

F. Except as otherwise provided in this chapter, the director is authorized to approve, conditionally approve or deny a permit for a temporary use. The director may establish conditions and limitations, including but not limited to hours of operation,

provision of parking areas, signing and lighting, traffic circulation and access, temporary or permanent site improvements, and other measures necessary to minimize potential effects on properties adjacent to and in the vicinity of the proposed temporary use.

G. Except for temporary signage permits, the community development department may require a cash deposit or other security to defray the costs of cleanup of a site in the event the applicant fails
to leave the property in a presentable and satisfactory condition, or to guarantee removal or re-
conversion of any temporary use to a permanent use allowed in the subject zone district. (Ord. 763, 1996)

20.620.030 Permits required.

Applications for temporary uses and temporary sign permits must be filed with the community development department, planning division, along with the required fee, and shall be subject to the specified requirements and criteria and to any other additional conditions reasonably required by the county. (Ord. 763, 1996)

20.620.040 Temporary banner permits.

A. A temporary banner permit is required for any business or civic organization which proposes to use a temporary banner for advertising purposes, except as provided in an approved outdoor festival and entertainment permit. A temporary banner permit may be obtained and used with a temporary inflatable device permit. Prior to the issuance of a permit, an applicant must provide evidence and certify that they will comply with the following:

1. Prior to installation of a temporary banner, a temporary banner permit must be obtained by the business, unit of operation or civic organization. The permit may be issued for a single event or for an entire calendar year or portion thereof;

2. A temporary banner may be maintained for a period not to exceed ten consecutive days within any calendar month (maximum 120 days per calendar year);

3. No more than one banner may be used per unit of operation, except when the unit of operation occupies more than one story, a second banner may be allowed.

4. A banner must be securely affixed to a permanent structure or an alternative means as approved by the director;

5. Maximum size of a banner is 32 square feet, except for signs permitted to span U.S. Highway 395 or U.S. Highway 50. (Ord. 1321, 2010; Ord. 801, 1997; Ord. 763, 1996)

20.620.043 Temporary A-frame sign permits.

A. A temporary sign permit is required for any business or civic organization which proposes to use a temporary A-frame sign for advertising purposes, except as provided in an approved outdoor festival and entertainment permit. Prior to the issuance of a permit, an applicant must provide evidence and certify that they will comply with the following:

1. Prior to installation of a temporary A-frame sign, a temporary sign permit must be obtained by the business, unit of operation or civic organization. The permit may be issued for the business, tenant, or civic organization and is nontransferable to any new tenant, business, or civic organization.

2. No more than one A-frame sign may be used per unit of operation.

3. A temporary A-frame sign may only be displayed during business hours or during the civic event.

4. The A-frame sign may be placed in the following locations: (a) in front of the unit of operation, adjacent to the storefront entrance door, (b) on the parcel where the business or civic event is located and placed along the street frontage, or (c) if the business is located within a commercial or industrial complex, the sign may be placed on any parcel within the complex fronting a public street with written permission from the property owner. The sign must be securely affixed to the ground (bolted or weighted), and must not block a public sidewalk or be placed in the public right-of-way, and must not block site visibility along the street or pose a traffic hazard.

5. The maximum size of an A-frame sign structure is limited to 7.85 square feet in area, including sign support, with a maximum height of 3.75 feet or 45 inches, and a maximum width of 2.08 feet or 25 inches.

6. The sign area must be designed as follows:

a. A maximum of six square feet of sign area, which may include a logo.

b. Sign area must be of uniform type and color.

c. Sign display must be permanently affixed to the sign. Magnetic or decal lettering is acceptable.

d. Erasable sign display is allowed.

7. The sign structure must be square or rectangle in shape with an overall design that is compatible with the business it serves, or compliments the streetscape.

8. The A-frame sign must be made of durable, low-maintenance material, which will withstand extreme weather conditions. (Ord. 1283, 2009; Ord. 1176, 2006; Ord. 1137, 2005)

20.620.045 Temporary balloon and inflatable device permits.

A. A temporary inflatable device permit is required for any business or civic organization which proposes to utilize balloons or inflatable devices for advertising purposes, except as provided in an approved outdoor festival and entertainment permit. A temporary inflatable device permit may be obtained and used with a temporary banner permit. Before the issuance of a permit, an applicant must provide evidence and certify that they will comply with the following:

1. Before installation of balloons or an inflatable device, a temporary inflatable device permit must be obtained by the business, unit of operation or civic organization. The permit may be issued for a single event or for an entire calendar year or portion thereof;

2. Temporary balloons or an inflatable device may be maintained for a period not to exceed five consecutive days within any calendar month (maximum 60 days per

calendar year); and

3. Balloons or inflatable devices must be securely affixed to the ground and may not exceed the height of the main on-site structure or 20 feet, whichever is greater. (Ord. 801, 1997)

20.620.050 Temporary use permit.

A temporary use permit shall be required for the following temporary uses:

A. "Parking lot and sidewalk sales" located within a commercially designated property, subject to the development standards and sign standards contained within this development code and including the following requirements:

1. The sales shall be limited to not more than 12 days, including setup and tear-down, of operation in any 60 day period;

2. One banner per street frontage may be utilized, provided the size of each banner does not exceed 32 square feet, except for signs permitted to span U.S. Highway 395 or U.S. Highway 50, and provided that the banner is securely affixed to a permanent structure or an alternative means as approved by the director and is displayed for no more than 10 days;

3. One inflatable device, in addition to balloons, is permitted per event provided that the inflatable device and balloons are securely affixed to the ground and may not exceed the height of the main on-site structure or 20 feet, whichever is greater, and limited to a period of five consecutive days; and

4. Pennants and pinwheels may be utilized provided that their height does not exceed the height of the main on-site structure or 20 feet, whichever is greater.

B. "Grand openings and anniversary events" for businesses located within a non-residentially zoned property, subject to the development standards and sign standards contained within this development code and including the following requirements:

1. The events shall be limited to a maximum of seven days, including setup and tear-down, and be held no more than once annually.

2. One banner per business that is included in the grand opening or anniversary event may be utilized, provided the size of each banner does not exceed 32 square feet, except for signs permitted to span U.S. Highway 395 or U.S. Highway 50, and provided that each banner is securely affixed to a permanent structure or an alternative means as approved by the director;

3. One inflatable device, in addition to balloons, is permitted per event provided that the inflatable device and balloons are securely affixed to the ground and may not exceed the height of the main on-site structure or 20 feet, whichever is greater, and limited to a period of five consecutive days;

4. Pennants and pinwheels may be utilized provided that their height does not exceed the height of the main on-site structure or 20 feet, whichever is greater.

C. "Outdoor art and craft shows and exhibits", within an existing commercial center, subject to the following requirements:

1. The event shall be limited to a maximum of 12 days, including setup and tear-down, of operation or exhibition in any 60 day period.

2. One banner per street frontage may be utilized, provided the size of each banner does not exceed 32 square feet, except for signs permitted to span U.S. Highway 395 or U.S. Highway 50, and provided that each banner is securely affixed to a permanent structure or an alternative means as approved by the director;

3. One inflatable device, in addition to balloons, is permitted per event provided that the inflatable device and balloons are securely affixed to the ground and may not exceed the height of
the main on-site structure or 20 feet, whichever is greater, and limited to a period of five consecutive days;

4. Pennants and pinwheels may be utilized provided that their height does not exceed the height of the main on-site structure or 20 feet, whichever is greater.

D. “Temporary office modules for construction sites”. The use of temporary structures, such as trailers or pre-fabricated structures for use as interim construction and businesses offices on active construction and lumbering sites may be permitted in any zone which allows the permanent use, subject to the following requirements:

1. The director may approve a temporary office module for the duration of the construction project, or for a specified period of time;

2. Installation of structures may occur only after a valid building permit (where required) has been issued by the county;

3. The temporary office module installation must meet all applicable requirements of the county;

4. Any permit issued pursuant to this chapter in conjunction with a construction project shall become invalid upon cancellation, expiration or issuance of the final certificate of occupancy use has been approved;

5. The permitted office module shall be removed from the site within 30 days following the issuance of the final certificate of occupancy, completion of project or upon occupancy of the permanent sales office where the structure is used as a temporary sales office;

6. No recreational vehicles shall be used for this purpose.

E. “Temporary office modules, other than construction sites”. The use of temporary structures, such as trailers or pre-fabricated structures for use as temporary headquarters for political parties or other similar uses may be permitted in any non-residential zone, subject to the following requirements:

1. The director may approve a temporary office module for a period not to exceed 65 days. A temporary office module may be located on the site no more than 60 days prior to any countywide election, special event or holiday and is to be removed within five days of the election day, special event or holiday;

2. Installation of a structure may occur only after a valid building permit (where required) has been issued by the county;

3. Vehicles or modular structures permitted pursuant to this chapter shall not exceed a maximum gross square footage of six hundred fifty square feet in size (tongue not included). Where applicable, a valid Nevada vehicle license must be affixed to the vehicle;

4. The temporary office module installation must meet all applicable requirements of this code;

5. No recreational vehicles shall be used for this purpose.

F. “In-tract model home sales complexes”. A model home sales complex may be constructed within a recorded subdivision pursuant to the approval of a temporary use permit. One model within the tract may be used as an office solely for the sale of homes within the tract or complex. All complexes are subject to the following conditions:

1. The sales office shall be located within a garage or the main structure of one of the dwelling units within the complex. A modular office may be utilized on the site for up to 180 days;

2. Model home sales complex approvals shall be valid for an initial period of three years, or as otherwise approved in the temporary use permit. Upon expiration of the temporary use permit, the sales office shall be terminated, the structure restored to a residential use and all appurtenant structures related to the model home complex removed. Extensions may be granted by the director in one year increments until all units are sold;

3. A cash deposit, letter of credit, or other security approved by the county, if applicable, shall be submitted to the community development department, in an amount to be established by the building official, to ensure the restoration of the sales office and the removal of parking facilities and other structures associated with the complex;

4. The sales office is to be used only for transactions involving the sale, rent, or lease of lots or structures within the subdivision in which the sales office is located, contiguous subdivisions, phases or a planned community;

5. Street improvements and temporary parking at a rate of two spaces per model, or a minimum of four spaces, whichever is greater, shall be completed as approved by the director, prior to commencement of sales activities or the display of model homes;

6. All fences proposed in conjunction with the model homes and sales office are to be located outside the public right-of-way, except as approved by the county engineer. An encroachment permit will be required for any fence or structure proposed to be located within a public right-of-way;

7. Signs are permitted and regulated pursuant to the applicable chapters of this title;

8. Adequate on-site lighting may be required to ensure a safe and secure environment, while at the same time being designed and placed to prevent stray light or glare from becoming a nuisance factor for adjacent properties. The lighting design shall be submitted for review and approval of the director prior to the issuance of building permits on the subject site;

9. Adequate paved access from a public right-of-way shall be provided to the model home complex and sales office per Part I, Division D of this title.

G. “Other”. For those other uses identified as temporary uses, the director may

approve a temporary use permit subject to the following:

1. Installation of a structure may occur only after a valid building permit, where required, has been issued. (Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968)

20.620.060 Application procedure.

Applications for any permits to establish temporary signage or uses, as described in this chapter, must be filed with the community development department in a manner prescribed by the director, along with the required fee as established by resolution of the board. (Ord. 763, 1996)

20.620.070 Review criteria.

No temporary use shall be approved unless it can be determined that:

A. The use will be compatible with adjacent uses and will not adversely affect the surrounding area by means of noise, odor, dust or other nuisances;

B. Any increase in traffic resulting from the use will not adversely affect the surrounding area or county at large;

C. The proposed use conforms with all applicable policies and ordinances of the county. (Ord. 763, 1996)

ZONING DISTRICT AND STANDARDS

Chapter 20.650

Zoning Districts and Standards

Sections:

20.650.010 Purpose.

20.650.010 Purpose.

The purpose of the individual land use districts are as follows:

A. "Agriculture, Forest and Range".

1. "A-19" (Agriculture - 19 acre minimum parcel size). The purpose of the A-19 district is to implement the Douglas County master plan, to conserve agricultural resources, preserve open spaces and the rural character of the county, and to direct urbanization into manageable and identified development areas. This is a low density land use district with a maximum permitted density of one home per 19 gross acres. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

2. "FR-19" (Forest and range - 19 acre minimum parcel size). The purpose of the FR-19 district is to implement the Douglas County master plan, preserve rural areas for the purpose of efficiently using land to conserve forest and range resources, protect the natural environment, preserve open spaces, and preserve open areas for grazing and other agricultural uses for land under private ownership. This is a low density land use district with a maximum permitted density of one home per 19 net acres. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district. This district also provides land use regulation, to the extent of the jurisdiction of the county and the State of Nevada, over lands held by the Bureau of Indian Affairs in trust for individuals (allotments). If such property is transferred to persons in fee simple, then it shall be governed by the regulations for this district.

3. "FR-40" (Forest and range - 40 acre minimum parcel size). The purpose of the FR-40 district is to implement the Douglas County master plan, establish rural areas for the purpose of efficiently using land to conserve forest and range resources, protect the natural environment, preserve open spaces, and preserve open areas for grazing and other agricultural uses for land under public ownership. This is a low density land use district with a maximum permitted density of one home per 40 gross acres. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

B. "Residential". The primary uses in these zoning districts are the permitted residential uses contained in 20.660.100.

1. “SFR-T 3,000” (Single-family residential – traditional 3,000 square foot minimum net parcel size). This district is intended for the development of single-family attached and detached units in a traditional town setting with a minimum lot size of 3,000 square feet and a maximum density of 14.52 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this zoning district.

2. “SFR-T 4,000” (Single-family residential – traditional 4,000 square foot minimum net parcel size). This district is intended for the development of single-family detached units in a traditional tow setting with a minimum lot size of 4,000 square feet and a maximum density of 10.89 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this zoning district.

3. “SFR-T 6,000” (Single-family residential – traditional 6,000 square foot minimum net parcel size), This district is intended for the development of single-family detached units in a traditional town setting with a minimum lot size of 6,000 square feet and a maximum density of 7.26 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this zoning district.

4. “SFR-T 8,000” (Single-family residential) – traditional 8,000 square foot minimum net parcel size). This district is intended for the development of single-family detached units in a traditional town setting with a minimum lot size of 8,000 square feet and a maximum density of 5.45 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this zoning district.

5. “SFR-8,000” (Single-family residential - 8,000 square foot minimum net parcel size). This district is intended for the development of single-family detached units in a suburban setting with a minimum lot size of 8,000 square feet, and a maximum density of 5.45 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

6. “SFR-12,000” (Single-family residential - 12,000 square foot minimum net parcel size). This district is intended for the development of single-family detached units in a suburban setting with a minimum lot size of 12,000 square feet, and a maximum density of 3.63 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

7. “SFR-1/2” (Single-family residential - one-half acre minimum net parcel size). This district is intended for the development of single-family detached units in a suburban setting with a minimum lot size of one-half (½) net acre, and a maximum density of 2 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

8. “SFR-1” (Single-family residential - one acre minimum net parcel size). This district is intended for the development of single-family detached units in suburban and

rural settings with a minimum lot size of one net acre, and a maximum density of one unit per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

9. “SFR-2” (Single-family residential - two acre minimum net parcel size). This district is intended for the development of single-family detached units in suburban and rural settings with a minimum lot size of two net acres, and a maximum density of 0.50 units per gross acre. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

10. “MFR” (Multi-family residential). This district is intended for the development of higher-density residential areas with a variety of housing options, including small lot subdivisions when part of a planned development or attached or detached multi-family units, condominiums, townhouses or apartments. This district has a minimum net parcel size of 9,000 square feet, and a maximum density of 16 units per acre.

11. “RA-5” (Rural agriculture - five acre minimum net parcel size). This district is intended to promote the development of single-family detached units at a density and character compatible with agricultural uses with a minimum lot size of five net acres, and a maximum density of 0.20 units per gross acre. The director may approve a minimum parcel size of 1% less than five net acres in connection with a land division of not more than four parcels contiguous with existing, similarly sized parcels. Unless otherwise specified in this development code, no more than one home per parcel is permitted in this land use district.

12. “RA-10” (Rural agriculture - ten acre minimum parcel size). This district is intended to promote the development of single-family detached units at a density and character compatible with agricultural uses with a minimum lot size of ten net acres, and a maximum density of 0.10 units per gross acre. Unless otherwise specified in this code, no more than one home per parcel is permitted in this land use district.

C. “Non-residential” (commercial and industrial).

1. “PR” (Private recreation). The purpose of this district is to provide for commercially oriented recreational uses on land under private ownership.

2. “NC” (Neighborhood commercial). The purpose of this district is to provide areas for the development of restricted retail and business uses which have minimal impact on surrounding properties. The uses are oriented to provide services to the immediate neighborhood and in doing so reduce the amount of vehicle trips by providing local retail services.

3. “OC” (Office commercial). The purpose of this district is to provide areas limited to professional office uses which have a minimal exterior impact on surrounding properties. The district may also serve as a transition or buffer area between medium density residential and more intense commercial zoning districts.

4. “GC” (General commercial). The purpose of this district is to provide areas of development for a broad range of commercial, business, wholesale, retail and service uses of a local and regional nature.

5. “MUC” (Mixed-use commercial). The purpose of this district is to provide

areas which integrate compatible commercial uses with medium density multi-family residential uses through proper design. Situated within a commercial land use designation in the master plan, the goal of the district is to provide for a better jobs-housing balance, conserve land resources, reduce commuter trips, and provide opportunities for more affordable housing. The MUC district can be used for in-fill projects and as a rehabilitation tool for selective properties in distressed areas. The MUC district can also be located as a transition zone between multi-family development and other commercial districts.

Between 50 percent and 75 percent of the total project floor area must be devoted to commercial uses, with 25 percent to 50 percent of the project floor area devoted to residential uses. The projects must be architecturally compatible with and enhance the surrounding neighborhood. Projects should vertically integrate the multi-family residential and commercial uses. The residential density must not exceed 16 units per gross acre.

6. "TC" (Tourist commercial). The purpose of this district is to provide suitable areas for tourist related commercial and retail services, including hotels and casinos.

7. "LI" (Light industrial). The purpose of this district is to provide areas for the development of research, light industrial, warehouse and distribution centers.

8. "GI" (General industrial). The purpose of this district is to provide suitable areas for the development of general manufacturing and heavy industrial uses.

9. "SI" (Service industrial). The purpose of this district is to provide areas for light industrial uses with a mix of supporting commercial and retail uses.

10. "PF" (Public facilities). The purpose of this district is to provide areas for needed present and future public facilities. The public facilities zoning district is consistent with all master plan land use designations.

11. "AP" (Airport). The purpose of this district is to maintain, preserve and enhance the viability of the county's airport operations while being responsibly sensitive to surrounding land uses.

D. **"**Overlay districts". The purpose of the overlay district is to superimpose special standards over the base zoning district, which serve to complement and enhance the character of the community and to provide compatibility with surrounding uses consistent with the master plan. The individual purpose statement for each overlay district is found within the respective district chapter of this development code. (Ord. 1308, 2010; Ord. 1293, 2009; Ord. 1253, 2008; Ord. 1173, 2006; Ord. 1004, 2002; Ord. 801, 1998; Ord. 767, 1997; Ord. 763, 1996; Ord. 674, 1994; Ord. 662, 1994; Ord. 654, 1994; Ord. 622, 1994; Ord. 621, 1994; Ord. 529, 1991; Ord. 519, 1990; Ord. 493, 1989; Ord. 435, 1985; Ord. 414, 1983; Ord. 349, 1980; Ord. 347, 1980; Ord. 346, 1980; Ord. 344, 1980; Ord. 284, 1978; Ord. 253, 1976; Ord. 203, 1973; Ord. 167, 1968)

Chapter 20.654

Agriculture and Forestry and Range Districts

20.654.010 Agriculture and forest and range minimum development standards (Table).

MINIMUM DEVELOPMENT STANDARDS	A-19	FR19/40[3]
Maximum Density	1DU/19 gross ac	1DU/19 gross ac 1DU/40 gross ac
Minimum Lot Area (net acre)	19[4]	19 (private) 40 (public)
Average Lot Width (feet) Average Corner Lot Width (feet)	500 500	500 500
Front Yard Setback (feet)	30	30
Rear Yard Setback[1](feet)	30	30
Side Yard Setback Minimum (feet)[1] Dwelling Unit Separation[2] (feet)	20 20	20 20
Side Yard Setback, Street Side (feet)[1]	30	30
Distance Between Buildings (feet)	10	10
Maximum Structure Height (feet)	35	35

DU = Dwelling Unit
ac = Acre

---

[1] *See* chapter 20.664 for accessory dwelling and accessory structure requirements.

[2] Accessory Dwellings may be attached. *See* Accessory dwellings.

[3] The distinguishing feature between the 19 acre and 40 acre minimum parcel sizes in the Forest and Range district is public or private ownership.

[4] Parcels created pursuant to chapter 20.714 may be less than 19 acres in size.

(Ord. 1224, 2008; Ord. 1167, 2006; Ord. 763, 1996; Ord. 641, 1994; Ord. 568, 1992; Ord. 535, 1991; Ord. 497, 1989; Ord. 377, 1981; Ord. 167, 1968)

20.654.020 Permitted, development permitted, and special use permit uses (Table).

The following list represents those uses (subject to the provisions of this title) in the agricultural and forestry and range districts which are permitted by right (P), subject to design review (D), requires special use permit and design review approval (S), requires approval of a temporary use permit (T), or are prohibited (X). Uses not listed in this table are prohibited.

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664).

20.654.020 Uses (*See* section in chapter 20.660 for use description)	**A-19**	**FR19/40**
.010 Agricultural and related limited commercial uses		
(A) Agricultural products processing and storage	P	P
(B) Agricultural products retail outlet	S	X
(C) Aquaculture	S	S
(D) Animal keeping	P	P
(E) Commercial stock yard	S	S
(F) Commercial meant and poultry processing facility	S	S
(G) Commercial nursery	D	D
(H) Keeping of non-domestic animals	S	S
(I) Limited agricultural uses	P	P
(J) Limited commercial uses	P	P
(K) Open agricultural uses	P	P
.020 Commercial and business service uses		
(G) Kennel	D	D
(H) Dog fancier or breeder kennel	P	P
(I) Dog rescue kennel	P	P
(J) Pet service	P	P

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664).

20.654.020 Uses (*See* section in chapter 20.660 for use descriptions)	**A-19**	**FR 19/40**
.030 Forestry uses		
(A) Forestry	P	P
.040 Industrial uses		
(F) Saw mill	X	S
.050 Institutional and uses of community significance		
(A) Cemetery	S	S
(B) Church	D	D
(C) Community center and related facilities	S	S
(D) Day care center (large)	S	S
(E) Day care center (small)	P	P
(F) Emergency care facility	X	X
(G) Educational facility	S	S
(H) Small group care or group home	D	D
(I) Large group care or group home	X	X
(J) Hospital	X	X
(K) Judicial center	X	X
(L) Nursing, convalescent and residential care facility	X	X
(M) Post office	X	X
(N) Uses of community significance	S	S

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664).

20.654.020 Uses (See section in chapter 20.660 for use descriptions)	**A-19**	**FR 19/40**
.060 Lodging uses		
(A) Bed and breakfast	S	S
(B) Campground	X	X
(C) Overnight lodging	X	X
(D) Resort lodge, conference center, or guest ranch	S	S
.070 Mining uses		
(A) Open and subsurface mining	S	S
.080 Office uses		
(None permitted)	X	X
.090 Recreational uses		
(A) Equestrian facility[1]	D/S	D/S
(B) Golf course	S	S
(C) Health clubs	X	X
(D) Indoor recreation	X	X
(E) Membership club	X	X
(F) Motorized racing	X	X
(G) Non-motorized racing	S	S
(H) Outdoor recreation, day use	S	S

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.654.020 Uses (*See* section in chapter 20.660 for use descriptions)	**A-19**	**FR 19/40**
.090 Recreational uses (cont.)		
(I) Outdoor recreation, night use	S	S
(J) Park or playfield, day use	D	D
(K) Park or playfield, night use	S	S
(L) Public recreation center	X	X
(M) Ski area	X	S
.100 Residential uses		
(A) Boarding house	P	P
(B) Clustered development	P	P
(C) Manufactured home park	X	X
(D) Multi-family dwelling	X	X
(E) Single family dwelling	P	P
.110 Retail and personal services		
(C) Building material store	X	X
(N) Veterinary clinic, with outdoor holding facilities	D	S
(O) Veterinary clinic, without outdoor holding facilities	D	S
.120 Transportation uses		
(A) Private airports	S	S
(B) Public airports	X	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.654.020 Uses (*See* section in chapter 20.660 for use descriptions)	**A-19**	**FR 19/40**
.120 Transportation uses (cont.)		
(D) Heliport	S	S
(E) Helistop	S	S
(F) Park and ride facility	S	S
.130 Utility and public service uses		
(A) Central office of telecommunication company	X	X
(B) Fire station	S	S
(C) Major facility of a public or private utility	X	X
(D) Public or quasi-public facility other than listed	X	X
(E) Public safety telecommunications site	D	D
(F) Sewer or water transmission lines	P	P
(G) Sewage treatment facility	X	X
(H) Telecommunications site	D	D
(I) Telecommunication facility[2]	D/S	D/S
(J) Utility service facility	P	P
(K) Water reservoir	S	S
(L) Water tank, water treatment facility or sewer lift station	D	D
(M) Wind energy conversion system, commercial	X	S
(N) Treated effluent irrigation	D	D

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.654.020 Uses (*See* section in chapter 20.660 for use description	**A-19**	**FR19/40**
.140 Warehouse uses		
(None permitted)	X	X
.150 Accessory uses		
(A) Accessory agriculture retail sales	P	P
(B) *Accessory dwelling*	P/D[3]	P/D[3]
(C) *Accessory outside storage*	P	P
(D) *Accessory structure*	P	P
(E) Grading for more than 500 cubic yards	S	S
(F) Home occupation	P	P
(G) Household pets	P	P
(H) Non-commercial telecommunications site, one structure meeting district regulations	P	P
(I) Non-commercial telecommunication site, all others	D	D
(J) Solar energy systems	P	p
(K) *Stationary tank storage (above ground)*	P	P
(L) Wind energy conversion system, micro other	P	P
(M) *Wind energy conversion system, micro*	D[5]	D[5]

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.654.020 Uses (*See* section in chapter 20.660 for use description	**A-19**	**FR19/40**
.150 Accessory uses (cont.)		
(N) *Wind energy conversion system, small*	S[5]	S[5]
(O) Metal Storage containers, sea cargo, cargo, or similar containers	P/D[4]	P/D[4]
.160 Temporary uses		
(A) Emergency non-commercial telecommunication facility	T	T
(B) Temporary batch plant	T	T
(C) Temporary construction or sales office	T	T
(D) Temporary dwelling unit	T	T
(E) Seasonal sales lots	T	T
(F) Wind energy conversion system, commercial use test site	X	T

Key: **D** - Requires design review **S** - Requires special use permit and design review
X - Prohibited **P** - Permitted by right (may require building permit)
T - Requires temporary use permit

---

[1] *See* Use regulations of chapter 20.660.

[2] Special use permit required for facilities that exceed the maximum height of the applicable zoning district.

[3] Permitted by right for agricultural purposes; design review for non-agricultural purposes. See section 20.664.010 for specific standards.

[4] Parcels less than 19 acres require a design review.

[5] See Chapter 20.664 for specific standards and required zoning permits as dictated by height of structure.

(Ord. 1318, 2010; Ord. 1315, 2010; Ord. 1313, 2010; Ord. 1215, 2007; Ord. 1170, 2006; Ord. 1007, 2002; Ord. 908, 2000; Ord. 871, 1999; Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 619, 1993; Ord. 612, 1993; Ord. 569, 1992; Ord. 529, 1991; Ord. 167, 1968)

Chapter 20.656
Residential Districts

20.656.010 Residential district development standards (Table).

Minimum Development Standards	SFR-T 3,000[6, 7]	SFR-T 4,000[6, 7]	SFR-T 6,000[7]	SFR-T 8,000[7]	SFR-8,000	SFR-12,000	SFR-1/2	SFR-1	SFR-2	MFR	RA-5	RA-10
Lot Area Maximum Density/Gross Acre	14.52	10.89	7.26	5.51	5.51	3.61	2	1	0.5	16[1]	0.2	0.1
Minimum Net Lot Acre (square feet)	3000	4000	6000	8000	8000	12000	21780	1 ac	2 ac	9000[4]	5 ac	10 ac
Average Lot Width (feet) Average Corner Lot Width (feet)	30	40	60	70	70 77	100 100	100 120	120 120	150 150	60 66	200 200	300 300
Minimum Lot Depth (feet)	30	40	60	70	100	100	100	100	150	100	250	300
Front Yard Setback (feet)	8	10	10	12	20	20	30	30	30	10	30	30
Rear Yard Setback (feet)[2, 3, 5]	10	10	10	10	15	20	30	30	30	10	30	30
Side Yard Setback (feet)[3, 4]	0	5	5	5	5	10	10	20	20	10	20	20
Side Yard Setback, Street Side (feet)	5	5	10	10	15	15	20	30	30	10	30	30
Distance Between Buildings (feet)[3, 4]	10	10	10	10	10	10	10	10	10	10	10	10
Maximum Structure Height (Feet)	35	35	35	35	35	35	35	35	35	35	35	35

[1] Projects that are ten units or greater in size in this zoning district are subject to the affordable housing provisions of this code. Density bonus units may be available (*See* chapter 20.440).

[2] For parcels adjoining alleys, the yard setback adjoining the alley may be reduced to a minimum of three feet.

[3] *See* chapter 20.664 for accessory dwelling and accessory structure requirements.

[4] For multi-family residential projects, the minimum net lot area includes all common areas, parking, landscaping and building areas associated with a project for the purpose of creating building envelopes or condominium units.

[5] For reverse corner lots, the rear yard setback may be reduced to that of the side yard setback in the respective zoning district

[6] No project proposing attached housing or establishment of single-family residential – traditional3,000 or 4,000 zoning districts is allowed in the Towns of Minden and Gardnerville unless the project is a planned development.

[7] See chapter 20.664 for single-family residential – traditional requirements.

(Ord. 1308, 2010; Ord. 1293, 2009; Ord. 1253, 2008; Ord. 1167, 2006; Ord. 1053, 2003; Ord. 862, 1998; Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 524, 1990; Ord. 203, 1973; Ord. 167, 1968)

20.656.020 Permitted, development permitted, and special use permit uses (Table).

The following list represents those uses (subject to the provisions of this title) in the Residential districts which are permitted by right (**P**), subject to design review (**D**), requires special use permit and design review approval (**S**), requires approval of a temporary use permit (**T**), or are prohibited (**X**). Uses not listed in this table are prohibited.

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (*See* section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.010 Agricultural and related limited commercial												
(A) Agricultural products processing and storage	X	X	X	X	X	X	X	X	X	X	X	P
(D) Animal keeping	X	X	X	X	X	X	X	P	P	X	P	P
(I) Limited agricultural uses	X	X	X	X	P	P	P	P	P	P	P	P
(K) Open agricultural uses	X	X	X	X	X	X	X	X	X	X	X	P
.020 Commercial and business service uses												
(G) Kennel	X	X	X	X	X	X	X	X	X	X	S	S
(H) Dog fancier or breeder kennel	X	X	X	X	X	X	X	P	P	X	P	P
(I) Dog rescue kennel	X	X	X	X	X	X	X	P	P	X	P	P
(J) Pet service	X	X	X	X	X	X	X	P	P	X	P	P
.030 Forestry uses												
(None permitted)	X	X	X	X	X	X	X	X	X	X	X	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (See section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.040 Industrial uses												
(None permitted)	X	X	X	X	X	X	X	X	X	X	X	X
.050 Institutional and uses of community significance												
(A) Cemetery	X	X	S	S	S	S	S	S	S	S	S	S
(B) Church	X	X	S	S	S	S	S	S	S	S	S	S
(D) Day care center (large)	X	X	X	X	X	S	S	S	S	S	S	S
(E) Day care center (small)	X	P	P	P	P	P	P	P	P	P	P	P
(F) Emergency care facility	X	X	X	X	X	X	X	X	X	X	X	X
(H) Small group care or group home	X	D	D	D	D	D	D	D	D	D	D	D
(I) Large group care or group home	X	X	X	X	X	X	X	X	X	S	X	X
(L) Nursing, convalescent and residential care facility	X	X	X	X	X	X	X	X	X	S	X	X
(N) Uses of community significance	S	S	S	S	S	S	S	S	S	S	S	S
(O) Independent congregate senior living community	X	X	X	X	X	X	X	X	X	S	X	X
.060 Lodging uses												
(A) Bed and breakfast	X	X	X	X	X	X	S	S	S	S	S	S

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (*See* section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.070 Mining uses												
(None permitted)	X	X	X	X	X	X	X	X	X	X	X	X
.080 Office uses												
(Permitted in Residential Office district only)	X	X	X	X	X	X	X	X	X	X	X	X
.090 Recreational uses												
(A) Equestrian facility	X	X	X	X	X	X	X	X	S	X	S	S
(B) *Golf course*	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]	P[1]
(C) Health club	X	X	X	X	X	X	X	X	X	X	X	X
(D) Indoor recreation	X	X	X	X	X	X	X	X	X	X	X	X
(E) Membership club	X	X	X	X	X	X	X	S	S	X	S	S
(F) Motorized racing	X	X	X	X	X	X	X	X	X	X	X	X
(G) Non-motorized racing	X	X	X	X	X	X	X	D	D	X	D	D
(H) Outdoor recreation, day use	X	X	X	X	X	X	X	X	X	X	X	X
(I) Outdoor recreation, right use	X	X	X	X	X	X	X	X	X	X	X	X
(J) Park or play field, day use	X	X	S	S	S	S	S	S	S	S	S	S

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (*See* section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.090 Recreational uses (cont.)												
(K) Park or play field, night use	X	X	S	S	S	S	S	S	S	S	S	S
(L) Public recreation center	X	X	S	S	S	S	S	S	S	S	S	S
(M) Ski area	X	X	X	X	X	X	X	X	X	X	X	X
.100 Residential uses												
(A) Boarding house	X	X	X	X	X	X	X	X	X	D	X	X
(C) Manufactured home park	X	X	X	X	X	X	X	X	X	S[2]	X	X
(D) Multi-family dwelling	X	X	X	X	X	X	X	X	X	D	X	X
(E) Single-family dwelling	D	D	D	D	P	P	P	P	P	P	P	P
.110 Retail and personal services												
(None permitted)	X	X	X	X	X	X	X	X	X	X	X	X
.120 Transportation uses												
(A) Private airports	X	X	X	X	X	X	X	X	S	X	S	S
(B) Public airports	X	X	X	X	X	X	X	X	X	X	X	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (*See* section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.120 Transportation uses (cont.)												
(C) Airport related uses	X	X	X	X	X	X	X	X	X	X	X	X
(D) Heliport	X	X	X	X	X	X	X	X	X	X	X	S
(E) Helistop	X	X	X	X	X	X	X	X	X	X	X	S
(F) Park and ride facility	X	X	S	S	S	S	S	S	S	S	S	S
.130 Utility and public service												
(A) Central office of telecommunication company	X	X	X	X	X	X	X	X	X	X	X	X
(B) Fire station	X	X	S	S	S	S	S	S	S	S	S	S
(C) Major facility of a public or private utility	X	X	X	X	X	X	X	X	X	X	X	X
(D) Public or quasi-public facility other than listed	X	X	S	S	S	S	S	S	S	S	S	S
(E) Public safety telecommunications site	X	X	S	D	S	S	S	D	D	X	D	D
(F) Sewer or water transmission lines	P	P	P	P	P	P	P	P	P	P	P	P
(G) Sewage treatment facility	X	X	X	X	X	X	X	X	X	X	X	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (See section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.130 Utility and public service (cont.)												
(H) Telecommunications site	D	D	D	D	D	D	D	D	D	D	D	D
(I) Telecommunications facility	X	X	X	X	X	X	X	X	X	X	S	S
(J) Utility service facility	P	P	P	P	P	P	P	P	P	P	P	P
(K) Water reservoir	X	X	S	S	S	S	S	S	S	S	S	S
(L) Water tank, water treatment facility or sewer lift station	X	X	D	D	D	D	D	D	D	D	D	D
(M) Wind energy conversion systems, commercial	X	X	X	X	X	X	X	X	X	X	X	X
(N) Treated effluent irrigation	X	X	S	S	S	S	S	S	S	S	S	S
.140 Warehouse uses												
(None permitted)	X	X	X	X	X	X	X	X	X	X	X	X
.150 Accessory uses												
(A) Accessory agriculture retail sales	X	X	X	X	X	X	X	P	P	X	P	P
(B) Accessory dwelling	X	X	X	X	X	X	D	D	D	X	D	D

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (*See* section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.150 Accessory uses (cont.)												
(C) Accessory outside storage	P	P	P	P	P	P	P	P	P	P	P	P
(D) *Accessory structure*	P	P	P	P	P	P	P	P	P	P	P	P
(E) Grading of more than 500 cubic yards	S	S	S	S	S	S	S	S	S	S	S	S
(F) Home occupation[3]	P	P	P	P	P	P	P	P	P	P	P	P
(G) Household pets	P	P	P	P	P	P	P	P	P	P	P	P
(H) Non-commercial telecommunication site, one structure meeting district regulations	P	P	P	P	P	P	P	P	P	P	P	P
(I) Non-commercial telecommunications site, all others	D	D	D	D	D	D	D	D	D	D	D	D
(J) Solar energy systems	P	P	P	P	P	P	P	P	P	P	P	P
(K) Stationary tank storage (above ground)	P	P	P	P	P	P	P	P	P	P	P	P
(L) Wind energy conversion system, micro other	X	X	X	X	X	X	X	P	P	P	P	P

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.664)

20.656.020 Uses (*See* section in chapter 20.660 for use descriptions)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**SFR-8,000**	**SFR-12,000**	**SFR-½**	**SFR-1**	**SFR-2**	**MFR**	**RA-5**	**RA-10**
.150 Accessory uses cont.												
(M) *Wind energy conversion system, micro*	X	X	X	X	X	X	X	X	D[4]	X	D[4]	D[4]
(N) *Wind energy conversion system, small*	X	X	X	X	X	X	X	X	X	X	S[4]	S[4]
(O) Metal Storage containers, sea cargo, cargo or similar containers.	X	X	X	X	X	X	X	D	D	X	D	D
.160 Temporary uses												
(A) Emergency non-commercial telecommunication facility	T	T	T	T	T	T	T	T	T	T	T	T
(B) Temporary batch plant	X	X	X	X	X	X	X	X	X	X	X	X
(C) Temporary construction or sales office	T	T	T	T	T	T	T	T	T	T	T	T
(D) Temporary dwelling unit	T	T	T	T	T	T	T	T	T	T	T	T
(E) Seasonal sales lot	T	T	T	T	T	T	T	T	T	T	T	T

Key: **D** - Requires design review **S** - Requires special use permit and design review
X - Prohibited **P** - Permitted by right (may require building permit)
T - Requires temporary use permit

---

[1] Permitted only as part of a planned development.

[2] Permitted only if located within an MH overlay zoning district. *See* chapter 20.674 and 20.664.100.

[3] Home occupation permit required.

[4] See Chapter 20.664 for specific standards and required zoning permits as dictated by height of structure. (Ord. 1315, 2010; Ord. 1313, 2010; Ord. 1279, 2009; Ord. 1253, 2008; Ord. 1215, 2007; Ord. 1007, 2002; Ord. 908, 2000; Ord. 871, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 623, 1994; Ord. 622, 1994; Ord. 621, 1994; Ord. 519, 1990; Ord. 414, 1983; Ord. 347, 1980; Ord. 346, 1980; Ord. 344; 1980; Ord. 253, 1976; Ord. 203, 1973; Ord. 167, 1968)

Chapter 20.658

Non-Residential Districts

20.658.010 Non-residential district development standards (Table).

Minimum Development Standards	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
Minimum Net Lot Area (Square feet except as noted)[6,8]	20000	10000	7500	10000	0	1 ac	1 ac	1 ac	10000	0	0
Average Lot Width (feet) Average Coroner Lot Width (feet)	90 100	80 88	80 88	N/A N/A	N/A N/A	100 110	100 110	100 110	80 88	0 0	0 0
Front Setback (feet)[1, 1a]	20	20	10	20	15	10	20	20	20	0	0[2]
Rear Setback (feet)[1a,2, 3, 5]	20	10	5	0[2]	10	0[2]	10	10	0[2]	10	0[2]
Side Setback Minimum (feet)[1a,3]	20	0[2]	0[2]	0[2]	0[2]	0[2]	10	10	0[2]	10	0[2]
Side Setback, Street Side (feet)[1a, 3]	15	15	10	15	15	10	20	15	15	15	0[2]
Floor Area Ratio (Maximum Percentage)	35/ 50[4]	35/ 50[4]	35/ 50[4]	35/ 50[4]	35/ 50[4]	35/ 50[4]	35/ 50[4]	35/ 50[4]	35/ 50[4]	N/A	N/A
Maximum Structure Height (feet)	35	35	35	45	35[7]	45	45	45	45	N/A	45

DU = Dwelling Unit ac. = Acre N/A = Not Applicable

---

[1] The required front setback may be reduced down to zero (0) feet for projects fronting on U.S. Highway 395 between the intersections of State Route 88 to the north and the Elges-Waterloo extension to the south, or as otherwise adopted for projects located in a specific plan.

[1a] The required front setback may be reduced down to zero(0) feet within non-residential zoning districts within the Town of Genoa, with the exception of properties fronting on the east and west sides of Main Street, south of Nixon Street/Genoa, and north of Carson Street. A minimum 40-foot front yard setback is required for properties located on the west side of Main Street, or a setback consistent with the adjacent or existing structures. A minimum 20-foot setback is required for properties located on the east side of Main Street, or a setback consistent with adjacent or existing structures. The required side, street side, and rear setback within non-residential zoning districts within the Town of Genoa may be reduced as required by the Uniform Building Code.

[2] Except as required by the Uniform Building Code.

[3] Side and rear yard setbacks shall be a minimum of 15 feet adjacent to a single-family residential district.

[4] The maximum Floor Area Ratio shall be 35% for one story buildings and 50% for multi-story buildings. In the MUC zoning district, the maximum Floor Area Ratio may be increased to 75 percent when all other provisions of this title have been met.

[5] For parcels adjoining alleys, the yard setback adjoining the alley may be reduced to a minimum of five feet.

[6] Minimum net lot area includes all common areas, parking, landscaping and building areas associated with a project for the purposes of creating building envelopes or non-residential condominium units.

[7] The height of structures within the MUC zoning district may be increased as provided in chapter 20.664.

[8] Existing commercially zoned lots within the Towns of Gardnerville and Minden are exempt, if all other requirements of this title have been met.

(Ord. 1228, 2008; Ord. 1173, 2006; Ord. 922; 2000; Ord. 863, 1998; Ord. 839, 1993; Ord.801, 1997; Ord. 763, 1996; Ord. 713, 1995; Ord. 691, 1995; Ord. 668, 1994; Ord. 641, 1994; Ord. 525, 1990; Ord. 488, 1989; Ord. 487, 1988; Ord. 424, 1984: Ord. 409, 1983; Ord. 407, 1982; Ord. 315, 1979; Ord. 167, 1968)

20.658.020 Permitted, development permitted, and special use permit uses (Table).

The following list represents those uses, subject to the provisions of this title, in the non-residential districts which are permitted by right (P), subject to design review (D), requires special use permit and design review approval (S), requires approval of a temporary use permit (T), or are prohibited (X). Uses not listed in this table are prohibited.

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see sections in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.010 Agricultural and related limited commercial uses											
(A) Agricultural products processing and storage	X	X	X	X	X	X	D	D	D	X	X
(B) Agricultural products retail outlet	X	D	X	D	D	X	X	D	D	X	X
(D) Animal keeping	P	P	P	P	P	P	P	P	P	P	P
(E) Commercial stock yard	X	X	X	X	X	X	X	X	X	X	X
(F) Commercial meat and poultry processing facility	X	X	X	X	X	X	X	S	X	X	X
(G) Commercial nursery	X	S	X	D	X	X	D	D	D	X	X
(H) Keeping of non-domestic animals	X	X	X	X	X	X	X	X	X	X	X
(I) Limited agricultural uses	P	P	P	P	P	P	P	P	P	P	P
(J) Limited commercial uses	X	X	X	X	X	X	X	X	X	X	X
(K) Open agricultural uses	P	P	P	P	P	P	P	P	P	P	P

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.020 Commercial and business uses											
(A) Building contracting shop	X	X	X	D	X	X	D	D	D	X	X
(B) Carpentry, woodworking, or furniture making facility	X	X	X	X	X	X	D	D	D	X	X
(C) Car wash	X	S	X	D	X	X	X	X	D	X	X
(D) Commercial bakery	X	X	X	X	X	X	D	D	D	X	X
(E) Commercial laundry and dry cleaning	X	X	X	X	X	X	D	D	D	X	X
(F) Gaming	X	X	X	X	X	S[1]	X	X	X	X	X
(G) Kennel	X	X	X	X	X	X	X	X	X	X	X
(H) Dog fancier or breeder kennel	X	X	X	X	X	X	X	X	X	X	X
(I) Dog rescue kennel	X	X	X	X	X	X	X	X	X	X	X
(J) Pet service	X	D	X	D	D	D	X	X	X	X	X
(K) Pawn shop	X	X	X	D	X	X	X	X	X	X	X
(L) Printing and publishing establishments	X	D	D	D	D	X	D	D	D	X	X
(M) Thrift or secondhand stores, used appliance shops	X	X	X	D	X	X	X	X	D	X	X
(N) Adult characterized businesses	X	X	X	X	X	X	X	X	D	X	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.030 Forestry uses											
(None permitted)	X	X	X	X	X	X	X	X	X	X	X
.040 Industrial uses											
(A) Equipment rental	X	X	X	X	X	X	D	X	D	X	X
(B) General industrial	X	X	X	X	X	X	X	S	X	X	X
(C) Light industrial	X	X	X	X	X	X	D	D	D	X	X
(D) Machine shop	X	X	X	X	X	X	D	D	D	X	X
(E) Outside storage	X	X	X	X	X	X	D	D	D	X	X
(F) Saw mill	X	X	X	X	X	X	X	S	X	X	X
(G) Solid waste disposal site and facility	X	X	X	X	X	X	X	S	X	S	X
(H) Solid waste transfer facility	X	X	X	X	X	X	S	S	S	S	X
.050 Institutional and uses of community significance											
(A) Cemetery	S	S	S	S	S	X	S	S	S	S	X
(B) Church	S	D	D	D	D	D	X	X	S	D	X
(C) Community center and related facilities	S	D	D	D	D	D	X	X	X	D	X[2]
(D) *Day care center (Large)*	D	D	D	D	D	D	S	S	S	D	X
(E) Day care center (Small)	D	D	D	D	D	D	D	X	D	P	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.050 Institutional and uses of community significance (cont.)											
(F) Emergency care facility	X	D	D	D	D	D	D	D	D	D	X
(G) Educational facility	D	D	D	D	D	X	S	S	S	D	X
(H) Small group care or group home	X	X	D	X	D	X	X	X	X	D	X
(I) *Large group care or group home*	X	X	S[3]	X	S[3]	X	X	X	X	S[3]	X
(J) Hospital	X	X	X	D	X	X	X	X	X	S	X
(K) Judicial center	X	X	X	X	X	X	X	X	X	S	X
(L) Nursing, convalescent and residential care facility	X	S	S	X	S	X	X	X	X	S	X
(M) Post office	X	D	D	D	D	D	X	X	X	D	X
(N) Uses of community significance	S	S	S	S	S	S	S	S	S	S	X
(O) *Independent congregate senior living community*	X	S	S	S	X	X	X	X	X	X	X
.060 Lodging uses											
(A) *Bed and breakfast*	S	S	S	D	D	D	X	X	X	X	X
(B) *Campground*	S	X	X	X	X	S	X	X	X	S	X
(C) Overnight lodging	D	D	X	D	D	D	X	X	X	X	X
(D) Resort lodge, conference center or guest ranch	D	X	X	D	D	D	X	X	X	D	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.070 Mining uses											
(A) *Open and subsurface mining*	X	X	X	X	X	X	X	X	X	S	X
.080 Office uses											
(A) Professional office	X	D	D	D	D	D	D	X	D	D	X
** See Residential Office purpose section of this code.*											
.090 Recreational uses											
(A) Equestrian facility	D	X	X	X	X	S	X	X	X	S	X
(B) Golf course	S	S	S	S	S	S	S	S	S	S	S
(C) Health clubs	D	D	D	D	D	D	X	X	D	D	X
(D) Indoor recreation	D	D	X	D	D	D	X	X	D	D	X
(E) Membership club	D	D	D	D	D	D	X	X	D	D	X
(F) Motorized racing	S	X	X	X	X	D	X	X	X	D	X
(G) Non-motorized racing	D	X	X	X	X	D	X	X	X	D	X
(H) Outdoor recreation, day use	S	S	X	S	S	S	X	X	S	S	S
(I) Outdoor recreation, night use	S	S	X	S	X	S	X	X	S	S	S
(J) Park or play field, day use	D	D	D	D	D	D	D	D	D	D	X
(K) Park or play field, night use	S	S	S	S	S	S	S	S	S	S	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.090 Recreational uses (cont.)											
(L) Public recreation center	D	D	D	D	D	D	X	X	X	D	X
(M) Ski area	S	S	X	X	S	S	X	X	X	S	X
.100 Residential uses											
(A) Boarding house	D	D	D	D	D	D	X	X	X	X	X
(C) *Manufactured home park*	X	X	X	X	X	X	X	X	X	X	X
(D) *Multi-family dwelling*	X	X	X	X	D[4]	X	X	X	X	X	X
(E) Single-family dwelling	X	X	X	X	X	X	X	X	X	X	X
.110 Retail and personal services											
(A) Bank	X	D	D	D	D	D	X	X	X	X	X
(B) Bar	X	X	X	D	S	S	X	X	D	X	X
(C) Building material or garden store	X	X	X	D	X	X	D	D	D	X	X
(D) convenience store (*with gasoline sales*)	X	D	X	D	D	D	X	X	X	X	X
(E) Indoor theater	D	D	X	D	D	D	X	X	X	S	X
(F) Mortuary	X	D	D	D	D	X	X	X	X	X	X
(G) Outdoor theater	X	X	X	S	X	X	X	X	X	S	X
(H) Restaurant	X	D	X	D	D	D	D	D	D	X	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.110 Retail and personal services (cont.)											
(I) Retail or personal service facility	X	D	X	D	D	D	X	X	X	X	X
(J) Vehicle rental	X	X	X	D	X	X	X	X	D	X	X
(K) Vehicle sales	X	D	X	D	D	D	X	X	X	X	X
(L) *Vehicle service center, minor*	X	S	X	D	S	X	X	D	D	D	X
(M) Vehicle service center, major	X	X	X	D	X	X	X	D	D	D	X
(N) Veterinary clinic with outdoor holding facilities	X	X	X	X	X	X	X	X	S	X	X
(O) Veterinary clinic without holding facilities	X	D	D	D	X	X	X	X	D	X	X
.120 Transportation uses											
(A) Private airports	S	X	X	X	X	X	X	X	X	X	X
(B) Public airports	X	X	X	X	X	X	X	X	X	X	S
(C) *Airport related uses*	X	X	X	X	X	X	X	X	X	X	S[5]
(D) Heliport	S	X	X	X	X	X	X	X	X	X	S
(E) Helistop	X	X	X	X	X	X	X	X	X	X	X
(F) Park and ride facility	S	S	S	S	S	S	S	S	S	S	S
(G) Parking structure or parking lot (primary use)	S	S	S	S	S	S	S	S	S	S	S
(H) Terminal and passenger service facility	X	X	X	D	X	X	D	X	D	D	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.130 Utility and public service											
(A) Central office of telecommunication company	X	D	D	D	D	X	D	D	D	D	X
(B) Fire station	X	X	X	X	X	X	X	X	X	D	X
(C) Major facility of a public or private utility	X	X	X	X	X	X	X	X	X	S	X
(D) Public or quasi-public facility other than listed	X	X	X	X	X	X	X	X	X	S	X
(E) Public safety telecommunications site	D	D	D	D	D	D	D	D	D	D	D
(F) Sewer or water transmission lines	P	P	P	P	P	P	P	P	P	P	P
(G) Sewage treatment facility	X	X	X	X	X	X	X	X	X	S	X
(H) *Telecommunications site*	D	D	D	D	D	D	D	D	D	D	D
(I) *Telecommunication facility*[6]	S	S	S	S	S	S	S	S	S	S	S
(J) Utility service facility	P	P	P	P	P	P	P	P	P	P	P
(K) Water reservoir	D	X	X	X	X	X	X	X	X	D	X
(L) Water tank, water treatment facility or sewer lift station	D	D	D	D	D	D	D	D	D	D	D
(M) Wind energy conversion system, commercial	X	X	X	X	X	X	X	X	X	S	X
(N) Treated effluent irrigation	S	S	S	S	S	S	S	S	S	S	S
.140 Warehouse uses											
(A) *Personal storage facility*	X	X	X	X	X	X	D	D	D	X	X
(B) Warehouse and distribution center	X	X	X	X	X	X	D	D	X	D	X

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.150 Accessory uses											
(A) Accessory agriculture retail sales	D	D	D	D	D	D	D	D	D	X	X
(B) Accessory dwelling	D	D	D	D	D	D	D	D	D	D	D
(C) Accessory outside storage	X	X	X	D	D	D	D	D	D	D	D
(D) Accessory structure	D	D	D	D	D	D	D	D	D	D	X
(E) Grading of more than 500 cubic yards	S	S	S	S	S	S	S	S	S	S	X
(F) Home occupation[7]	P	P	P	P	P	P	P	P	P	X	X
(G) Household pets	P	P	P	P	P	P	P	P	P	P	X
(H) Non-commercial telecommunication site, one structure meeting district regulations	P	P	P	P	P	P	P	P	P	P	X
(I) Non-commercial telecommunications site, all others	D	D	D	D	D	D	D	D	D	D	X
(J) Solar energy systems	P	P	P	P	P	P	P	P	P	P	P
(K) *Stationary tank storage (above ground*)	P	P	P	P	P	P	P	P	P	P	P
(M) *Wind energy conversion system, micro*	D[8]	D[8]	D[8]	D[8]	D[8]	D[8]	D[8]	D[8]	D[8]	D[8]	D[8]
(N) *Wind energy conversion system, small*	S[8]	X	X	S[8]	S[8]	S[8]	S[8]	S[8]	S[8]	S[8]	S[8]
(N) Metal storage containers, sea cargo, cargo or similar containers	X	X	X	D	D	D	D	D	D	D	D

(continued on next page)

Note: *Italics* denote that Specific Standards apply (*see* chapter 20.668)

20.658.020 Use (see section in chapter 20.660 for use descriptions)	PR	NC	OC	GC	MUC	TC	LI	GI	SI	PF	AP
.160 Temporary uses											
(A) Emergency non-commercial telecommunication facility	T	T	T	T	T	T	T	T	T	T	T
(B) Temporary batch plant	T	T	T	T	T	T	T	T	T	T	T
(C) Temporary construction or sale office	T	T	T	T	T	T	T	T	T	T	T
(D) Temporary dwelling unit	T	T	T	T	T	T	T	T	T	T	X
(E) Seasonal sales lots	T	T	T	T	T	T	T	T	T	T	X
(F) Wind energy conversion system, commercial use test site	X	X	X	X	X	X	X	X	X	T	X

Key: **D** - Requires design review **S** - Requires special use permit and design review
X - Prohibited **P** - Permitted by right (may require building permit)
T - Request a temporary use permit

---

[1] Permitted only if located within a GD overlay district. See Chapter 20.685.

[2] Sheriff's substations are permitted within the AP zoning district by design review (D).

[3] *See* section 20.664.090 for specific standards.

[4] Subject to the provisions of section 20.650.010.C.

[5] *See* chapter 20.668 regarding specific standards for airport uses.

[6] Special use permit required for facilities that exceed the maximum height requirement of the applicable zoning district.

[7] Home occupation permit required. *See* chapter 20.616.

[8] See Chapter 20.664 for specific standards and required zoning permits as dictated by height of structure.

(Ord. 1318, 2010; Ord. 1315, 2010; Ord. 1313, 2010; Ord. 1279, 2009; Ord. 1267, 2008; Ord. 1215, 2007; Ord. 1182, 2006; Ord. 1170, 2006; Ord. 1007, 2002; Ord. 908, 2000; Ord. 871, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 691, 1995; Ord. 668, 1994; Ord. 662, 1994; Ord. 658, 1994; Ord. 654, 1994; Ord. 529, 1991; Ord. 487, 1988; Ord. 452, 1986; Ord. 435, 1985; Ord. 424, 1984; Ord. 412, 1983; Ord. 349, 1980; Ord. 315, 1979; Ord. 284, 1978; Ord. 167, 1968)

Chapter 20.660

Use Regulations

Sections:

20.660.010 Agricultural and related limited commercial uses.
20.660.020 Commercial and business service uses.
20.660.030 Forestry uses.
20.660.040 Industrial uses.
20.660.050 Institutional and uses of community significance.
20.660.060 Lodging uses.
20.660.070 Mining uses.
20.660.080 Office uses.
20.660.090 Recreation uses.
20.660.100 Residential uses.
20.660.110 Retail and personal service uses.
20.660.120 Transportation uses.
20.660.130 Utility and public service uses.
20.660.140 Warehouse uses.
20.660.150 Accessory uses.
20.660.160 Temporary uses.

20.660.010 Agricultural and related limited commercial uses.

A. "Agricultural products processing and storage" means the processing and storage of agricultural products brought to the site including but not limited to cleaning, sorting, grading, packaging, milling, or storing of products which are intended for direct human or animal consumption or use. This includes small lumber milling operations utilizing portable equipment and occupying less than one acre. Small lumber operations must be located no closer than 600 feet from any adjacent residence located on the same parcel.

B. "Agricultural products retail outlet" means a location for the retail sale of agricultural equipment or products, a majority of which are not grown on site and are intended for direct human or animal consumption or use. One single-family dwelling, occupied by the owner, operator, or manager of the business will be considered customary and incidental as a part of this use.

C. "Aquaculture" means the cultivation of the natural produce of water (as fish or shellfish). This use is only permitted in the A-19 and FR zoning districts with the issuance of a special use permit.

D. "Animal keeping" means the grazing, keeping, limited boarding of horses, use and sale of domestic animals including but not limited to poultry, rabbits, livestock, llamas, ostriches, and horses, and including coops, stables and other accessory

structures used for keeping such animals. This definition does not include equestrian facilities.

1. This use is permitted only on parcels that are a minimum of one gross acre in size and designated as such by the land use district.

2. Outside of the A-19, FR and RA-10 districts, no accessory structures greater than 120 square feet will be permitted without a principal dwelling unit. Accessory stables, barns and other related structures in excess of 120 square feet may be permitted in the RA-5 zoning district without a principal dwelling unit subject to the following:

a. The parcel upon which the structure is to be located contains a minimum of five net acres.

b. The structure must be for animal-keeping purposes.

3. Boarding of horses not exceeding one horse per acre, based on the parcel on which the stables or corral is located, is permitted.

4. Lessons may be provided on-site, by appointment only, subject to the issuance of a home-occupation permit.

E. “Commercial stock yard” means place of confinement, whether by structures, fences, pens, corrals, or other enclosures, where transient cattle, swine, sheep, poultry, fur bearing animals, or other livestock are kept temporarily for slaughter, marketing or shipping. Educational agricultural projects are excepted from this use. One single-family dwelling, occupied by the owner, operator, or manager of the feed yard will be considered customary and incidental as a part of this use.

F. “Commercial meat or poultry processing facility” means a facility for the processing of meat and poultry, not intended for resale on the premises, including but not limited to the butchering, cutting, dressing, and packaging of meat and poultry products.

1. This use is allowed by special use permit in A-19 and FR districts if the facility:

a. Has five or fewer employees on site at one time;

b. Processes no more than 200 poultry or rabbits per day or 60 larger meat animals per week; and

c. Does not include retail sales.

G. “Commercial nursery” means a use which can include one or more greenhouses, where trees, shrubs, flowers, or vegetable plants are grown and sold either wholesale or retail. This may also include landscape materials and lawn and garden supplies. One single-family dwelling, occupied by the owner, operator, or manager of the nursery will be considered customary and incidental as a part of this use.

H. “Keeping of non-domestic (wildlife) animals” means the location for commercial dealers, breeders, exhibitors, transporters, or researchers of any and all wildlife listed by the Nevada Division of Wildlife.

1. This use shall also be granted and maintain all applicable local, state and federal permits;

2. One single-family dwelling occupied by the owner operator, or manager of

the business considered customary and incidental as a part of this use.

I. “Limited agricultural uses” mean the growing of fields, trees, bushes, berries, and row crops, including nursery stock. This use does not allow the grazing, keeping and use of livestock or other animals as referenced under subsection C, animal keeping.

1. Except as provide in paragraph 3, below, no accessory structures greater than 120 square feet will be permitted without a principle dwelling unit;

2. Sales of agricultural and horticultural products grown on parcels under the same ownership or lease are permitted in all districts.

3. Accessory agricultural structures in excess of 120 square feet may be permitted in the RA-5 zoning district without a principal dwelling unit subject to the following:

a. The parcel upon which the structure is to be located contains a minimum of five net acres.

b .The structure must be for agriculture-related purposes and evidence must be provided that limited agricultural uses are being conducted on the parcel.

J. “Limited commercial use” means a use that is accessory to an open agricultural use consisting of a vocational activity principally conducted inside a dwelling unit or accessory structures, including outdoor recreational vehicle and equipment storage, and which can employ up to five additional employees.

1. The use shall not result in noise or vibration, light, odor, dust, smoke, or other air pollution noticeable at or beyond the property line;

2. The use shall not change the character of the lot or the surrounding neighborhood or conflict with the purpose of the zoning district;

3. The outside storage of goods, materials, or equipment related to the limited commercial use must be screened from view;

4. Signs shall be limited to one non-illuminated identification sign six square feet or less in size;

5. The parcel must have a principle dwelling unit and the use must be located on the same parcel as the principle dwelling unit;

6. The use may not generate chemical waste, heavy metals, or other potential surface or ground water contamination;

7. The use shall not include restaurants or retail uses with the exception of antique shops;

8. A preliminary inspection will be required for uses proposed within existing buildings to establish appropriate occupancy type and uniform code requirements.

K. “Open agricultural uses” means an agricultural uses which may or may not have structures, other than accessory structures, associated with their operation, including but not limited to the grazing, keeping and use of livestock, the production of agricultural or horticultural products, and accessory storage such as corrals, coops, pens, stables or other buildings used in conjunction with farming or ranching operations.

1. Sales of agricultural and horticultural products grown on parcels under the same ownership or lease is permitted in all districts;

2. One single-family dwelling, occupied by the owner of the farm or ranch, is considered customary and incidental as a part of the use in the commercial and industrial zoning districts;

3. Outside of the A-19, FR, RA-10 and RA-5 districts, no accessory structures greater than 120 square feet will be permitted without a principal dwelling unit. (Ord. 1238, 2008; Ord. 984, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 619, 1993; Ord. 618, 1993; Ord. 408, 1982; Ord. 167, 1968)

20.660.020 Commercial and business service uses.

A. "Building contracting shop" means a facility providing for general building construction, repair, service, and maintenance including installation of plumbing, roofing, signs, electrical, air conditioning, and heating, and including related equipment and materials storage. Any equipment or materials being stored must be screened from the view of adjacent roadways and properties.

B. "Carpentry, woodworking, or furniture making facility" means a facility for the making, repairing, or refinishing of furniture or wood products for direct retail sale.

C. "Car wash" means a parcel or a structure with machine- or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of one or more motor vehicles.

D. "Commercial bakery" means a commercial establishment for the production of baked goods, primarily for sale to other commercial establishments.

E. "Commercial laundry" and "dry cleaning" means a facility for the cleaning or laundering of garments, fabrics, rugs, draperies, or other similar items on a commercial or bulk basis.

F. "Gaming" means any legally constituted gambling enterprise authorized under state law, other than slot machines when the machines are operated under a restricted license and incidental to the conduct of the licensed retail business.

G. "Kennel" means any place of business where dogs, cats and other domestic (non-farm) animals for boarding, breeding, training, grooming, treating, sale or other commercial purpose with the exception of veterinary clinics or pet shops.

1. Setback requirements for kennels with outdoor holding facilities is a minimum of 100 feet from adjacent lot lines not under the same ownership;

2. Minimum parcel size is ten net acres.

3. A kennel is subject to compliance with the provisions of title 6 of the Douglas County Code.

H. "Dog fancier or breeder kennel": Any owner or person keeping purebred dogs of a specific breed or pedigree for breeding, sale, or other dog fancier or commercial purpose at any residence or other location in Douglas County. A veterinary clinic or hospital is excluded from this provision.

1. Setback requirements for kennels with outdoor holding facilities on lots of one to five net acres is a minimum of 50 feet from adjacent lot lines not under the same ownership. The setback on lots of more than five net acres is a minimum of 100 feet from adjacent lot lines not under the same ownership.

2. Minimum parcel size is one net acre.

3. A dog fancier or breeder kennel is subject to compliance with the provisions of title 6 of the Douglas County Code.

I. "Dog rescue kennel"**:** Any nonprofit single person, entity or group engaged in providing temporary shelter, care or placement of dogs for up to six months, or as approved by animal control, for the purpose of placing them with new owners. A veterinary clinic or hospital is excluded for this provision.

1. Setback requirements for kennels with outdoor holding facilities on lots of one to five net acres in a minimum of 50 feet from adjacent lot lines not under the same ownership. The setback on lots of more than five net acres is a minimum of 100 feet from adjacent lot lines not under the same ownership.

2. Minimum parcel size is one net acre.

3. A rescue kennel is subject to compliance with the provisions of title 6 of the Douglas County Code.

J. "Pet service": Any single person, entity or group engaged in grooming or training pets, primarily dogs and cats, for commercial purpose at any residence or other location in Douglas County. A veterinary clinic or hospital is excluded from this provision.

1. Setback requirements for pet shop kennels with outdoor holding facilities are a minimum of 50 feet from adjacent lot lines not under the same ownership.

2. A pet service is subject to compliance with the provisions of title 6 of the Douglas County Code.

K. "Pawn shop" means a place of business where personal property is pledged as collateral for loans and the personal property is kept at the place of business until the loan is redeemed or the pledged collateral sold.

L. "Printing or publishing establishments" means a facility for the reproduction, cutting, printing, or binding of materials on a bulk basis using lithography, offset printing, blueprinting, silk screening, or similar methods.

M. "Thrift or second hand stores, used appliance stores" means a business which sells used or recycled merchandise, or accepts donations of used or recycled goods for later retail sales.

N. "Adult characterized businesses" see section 5.36.010 for a complete description of adult characterized businesses.

1. See section 20.668.140 for specific standards regarding this use. (Ord. 1238, 2008;Ord. 1170, 2006; Ord. 990, 2001; Ord. 984, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 662, 1994; Ord. 378, 1981; Ord. 167, 1968)

20.660.030 Forestry uses.

A. "Forestry" means cultivating and maintaining forests and managing forest land, including the selling of firewood produced on the parcel. (Ord. 984. 2001; Ord.763, 1996; Ord. 167, 1968)

20.660.040 Industrial uses.

A. "Equipment rental" means a place of business established for the rental and

leasing of equipment such as construction machinery and landscape and farm implements. Rental equipment must be architecturally screened from public view.

B. “General industrial” means any intense manufacturing operation or industrial use, including but not limited to batch plants, foundries, tank farms, refineries, junk yards or auto dismantling, which is not specifically listed elsewhere in this code. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

C. “Light industrial” means any light industrial activity, including but not limited to assembling, compounding, food or beverage processing, inside storage, processing or treatment of products, scientific research, manufacturing, wholesale trade, warehousing, and corporate offices, which is not specifically listed elsewhere in this code. Furthermore, uses which can demonstrate compatibility with and an accessory or support relationship to the previously mentioned primary uses are permitted. These uses may include but are not limited to financial institutions, accounting offices, child care facilities, recreation facilities, service stations, and copy centers.

1 This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits;

2 Accessory inside retail sales may occupy up to ten percent of the total floor area of the main use.

D. “Machine shop” means a facility where material is processed or treated by machining, cutting, grinding, welding, or similar processes.

E. “Outside storage” means the outside placement of items for a period of more than 48 hours.

The items being stored must be screened from the view of adjacent roadways and properties.

F. “Saw mill” means a facility for the storage, sales, and milling of forest products, not including the cutting of firewood. This use is allowed in the FR district through a temporary use permit during forest harvesting operations.

G. Solid waste disposal site and facility means the location and facility at which the collection, storage, treatment, utilization, processing, or final disposal of wastes occur. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

H. Solid waste transfer facility means a facility at which wastes, awaiting transportation to a disposal site and facility, are transferred from one collection vehicle to another. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits. (Ord. 1238, 2008; Ord. 984, 2001; Ord. 763, 1996; Ord. 671, 1994; Ord. 641, 1994; Ord. 497, 1989; Ord. 487, 1988; Ord. 452, 1986; Ord. 167, 1968)

20.660.050 Institutional and uses of community significance.

A. “Cemetery” means a place designated for the burial or keeping of the remains of the dead whether human or animals, including crematories, mausoleums, and

columbiums operated within the boundaries of the cemetery. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

B. “Church” means a facility principally used for people to gather together for public worship, religious training, or other religious activities. This includes wedding chapels.

1. The structure height limitations of this code shall not apply to church spires, belfries, or cupolas;

2. One single-family dwelling for the housing of a church official and family is considered customary and incidental as a part of this use.

C. “Community center and related facilities” means a facility for a use of community significance, public or quasi-public, where public services or information are provided on a non-profit basis, including but not limited to government offices, senior centers, public libraries, family council or family help centers, and sheriff sub-stations.

D. “Day care center (large)” means a facility which provides less than 24-hour care or supervision for seven or more persons who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose.

1. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits;

2. See section 20.664.050 for specific standards.

E. “Day care center (small)” means a facility which provides less than 24-hour care or supervision for six or less persons who are not related by blood, marriage, or adoption to the owner, operator, or manager, whether such facility operates at day or night, with or without compensation for such care, and with or without stated educational purpose. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

F. “Emergency care facility” means a health care facility, providing primarily outpatient emergency care for the diagnosis and treatment of individuals. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable state and federal permits regarding medical waste disposal.

G. “Educational facility” means buildings and uses for public or private educational or research activities associated with an academic institution which has curriculum for technical or vocational training, kindergarten, elementary, secondary, or higher education, including residential facilities for faculty, staff, and students. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

H. “Small group care or group home” means a facility which provides 24-hour care or supervision of up to 10 persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager, and who do not meet the definition of a family. A

group care or foster home may be operated by a public, nonprofit, or private agency. This definition does not include halfway houses or drug or alcohol rehabilitation facilities.

1. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits;

2. No individual cooking facilities are permitted within individual units. Central cooking facilities must be provided.

3. The main pedestrian entrance to the development, common areas, and the parking facility shall be handicap accessible.

I. "Large group care or group home" means a facility which provides 24-hour care or supervision of more than 10 persons who are not related by blood, marriage, or adoption, to the owner, operator, or manager, and who do not meet the definition of a family. A group care or foster home may be operated by a public, nonprofit, or private agency. This definition includes halfway houses and drug or alcohol rehabilitation facilities for any number of persons, with or without 24-hour care or supervision, excluding those that fall under the definition of "family" in Appendix A of Title 20.

1. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits;

2. See section 20.664.090 for specific standards.

J. "Hospital" means an institution where people are given medical attention and treatment, including but not limited to related facilities such as laboratories, outpatient clinics, staff offices, and on an in-patient basis. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

K. "Judicial center" means buildings used for courtrooms, police station, jails, and accessory offices.

L. "Nursing, convalescent, or residential care facility" means a facility which provides 24-hour residential care to persons who are not related by blood, marriage, or adoption to the owner, operator, or manager of the facility, and who do not meet the definition of family under Appendix A of this title. A nursing, convalescent, or residential care facility provides some level of skilled nursing or medical service to the residents. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

M. "Post office" means a facility operated by the United States Postal Service where public mailing services, including distribution and delivery of mail, are provided.

N. "Use of community significance" means a use which the commission determines to have significant historic cultural, economic, social, or environmental value to the county, which does not conform to the use regulations of the district in which the use is located as a result of either the adoption or amendment of this code, and which cannot be made conforming through any other discretionary review process under this code.

1. The use of murals falls within this definition.

O. “Independent congregate senior living community” means an independent living community that entails private dwelling units/apartments designed for an adult population aged 55 years and older that may include some supportive services including, but not limited to, meals, housekeeping, home health, and other supportive services. A number of common facilities, including kitchen facilities, club houses, pools, health facilities, and other personal services, may be provided on the site.

1. See section 20.664.157 for specific standards.

(Ord. 1279, 2009; Ord. 1238, 2008; Ord. 984, 2001; Ord. 843, 1998; Ord. 801, 1997; Ord. 763, 1996; Ord. 689, 1995; Ord. 688, 1995; Ord. 614, 1993; Ord. 519, 1990; Ord. 347, 1980; Ord. 253, 1976; Ord. 167, 1968)

20.660.060 Lodging uses.

A. “Bed and breakfast” means an owner-occupied dwelling unit offering transient lodging accommodations where meals may be provided.

1. A bed and breakfast may have no more than six guest rooms;

2. This use may be subject to the operational requirements found in section 20.664.030.

B. “Campground” means an area of land on which accommodations for occupation on a transient basis are located or may be placed. This includes, but is not limited to, tents and recreational vehicles.

1. Actual density will be established in the special use permit; in no case shall a campground contain more than eight camp sites per acre;

2. A minimum 50 foot landscaped buffer is required adjacent to private lands;

3. This use is subject to the special standards found in section 20.668.030.

C. “Overnight lodging” means a facility offering transient lodging accommodations on a daily basis to the general public, and in which no provision is made for cooking in any individual room or suite. The overnight lodging facility may also include incidental business uses commonly associated with the main lodging use.

D. “Resort lodge, conference center, or guest ranch” means a facility, including either a single building or resort with or without individual kitchens, which serves as a destination point for visitors, and generally has accessory recreational facilities for the use of guests. This includes hunting, fishing and skiing lodges.

1. All buildings must be connected to a public water and sewer system. This provision excludes guest ranches with six or fewer guest rooms, which may be on well and individual sewage disposal systems if proof is provided of having obtained state approvals;

2. Guest residency is limited to a transient basis;

3. This use does not include gaming uses;

4. Facilities with individual kitchens must provide development rights for those units, unless located in an existing commercial district outside of a receiving area where no development rights are required. (Ord. 1238, 2008; Ord. 1008, 2002; Ord. 984, 2001; Ord. 801, 1997; Ord.763, 1996; Ord. 618, 1994; Ord. 414; 1983; Ord. 378, 1981; Ord. 167, 1968)

20.660.070 Mining uses.

A. “Open and subsurface mining” means the extraction of earth materials by mining directly from the exposed deposits or other materials or by underground methods, and including the milling and processing of the ore produced and the reprocessing of tailings. Exceptions to this use include excavations below finished grade for basements and footings of a building, retaining wall or other structures authorized by a valid building permit, and extraction of a maximum of 1,000 cubic yards per year within agriculturally zoned districts. The term open mining includes but is not limited to such processes as open cut mining, open pit mining, strip mining, borrow pits, quarrying and dredging. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits. (Ord. 1238, 2008; Ord. 984, 2001; Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

20.660.080 Office uses.

A. “Professional office” means an office for professions including but not limited to government, physicians, dentists, lawyers, real estate sales, architects, engineers, artists, musicians, designers, teachers, accountants, and others, who, through training are qualified to perform services of a professional nature, and where no storage or sale of merchandise exists. This use includes medical and dental clinics. (Ord. 1238, 2008; Ord. 984, 2001; Ord. 763, 1996; Ord. 479, 1988; Ord. 452, 1986; Ord. 349, 1980; Ord. 167, 1968)

20.660.090 Recreation uses.

A. “Equestrian facilities**”** means a commercial facility for horse training, boarding in excess of that permitted under section 20.660.010.D, competitive equestrian events, rentals, sales and lessons.

1. In an SFR-2, RA-5, forest and range, or agricultural zoning district, structures must be located a minimum of 100 feet from all lot lines;

2. Outdoor lighting of facility requires special use permit approval.

B. “Golf course” means recreational facility primarily used for the purpose of playing golf, but which may include accessory eating and drinking areas, retail sales areas, locker rooms and staff offices.

C. “Health club” means a facility containing space and equipment for indoor sports activities, including but not limited to spectator seating, locker and shower rooms, classrooms, swimming pool, weight training and aerobic exercise.

D. “Indoor recreation” means an entirely enclosed facility which offers entertainment or games of skill for a fee, including but not limited to a bowling alley, billiard parlor, or a video game arcade. This use may include accessory eating and drinking areas, retail sales areas, and staff offices.

E. “Membership club” means a facility, including associated eating, drinking, and recreational facilities, owned or operated by a group of people organized for a common

social, educational, service, or recreational purpose. These clubs are usually characterized by certain membership qualifications, payment of fees or dues, regular meetings, a constitution, and by-laws.

F. “Motorized racing facility” means a facility where racing events are held in which the sport uses vehicles propelled by a mechanical engine. Agricultural related events including but not limited to steam engine events and antique tractor races are not included within this definition. Setback requirements: In an agricultural or forest and range zoning district, no portion of the facility, with the exception of the gate house, may be located within 600 feet of any lot line.

G. “Non-motorized racing facility” means a facility where racing events are held in which the sport does not involve the use of mechanical engines for propulsion. Outdoor lighting of facility requires specified approval in the special use permit.

H. “Outdoor recreation, for day use” means an area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside only during daylight hours. This includes but is not limited to a golf driving range, rifle range, boating facility, tennis facility, or a miniature golf course.

I. “Outdoor recreation, for night use” means an area or facility which offers entertainment, recreation, or games of skill for a fee, where any portion of the activity takes place outside and includes lighted areas for use after dusk. This includes but is not limited to a golf driving range, rifle range, boating facility, tennis facility, or a miniature golf course.

J. “Park or play field, for day use” means a recreational area providing parks and playfields for use during daylight hours. This includes publicly owned and commonly owned recreational facilities.

K. “Park or play field, for night use” means a recreational area providing parks and playfields which may include lighted areas for use after dusk. This includes publicly owned and commonly owned recreational facilities. Lighting must comply with standards set forth in the design criteria and improvement standards manual.

L. “Public recreation center” means a publicly owned area providing recreational facilities such as playgrounds, parks, game courts, swimming pools, and playing fields.

M. “Ski area” means a recreational facility for Alpine and Nordic skiing, including associated lodge buildings, ski school, eating and drinking areas, and retail sales. (Ord. 1238, 2008; Ord. 984, 2001; Ord.801, 1997; Ord. 763, 1996; Ord. 479, 1988; Ord. 412, 1983; Ord. 167, 1968)

20.660.100 Residential uses.

A. “Boarding house” means a building or portion of a building which is used to accommodate for compensation no more than six boarders or roomers, not including members of the occupant’s immediate family who might be occupying such a building.

B. “Clustered development” means a development in which parcels of two to five acres are created pursuant to section 20.714.020.

C. “Manufactured home park” means a parcel of land upon which two or more mobile or manufactured homes, occupied or intended to be occupied for dwelling

purposes, are located.

1. This section does not apply to employee housing in the agricultural zoning district;

2. See section 20.664.110 for specific standards;

3. Manufactured home parks are permitted only if located within an MH overlay zoning district.

D. “Multi-family dwelling” means a building or buildings on a single parcel which are occupied or which are arranged, designed, and intended to contain more than one dwelling unit, but not including hotels, motels, and boarding houses or as otherwise provided in section 20.660.150.B, accessory dwellings. See section 20.664.120 for specific standards.

E. “Single-family dwelling” means a single detached building which is occupied or which is arranged, designed, and intended to be occupied by not more than one family, and which contains not more than one dwelling unit. See section 20.714.020 for specific standards regarding cluster development. (Ord. 1238, 2008; Ord. 984, 2001; Ord. 902, 1999; Ord. 801, 1997; Ord.763, 1996; Ord. 633, 1994; Ord. 621, 1994; Ord. 620, 1994; Ord. 619, 1994; Ord. D618, 1994: Ord. 569, 1992; Ord. 472, 1987; Ord. 347, 1980; Ord. 302, 1973; Ord. 167, 1968)

20.660.110 Retail and personal service uses.

A. “Bank” means a financial institution for the extension of credit, and the custody, loan, or exchange of money which may have drive-through service.

B. “Bar” means an establishment where the primary use is the sale and consumption of alcoholic beverages on the premises. The bar may include a counter and associated service and preparation areas upon and over which alcoholic liquor is the principle commodity served for consumption by persons at such counter.

1. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

2. No new bar shall be permitted within 500 feet of the following uses: public or private schools, public places of worship, child care centers, parks and libraries. For purposes of this chapter, measurement shall be made in a straight line, without regard to intervening objects or structures, from the nearest portion of the building or suite wall where the accessory use is proposed, to the nearest building or suite wall of the sensitive use or nearest property line if there is no structure. For school uses, the distance shall be measured from the nearest portion of the building or suite wall where the bar accessory use is proposed to the nearest property line of an existing or future school site.

C. “Building material or garden store” means a facility for the sale of home, lawn, and garden supplies, landscaping materials, brick, lumber; and other similar materials. This use may include the outside storage of materials. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

D. “Convenience store” means any retail establishment selling consumer products including primarily pre-packaged food and household items, having a gross floor area of less than 5,000 square feet. A convenience store may also have associated retail sale of gasoline and other petroleum products. Where gas sales are an accessory use, the use must also comply with section 20.668.120.

E. “Indoor theater” means a facility for showing motion pictures, videos, or for staging theatrical performances to an audience, inside an enclosed structure.

F. “Mortuary” means a facility where bodies are prepared for burial or cremation, which may include areas for embalming, performing of autopsies, and the storage of funeral supplies and vehicles.

G. “Outdoor theater” means a facility for outdoor performances where the audience views the production from automobiles or while seated outside.

H. “Restaurant” means an establishment for the sale and consumption of food and beverages on the premises, which may include drive-through service.

1. Bars are allowed as an accessory use to a restaurant if the bar and associated service and preparation area does not exceed 30 percent of the gross floor area of the entire unit of operation (unit of operation defined as the bar and restaurant combined), and subject to the following:

a. There must be no separate outside entrance for the bar, except for any required emergency exit which shall be alarmed;

b. The bar shall be separated from the dining area by a wall or other permanently affixed partition. Floor area within this partitioned area shall be considered part of the accessory bar use for the purpose of calculating gross floor area limitations;

c. The business premises may include restricted gaming devices;

d. The hours of operation of the bar shall coincide with the hours of operation for the restaurant;

e. The bar and restaurant shall be operated as a single business unit. No separate exterior signs for the accessory bar use are permitted;

f. Prior to design review approval, the applicant shall apply for and receive a liquor license;

g. Live music will not be permitted as part of the business except where a Class “C” cabaret license has been obtained. No other type of cabaret license is permitted.

2. The business premises may contain pool tables (two pool tables maximum), video games, or other fee or non-fee amusement devices (gaming devices as defined in NRS 463.0155, are not included as part of this provision). The hours of operation of the amusement devices shall coincide with the hours of operation for the restaurant. The area designated for these uses and their participants shall not exceed 5 percent of the gross floor area of the entire unit of operation (unit of operation defined as the bar and restaurant). The provided for use by minors, the following special conditions apply:

a. Amusement devices shall be separated from the designated dining or bar areas by a wall or permanently affixed partition;

b. Access to these uses shall not be through a bar area.

I. “Retail or personal service facility” means an establishment for the retail sale of merchandise or the provision of personal services, including drive through service. A retail facility includes but is not limited to antique or art shops, clothing, copy services, department, drug, dry good, florist, furniture, gift, grocery, hobby, mailing services, office supply, package liquor, paint, pet, shoe, sporting, or toy stores. A personal service facility includes but is not limited to barber or beauty shop, dry cleaners, optometrist shop, photographic studio, travel bureau, or vehicle sales. See section 20.668.050 regarding specific standards for drive-through uses.

J. “Vehicle rental” means establishments primarily engaged in daily or extended term rental of trucks, vans, passenger vehicles, utility trailers and recreational vehicles.

K. “Vehicle sales” means establishment primarily engaged in the sale of new or used trucks, vans, passenger vehicles, utility trailers and recreational vehicles.

L. “Vehicle service center, minor” means a facility for the retail sale of gasoline and other petroleum products or where light maintenance activities such as engine tune-ups, tires, brakes, mufflers, lubrication, minor repairs, and carburetor cleaning are conducted. A one-bay car wash may be accessory to the vehicle service center.

M. “Vehicle service center, major” means a facility for the purpose of conducting major vehicle repairs including but not limited to transmission, radiator, auto body repair or painting, and other major engine repair. Vehicle towing and storage is permitted as an accessory use.

N. “Veterinary clinic, with outdoor holding facilities” means a facility for the diagnosis, treatment, hospitalization, and harboring of animals which includes outdoor holding facilities.

1. This use must have a minimum parcel size of ten acres.

2. Outdoor holding facilities must be a minimum of 100 feet from adjacent parcels not under the same ownership.

O. “Veterinary clinic, without outdoor holding facilities” means a facility for the diagnosis, treatment, hospitalizations and harboring of animals which does not include outdoor holding facilities. (Ord. 1318, 2010; Ord. 1238, 2008; Ord. 1059, 2004; Ord. 984, 2001; Ord. 952, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 659, 1994; Ord. 658, 1994; Ord. 654, 1994; Ord. 412, 1983; Ord. 378, 1981; Ord. 349, 1980; Ord. 333, 1980; Ord. 167, 1968)

20.660.120 Transportation uses.

A. “Private airport” means areas for the private use of aircraft, including the landing and taking off of aircraft, and any appurtenant areas which are intended for use such as terminal, tie down and hanger areas.

B. “Public airport” means public areas used for the landing and taking off of aircraft, and any appurtenant areas which are intended for use such as terminal, tie down and hanger areas.

C. “Airport related uses” means an accessory facility for airport operations. See section 20.668.010 for a complete detail of uses along with specific standards and type

of permits required.

D. “Heliport” means any designated area used for the landing and taking off of helicopters, including all necessary passenger and cargo facilities, fueling, and emergency service facilities. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

E. “Helistop” means any designated area used for the landing and taking off of helicopters for the purpose of picking up or discharging passengers or cargo. This use does not include fueling, refueling, or service facilities. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

F. “Park and ride facility” means a parking area and transit facility the purpose of which is to allow the parking of motor vehicles with a connection to mass transit service.

G. “Parking structure and parking lot (primary use)” means a structure or area the purpose of which is to allow the parking of motor vehicles, for a fee or not, as the primary use on a parcel. Additional provisions will be determined through special use permit.

H. “Terminal and passenger service facility” means an establishment engaged in the operation of motor vehicle passenger service terminals including maintenance and service facilities, including bus and taxicab fleet operations. (Ord. 1238, 2008; Ord. 984, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968)

20.660.130 Utility and public service uses.

A. “Central office building of a telecommunication company” means an above ground structure which is in excess of eight feet in height which shelters telecommunications facilities required as an operating unit, including but not limited to the switch or other facilities used to establish connections between customer lines or between lines and trunk or toll lines to other central offices.

B. “Fire station” means a facility operated by a municipality, fire district, or department which houses fire and paramedic equipment and may be used for the housing of personnel and for associated meetings.

C. “Major facility of a public or private utility” means any electric transmission lines, power plants, or substations of electric utilities, major gas regulator stations, transmission and gathering pipelines and storage areas of utilities providing natural gas, propane or petroleum derivatives, and their appurtenant facilities.

D. “Public or quasi-public facility other than listed” means a public or quasi-public facility other than those specified in this chapter. Electric transmission lines are not required to comply with the height requirement for the district in which they are located.

E. “Public safety telecommunication facility” means a facility owned or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose, utilized for the transmission and reception of

electromagnetic or electro-optic information for public safety communication uses.

F. “Sewage or water transmission lines” means pipelines used for the transport of water or sewage.

G. “Sewage treatment facility” means a facility for the collection, treatment, and disposal of sewage, which has a designed capacity to receive more than 2000 gallons of sewage per day.

1. This use is not required to be located on a building lot, or comply with the minimum lot size requirement for the district in which it is located.

2. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

H. “Telecommunications site” means a wireless communications facility used for the transmission or reception of electromagnetic or electro-optic information, which is placed on an existing structure and does not exceed the existing roof height by more than 15 feet, is co-located on an existing telecommunications facility or is placed on an alternative tower structure as defined in Appendix A of this title. This use may also include accessory equipment and equipment shelters. This use does not include any other use listed in this code, devices not used for communication, or radio frequency machines which have an effective radiated power of l00 watts or less.

1. Telecommunications sites, as defined above, are subject to minor design review.

2. See section 20.664.170 for specific standards.

I. “Telecommunications facility” means a wireless communications facility used for the transmission or reception of electromagnetic or electro-optic information that does not meet the definition of a telecommunications site and which may include accessory equipment and equipment shelters. This use does not include any other use listed in this code, devices not used for communication, or radio frequency machines which have an effective radiated power of 100 watts or less.

1. Design review is required for facilities that do not exceed the height requirement of the zoning district in which it is located; a special use permit is required for facilities exceeding the height requirement of the zoning district in which it is located.

2. See section 20.664.180 for specific standards

J. “Utility service facility” means any electrical distribution lines, natural gas distribution lines, minor gas regulator stations, cable television lines, telegraph and telephone lines, and gathering lines, or other minor service facilities.

1. There may be no buildings associated with this use.

2. This use is limited to the following sizes:

a. Gas lines less than l2 inches; and

b. Electric lines of less than 65.00 Kv.

K. “Water reservoir” means an area of land where water is retained or an area intended for water retention. This use does not include stock watering ponds which are allowed as a use by right in the A and FR districts or agricultural water storage

approved by the state engineer. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

L. “Water tank, water treatment facility or sewer lift station” means a water facility with a capacity of 5,000 gallons or more for purifying, supplying, and holding water, or a sewer lift station facility, each including appurtenant wells, pumps, and control buildings. This use shall provide proof of having obtained and of having maintained, as may be periodically requested by the county, all applicable local, state, and federal permits.

M. “Wind energy conversion system, commercial” means one or more machines by which mechanical energy supplied by the wind is changed to electric energy for the purpose of consumer sales.

1. Permitted in the Pinenut Planning Area within the PF, FR-19 and FR-40 zoning districts.

2. Commercial (WECS) must be connected to the grid.

N. “Treated effluent irrigation” means the use of treated wastewater effluent for irrigation purposes.

1. This use shall provide proof of having obtained and of having maintained, as may be requested by the county, all applicable local, state and federal permits.

2. This use shall comply with the required effluent management plan as approved by the Nevada Division of Environmental Protection or other applicable agency. A copy of the proposed effluent management plan shall be provided to the county with the submittal of an application, and a copy of the approved effluent management plan shall be provided to the county prior to commencement of treated effluent irrigation operations. (Ord. 1238, 2008; Ord. 1215, 2007; Ord. 984, 2001; Ord. 908, 2000; Ord. 871, 1997; Ord. 801, 1997; Ord. 763, 1996; Ord. 317, 1979; Ord. 167, 1968)

20.660.140 Warehouse uses.

A. “Personal storage” facility means a facility for storage of personal items in individual units, bins, rooms, or containers.

1. Any unit, bin, room, or container must be a permanent structure.

B. “Warehouse and distribution center” means a building of 100,000 square feet or greater of gross floor area used primarily for the inside storage and distribution of goods and materials, which includes land and buildings used as a relay station for the transfer of goods from one vehicle or party to another, and the parking and storage of tractor or other trailer units (see 20.660.040.C, light industrial, for warehousing centers of less than 100,000 square feet of gross floor area). (Ord. 1238, 2008; Ord. 984, 2001; Ord. 801, 1997; Ord.763, 1996; Ord. 452, 1986; Ord. 424, 1984)

20.660.150 Accessory uses.

An accessory use must be a use customarily incidental to and on the same parcel as the main use. A use listed in chapter 20.660 may be an accessory use if the planning

director determines that the use is customarily incidental to a main use. Except as provided in this section, an accessory use must comply with all regulations applicable to the main use.

A. “Accessory agricultural retail sales” mean a location for the retail sale or wholesale of agricultural or horticultural products which are grown on site. Products must be grown on site, not have been purchased for the purpose of resale, and can only be sold on a seasonal basis with no permanent structure.

B. “Accessory dwelling”: An attached or detached dwelling unit determined by minor design review to be accessory to the permitted principal use; which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation; which is intended for occupation by paying or non-paying guests, members of the family, or person employed on the premises; which is located on the same parcel as the permitted principal use. Accessory dwellings do not include dwellings which are designated as part of an allowed principal use and which are allowed by right. The use of trailers and manufactured homes as accessory dwellings is not allowed, unless located within an A-19, FR-19, or FR-40 zoning district subject to the provisions of subparagraph 1 below.

1. The accessory dwelling may be detached from the structure housing the principal use provided it is on the same parcel as the main structure, except in the agricultural zoning district where the accessory dwellings may be located where appropriate for the agricultural operation with which it is associated;

2. Accessory dwellings within the residential or rural agricultural zoning districts are limited to 800 square feet of livable area;

3. Accessory dwellings in the agricultural or forest and range zoning district which are used to house persons, and their families, significantly employed for agricultural work on the property may be up to 2,500 square feet of livable area;

4. Accessory dwellings within non-residential zoning districts are limited to 1,000 square feet in livable area, and must be accessory to a primary permitted use on the same parcel. A person may utilize an existing residential structure, regardless of size, as an accessory dwelling in a non-residential zoning district provided that at least 25 percent of the total floor area is utilized for a permitted use within that zoning district.

5. Where the unit is attached, a separate entrance to the accessory dwelling is allowed, but only one entrance may be visible from the front property line;

6. The property owner must live on the property and maintain one of the units as the primary residence;

7. The accessory dwelling may be used only as approved through design review and any change in how it is used will terminate the use of the accessory dwelling;

8. Only one accessory dwelling per parcel is allowed, unless located within the agricultural or forest and range zoning districts, which has no limitations on the number of accessory dwellings except as provided in subparagraph c above;

9. Existing, previously approved invalid care units which were constructed under the uniform building code may be converted to an accessory dwelling, regardless

of size, with a minor design review;

10. See section 20.664.010 for specific standards.

C. “Accessory outside storage” means the outside placement, for a period of more than 48 hours, of items which are customary and incidental to the main use of the property.

1. The area of placement may not exceed five percent of the lot area;

2. Items must be screened from the view of adjacent roadways and properties;

3. Accessory outdoor storage of agricultural products and operable agricultural equipment is exempt from these additional provisions;

4. For purposes of these regulations, recreational equipment includes motor homes, boats, and boat trailers, travel trailers, jet skis, snowmobiles and their trailers, pick-up campers, tent trailers, utility trailers and similar equipment, and cases or boxes used for transporting recreation equipment, whether occupied by equipment or not. With the exception of parcels located within the SFR-2, RA-5, RA-10, agricultural, and forest and range zoning districts, recreation equipment must be parked or stored in a carport or in an enclosed building, or up to two units may be parked behind the nearest portion of a building to the street, screened by a six-foot solid fence or wall if located on a parcel of less than one-half (0.50) net acre. On parcels larger than one-half (0.50) net acre but not exempted from this section two units of recreational equipment may be parked on the property. Equipment may be parked anywhere for a time period not to exceed 48 hours during loading or unloading. Recreational equipment must not be used for living, sleeping or housekeeping purposes when parked or stored on any lot or in any location not approved for the use.

D. “Accessory structure” means a detached structure which is not a dwelling unit as defined in this chapter and which is accessory to and located on the same parcel as the permitted principal use.

1. Any accessory structure is subject to the minimum requirements of the zoning district in which it is located; however, accessory structures less than 15 feet in height from adjacent predeveloped grade may be located 5 feet from the side or rear lot lines within the rear yard area;

2. Within the A-19, FR-19/40, RA-10 and RA-5 zoning districts, on parcels containing a minimum of 5 acres, one arch structure at driveway entrances or a maximum of two accessory structures used as gate support columns may be located 5 feet from the front property line provided they are not located within the traffic safety site area.

3. See section 20.664.020 for specific standards.

E. “Grading or stockpiling of more than 500 cubic yards” means movement of more than 500 cubic yards of material, excluding normal grading activity associated with agriculture, allowed mining activity, or foundation construction which is permitted.

F. “Home occupation” means a home occupation shall mean use that is accessory to a residential use consisting of a vocational activity conducted inside a dwelling unit or its accessory structures. See chapter 20.616 on home occupations.

G. “Household pets” mean domestic animals kept for pleasure exclusive of livestock.

No more than three dogs are permitted. Small birds, small reptiles, fish and small mammals including gerbils, rabbits, mice and similar small animals are not limited in number provided they are for the personal enjoyment of the residents and not for commercial activities.

1. Household pets shall not include any non-domestic animals (see section 20.660.010, animal keeping).

2. The keeping of four or more weaned dogs requires the approval of a commercial kennel pursuant to section 20.660.020.G.

H. “Non-commercial telecommunications site, one structure which meets setback and height requirements” means a facility used for the transmission or reception of electromagnetic or elector-optic information, which is accessory to a residential use, is not commercial in nature, and meets the setback and height requirements of the district in which the facility is located.

I. “Non-commercial telecommunications site, multiple structures, or those not meeting setback or height requirements” means any facility or facilities used for the transmission or reception of electro-magnetic or electro-optic information, which is accessory to a residential use, is not commercial in nature, and does not meet either the setback or height requirements of the district in which the facility is located. It includes “station antenna structure” as defined in NRS (2001 Statutes of Nevada, 596, Chapter 103; AB61).

1. A 50 foot setback is required from all lot lines.

2. On parcels of less than one acre, the maximum height of a station antenna structure is 35 feet. On parcels of one acre or larger, a station antenna structure may be permitted up to a maximum of 75 feet in height. Station antenna structures in excess of the maximum height are subject to issuance of a major variance.

3. Development approval is subject to minor design review, with notice of the application to adjoining property owners, pursuant to section 20.20.040. If the director refers the application to the planning commission for public hearing, notice shall be given as provided in section 20.20.030.

J. “Solar energy system” means a system composed of a solar energy collector, an energy storage facility, and components for the distribution of transformed energy, which may be attached to a residence or other structure.

K. “Stationary tank storage (above ground)” means the above ground storage of class I, class II or class III liquids with a maximum of 1,050 gallons individual tank capacity and 3,150 aggregate tank capacity.

1. This accessory use is permitted in all zoning districts subject to the specific standards of section 20.664.160, except as otherwise exempted under the uniform fire code.

2. A building permit and a permit from the local fire department must be obtained prior to tank installation.

L. “Wind energy conversion system, micro other”: A wind energy conversion system which rotates around a vertical axis with a rotor blade diameter not exceeding 14 inches and a blade length of 41 inches.

1. A parcel is limited to a maximum of two wind energy conversion systems.

M. “Wind energy conversion system, micro”: A wind energy conversion system which rotates around a vertical axis with a rotor blade diameter not exceeding 10 feet.

1. See section 20.664.220 for specific standards.

N. “Wind energy conversion system, small”: A wind energy conversion system which rotates around a horizontal or vertical axis with a rotor blade diameter greater than 10 feet, but not exceeding 25 feet.

1. See section 20.664.230 for specific standards.

O. “Metal Storage, Sea Cargo, Cargo or other similar containers”: Metal Storage Containers, Sea Cargo, Cargo, or similar containers that house storage items, may be used with the approval through a minor design review pursuant to 20.614.010, subject to the following conditions:

1. One (1) metal storage container per acre, with a maximum of two (2) metal storage containers per parcel, shall be allowed in SFR 1, SFR 2, RA 5 and RA 10 zoning districts.

2. One (1) metal storage container for every 25,000 square feet of commercial space on a parcel shall be allowed in GC, MUC, TC, LI, GI, Si, PF and AP zoning districts. Metal storage containers shall not be allowed on parcels with commercial space less than 25,000 square feet in GC, MUC, TC, LI, GI, PF and AP zoning districts.

3. Metal storage containers shall be permitted in A-19 and FR-19/40 zoning districts only when the underlying parcel is 19 acres or greater. In parcels less than 19 acres, a minor design review is required pursuant to 20.614.010.

4. A maximum of two (2) metal storage containers per parcel, shall be allowed in A-19 and FR-19 zoning districts where the parcel size is less than 19 acres.

5. Metal storage containers shall be permitted on County, public agency or emergency service sites with a minor design review.

6. Metal storage containers shall be used for storage purposes only and no human or animal occupation shall occur. No alterations shall be made or allowed to the metal storage container including, but not limited to, doors, windows, electrical, plumbing, or connection of multiple containers unless factory built with those improvements. No storage shall be placed upon or above the metal storage container. Storage containers shall not be stacked upon each other.

7. No hazardous materials shall be stored in metal storage containers. Metal storage containers shall not be sited in a manner to be determined to the public’s health and safety.

8. Metal storage containers shall be at building grade and located at the side or rear of the primary structure. Metal storage containers shall not occupy any required parking spaces, landscape areas, drive-aisles, fire lanes, drainage courses, drainage easements, detention basin, or vehicular or pedestrian access ways. Metal storage containers shall not be permitted on vacant property.

9. All metal storage containers shall be painted either to blend with the primary or adjacent structures or painted earth-tone colors to minimize visual impacts. Graffiti shall be removed in accordance with the County’s graffiti ordinance. All metal storage containers in use shall be in a condition free from rust, peeling paint, or other visible

forms of deterioration. Metal storage containers shall be screened with chain link fencing with slats, concrete masonry unit (CMU) block walls and/or landscaping, as approved by community development that has a minimum height of six feet. Metal storage containers and their screening and landscaping shall be maintained in good repair. Any metal storage containers that are not maintained in good repair or that are dilapidated or dangerous, shall be repaired or removed, following an order to comply from the director.

10. Advertising is prohibited on the exterior of all metal storage containers.

11. The use of semi-truck trailers as storage containers is prohibited in all zoning districts. (Ord. 1315, 2010; Ord. 1313, 2010; Ord. 1238, 2008; Ord. 1215, 2007; Ord. 1182, 2006; Ord. 1069, 2004; Ord. 1036, 2003; Ord. 1007, 2002; Ord. 984, 2001; Ord. 974, 2001; Ord. 957, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 659, 1994; Ord. 641, 1994; Ord. 529, 1991; Ord. 424, 1984; Ord. 343, 1980; Ord. 167, 1968)

20.660.160 Temporary uses.

A. "Emergency non-commercial telecommunications facility" means a facility owned or operated by a governmental agency or a volunteer public safety agency officially sanctioned by a government agency for that purpose used for the transmission and reception of electromagnetic or electro-optic information for public safety communication uses. This facility may operate for a maximum of six months.

B. "Temporary batch plant" means a temporary facility for mixing concrete, asphalt or similar paving materials. The director may limit the hours of operation where the use is to be located within 600 feet of residentially zoned property.

C. "Temporary construction or sales office" means a facility temporarily used as a construction or sales office.

D. "Temporary dwelling unit" means a dwelling unit temporarily used, by the property owner, during construction or remodeling of the principal dwelling unit. This use may be approved only in conjunction with the issuance of a building permit for a residence.

E. "Seasonal sales lots" means a parcel temporarily used for the sale of seasonal or holiday items, including but not limited to Christmas trees and pumpkins.

1. Seasonal sales shall be limited to a time period not exceed 60 days in a calendar year, per event.

2. This use is subject to the development standards and sign standards contained within this code.

F. **"**Wind energy conversion system, commercial use test site" means electrical equipment, wind sensors, communication devices, towers, guy wires and anchors, and other associated controls used to measure, monitor and report wind speed, wind direction and other wind related data.

(Ord. 1238, 2008; Ord. 1215, 2007; Ord. 984, 2001; Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.662

Agricultural, Forest and Range, and Residential Land Use District Specific Standards (Table)

20.662.010 Table.

In addition to the general development requirements contained in chapter 20.690 (Property Development Standards), the following uses have specific standards that apply within the residential, agricultural and forest and range zoning districts. The standards are specified in chapter 20.664.

Key: "+" applies in the land use district.

Specific Standards (*See* section in chapter 20.664)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**A-19**	**FR 19/40**	**SFR 8,000**	**SFR 12,000**	**SFR 1/2**	**SFR 1**	**SFR 2**	**MFR**	**RA5**	**RA10**
010. Accessory dwelling unit						+			+	+	+		+	+
020. Accessory structures	+	+	+	+	+	+	+	+	+	+	+	+	+	+
030. Bed and breakfast	+	+	+	+	+	+	+	+	+	+	+		+	+
040. Cluster development					+	+								
050. Day care center		+	+	+	+	+	+	+	+	+	+	+	+	+
060. Density bonus	+	+	+	+			+	+				+		
070. Front and rear yard averaging	+	+	+	+			+	+				+		
080. Golf courses and related facilities					+	+								

(continued on next page)

Key: "+" applies in the land use district.

Specific Standards (*See* section in chapter 20.664)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**A-19**	**FR 19/40**	**SFR 8,000**	**SFR 12,000**	**SFR 1/2**	**SFR 1**	**SFR 2**	**MFR**	**RA5**	**RA10**
090. Large group care or group home												+		
95. Lot size averaging					+									
100. Manufactured home and manufactured housing					+	+	+	+	+	+	+	+	+	+
110. Manufactured home parks												+		
120. Multiple family housing (multi-family residential zoning district)												+		
125. Multiple family housing (mixed-use com. zoning district)												+		
130. Open or subsurface mining					+	+								
140. Recreational vehicles	+	+	+	+	+	+	+	+	+	+	+	+	+	+
150. Recreational vehicle storage facility	+	+	+	+			+	+				+		

(continued on next page)

Key: "+" applies in the land use district.

Specific Standards (*See* section in chapter 20.664)	**SFR-T 3,000**	**SFR-T 4,000**	**SFR-T 6,000**	**SFR-T 8,000**	**A-19**	**FR 19/40**	**SFR 8,000**	**SFR 12,000**	**SFR 1/2**	**SFR 1**	**SFR 2**	**MFR**	**RA5**	**RA10**
157. Independent congregate senior living community												+		
160. Stationary tank storage (above ground)	+	+	+	+	+	+	+	+	+	+	+	+	+	+
170. Telecom. site	+	+	+	+	+	+	+	+	+	+	+	+	+	+
180. Telecom. facility					+	+								
200. Wind energy conversion system, commercial						+								
210. Wind energy conversion system, commercial use test site						+								
220. Wind energy conversion system, Micro					+	+					+		+	+
230. Wind energy conversion system, small					+	+					+		+	+

(Ord. 1313, 2010; Ord. 1308, 2010; Ord. 1279, 2009; Ord. 1253, 2008; Ord. 1215, 2007; Ord. 1173, 2006; Ord. 1129, 2005; Ord. 871, 1999; Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.664

Agricultural, Forest and Range, and Residential Land Use Specific Standards

Sections:

20.664.010 Accessory dwellings.
20.664.020 Accessory structures.
20.664.030 Bed and breakfast.
20.664.040 Clustered development.
20.664.050 Day care center.
20.664.060 Density bonus.
20.664.070 Front and rear yard averaging provisions.
20.664.080 Golf courses and related facilities.
20.664.090 Large group care or group home.
20.664.095 Lot size averaging in the A-19 zoning district.
20.664.100 Manufactured homes and manufactured housing.
20.664.110 Manufactured home park design standards.
20.664.120 Multi-family housing (multi-family residential zoning district).
20.664.125 Multi-family housing (mixed-use commercial zoning district).
20.664.130 Open and subsurface mining.
20.664.140 Recreational vehicles.
20.664.150 Recreational vehicle storage facilities.
20.664.155 Single family residential – traditional design standards.
20.664.157 Independent congregate senior living community.
20.664.160 Stationary tank storage (above ground).
20.664.170 Telecommunications sites.
20.664.180 Telecommunications facilities.
20.664.200 Wind energy conversion system.
20.664.210 Wind energy conversion system, commercial use test site.
20.664.220 Wind energy conversion system, micro.
20.664.230 Wind energy conversion system, small.

20.664.010 Accessory dwellings.

A. In agricultural and forest and range zoning districts where an open agricultural use is conducted on the same parcel or on a contiguous parcel under the same ownership as the parcel on which the accessory dwelling is to be placed, the accessory dwelling shall conform to the following standards:

1. Accessory dwellings which are used to house persons, and their families, significantly employed for open agricultural work on the property may contain up to 2,500 square feet of livable area;

2. The accessory dwelling shall be provided with one off-street parking space in addition to that required for the main dwelling. No variance or minor exception may be filed to allow parking within the required front or side yard setbacks.

3. If the accessory dwelling is a trailer or manufactured home, the accessory dwelling must be removed when the open agricultural use is terminated for a period of more than 180 days.

B. In the agricultural or forest and range zoning districts where an open agricultural use is not conducted on the same parcel or on a contiguous parcel under the same ownership as the parcel on which the accessory dwelling is to be placed, the accessory dwelling shall conform to the residential accessory dwelling standards of paragraph C, below.

C. Residential zoning districts. Accessory dwellings within residential zoning districts shall be constructed in compliance with the following standards:

1. No more than one accessory dwelling is permitted on any parcel or lot.

2. An accessory dwelling may only be permitted on a parcel on which there is an owner occupied single-family detached dwelling unit (main unit).

3. An accessory dwelling unit is not permitted on parcels containing two or more dwelling units.

4. The parcel upon which the accessory dwelling unit is to be established shall conform to all standards of the land use district in which it is located, except for parcel size and dimensions, and provided the parcel contains a minimum of one-half (0.50) net acres.

5. The accessory dwelling shall be limited to a maximum of 800 square feet of livable area;

6. The accessory dwelling shall be architecturally compatible with the main dwelling.

7. The accessory dwelling shall be provided with one off-street parking space in addition to that required for the main dwelling. No variance or minor exception may be filed to allow parking within the required front or side yard setbacks.

8. The accessory dwelling may be metered separately from the main dwelling for gas, electricity, water and sewer services.

9. Either the principle or the accessory dwelling must be occupied by the owner of the parcel.

10. Where the accessory dwelling is proposed on a parcel served by an individual well, the applicant shall submit a letter or other evidence that separate service is approved by the state engineer.

11. A detached accessory dwelling may be located in a rear or side yard. A detached accessory dwelling may be located in a front or street side yard of a parcel

that is a minimum of one net acre in area and is located within a zoning district with a minimum parcel size of one net acre or larger, if the following requirements can be met.

a. The accessory dwelling is placed to the side of the primary residence such that it does not block the front of the primary residence as viewed from the street.

b. The accessory dwelling does not cover more than 20 percent of the front or street side-yard and meets the minimum setbacks required of the zoning district.

c. The separation between structures must meet the minimum Building Code requirements.

D. This title shall not validate any existing illegal accessory dwelling. (Ord. 1182, 2006; Ord. 1167, 2006; Ord. 801, 1997; Ord. 763, 1996; Ord. 659, 1994; Ord. 641, 1994; Ord. 529, 1991; Ord. 424, 1984; Ord. 167, 1968)

20.664.020 Accessory structures.

A. Accessory structures in residential zoning districts must be compatible with the materials and architecture of the main dwelling of the property. Accessory structures may only be constructed on a lot containing a main dwelling unit.

B. Accessory structures are subject to the minimum requirements of the zoning district in which it is located. However, accessory structures less than 15 feet in height may be located no closer than five feet from the side and rear property lines within the rear yard, provided that the structures are not closer than ten feet to any other structure, or located closer than the Building Code allows, whichever is more restrictive. In areas zoned residential, no more than 50 percent of the rear yard area may be covered with accessory structures.

C. Arch structures must not exceed 20 feet in overall height.

D. Accessory structures used as gate support columns must not exceed 80 square feet of floor area and must not exceed 10 feet in overall height. Entry gates may exceed the maximum allowable height of the fencing on adjacent fence panels by a maximum of 18 inches.

E. A detached accessory structure may be located in a rear or side yard. A detached accessory structure may be located in a front or street side yard of a parcel that is a minimum of one net acre in area and is located within a zoning district with a minimum parcel size of one net acre or larger, if the following requirements can be met:

a. The accessory structure is placed to the side of the primary residence such that it does not block the front of the primary residence as viewed from the street.

b. Accessory structures do not cover more than 20 percent of the front or street side-yard and meet the minimum setbacks required of the zoning district.

c. The separation between structures must meet the minimum Building Code requirements.

F. An accessory structure may contain a wet bar. An accessory structure with a kitchen is considered an accessory dwelling. Please refer to Appendix A for the definitions of “wet bar” and “kitchen.” (Ord. 1182, 2006; Ord. 1167, 2006; Ord. 957,

2001; Ord. 763, 1996; Ord 167, 1968)

20.664.030 Bed and breakfast.

A. Bed and breakfast inns are subject to the following operational requirements:

1. The facility shall be operated at all times by the resident owner of the home.

2. The facility must meet the requirements of all other applicable regulatory agencies, including the state division of health.

3. All lighting must be indirect with filaments shielded from surrounding properties and public streets.

4. No room may be rented for a period longer than 21 consecutive days at a time.

5. One sign is allowed with a size no larger than 24 inches by 36 inches.

B. The hearing body may approve the following accessory uses, however these accessory uses must be specifically included as part of the special use permit request submitted by the applicant. The hearing body's approval of these uses is subject to the findings as required with the special use permit:

1. Special events.

a. Weddings and receptions;

b. Civic, business, corporate and religious or other retreats;

c. Seminars;

d. Private catered dinners;

e. Small seasonal parties.

f. The number of guests permitted at the functions listed above may be limited as part of the special use permit approval.

2. Operational requirements.

a. The hours of operation for events that may have music, such as weddings, must not be earlier than 8:00 am and must end no later than 8:00 pm.

b. Music shall be limited to the operational requirements permitted with a Class "C" cabaret license (up to four musicians, non-amplified music only). (Ord. 801, 1997; Ord.763, 1996; Ord. 414, 1983)

20.664.040 Clustered development.

See section 20.714.020. (Ord. 1224, 2008)

20.664.050 Day care center.

Day care centers shall be constructed in the following manner:

A. The facility shall conform to all property development standards of the land use district in which it is located.

B. Day care facilities with more than 20 children must not be located within 300 feet of another large day care facility.

C. An outdoor play area of no less than 35 square feet per child, but in no case less than 450 square feet in area shall be provided. The outdoor play area must be located in the rear area. Stationary play equipment must not be located in required side and front yards.

D. Landscaping shall be provided to reduce noise impacts on surrounding properties. Fencing and walls may also be required.

E. All on-site parking shall comply with the provisions of chapter 20.692 (Off-Street Parking). Large facilities shall provide on-site vehicle turnaround or separate entrance and exit points, and adequate passenger loading spaces.

F. All on-site lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity appropriate to the use it is serving.

G. All on-site signs shall comply with the provisions of chapter 20.696.

H. A facility within a residential land use district may operate up to 14 hours per day.

I. Outdoor activities may only be conducted between the hours of 8:30 a.m. to 8:00 p.m.

J. Any facility must, when applicable, be state licensed and must be operated according to all applicable state and local health and safety regulations. (Ord. 763, 1996; Ord. 519, 1990)

20.664.060 Density bonus.

Refer to chapter 20.440 regarding the density bonus provisions of this development code. (Ord. 763, 1996)

20.664.070 Front and rear yard averaging provisions.

A. Front or rear yard setbacks required by the base district in Tables 20.654.010 and 20.656.010 may be averaged on the interior lots within a single-family detached or duplex subdivision.

B. The front or rear yard setbacks of a group of five adjacent dwelling units may vary up to five feet from that required. The average setback of all five units shall equal the minimum required for the base district. (Ord. 763, 1996; Ord. 196, 1972; Ord. 167, 1968)

20.664.080 Golf courses and related facilities.

Golf course developments shall be constructed in the following manner:

A. State-of-the-art water conservation techniques must be incorporated into the design and irrigation of the golf course.

B. Treated effluent may be used for irrigation where available.

C. All accessory facilities, including but not limited to, club houses, maintenance buildings, and half-way club houses shall be designed and located to ensure compatibility with the golf course setting. (Ord. 763, 1996)

20.664.090 Large group care or group home.

Group housing developments shall be constructed in the following manner:

A. The parcel upon which the group housing facility is to be established shall conform to all standards of the underlying land use district.

B. The group housing facility shall conform to and comply with all local, state, and federal requirements.

C. A group care development may or may not include individual dwelling units. Any development proposing individual dwelling units shall comply with the following:

1. Individual dwelling units are not permitted within single-family zoning districts.

2. Within the MFR zoning district, the number of dwelling units shall be based on Table 20.656.010. Where located within a designated receiving area, transfer of development rights are required.

3. Within the OC and MUC zoning districts, individual dwelling units may be permitted subject to the following:

a. Density shall not exceed three dwelling units per acre.

b. In no event shall more than 25% of the total units (rooms) be dwelling units.

c. Where located within a designated receiving area, transfer development rights are required for each dwelling unit.

D. The main pedestrian entrance to the development, common areas, and the parking facility shall be handicap accessible.

E. Indoor common areas and living units shall be handicap adaptable and be provided with all necessary safety equipment (e.g., safety bars, etc.), as well as emergency signal or intercom systems as determined by the director.

F. Adequate internal and external lighting including walkways shall be provided for security purposes. The lighting shall be stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with the residential neighborhood.

G. Common recreational and entertainment areas of a size and scale consistent with the number of living units shall be provided. The minimum size shall equal 100 square feet for each living unit.

H. Each residential unit shall be designed for a washing machine and dryer, or common laundry facilities of sufficient number and accessibility, consistent with the number of living units and the Uniform Building Code shall be provided. Such facilities shall have keyed access for tenants only.

I. The development may provide specific internal common facilities, including but not limited to one or more of the following for the exclusive use of the residents:

1. Central cooking and dining room(s).

2. Beauty and barber shop.

3. Small scale drug store not exceeding 1,000 square feet.

J. Off-street parking shall be provided in the following manner:

1. One and one-quarter (1.25) parking spaces for each living unit.

2. All off-street parking shall be located within 150 feet of a public entrance.

3. Adequate and suitably striped paved areas for shuttle parking. Shaded waiting areas shall be provided adjacent to the shuttle stops.

4. Design standards relating to and including but not limited to handicapped parking, access, surfacing, striping, lighting, landscaping, shading, and dimensional requirements shall be consistent with the standards outlined in chapter 20.692 (Off-Street Parking).

5. Group care parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens including, but not limited to medical offices, shopping areas, and mass transit.

K. The project shall be designed to provide adequate security for residents, guests, and employees.

L. All parts of all structures shall be within 150 feet of paved access for single-story and 50 feet for multi-story.

M. Notwithstanding section 20.664.090.C, individual kitchen facilities, including “wet bars,” are not permitted. (Ord. 801, 1997 Ord. 763, 1996; Ord. 688, 1995)

20.664.095 Lot size averaging in the A-19 zoning district.

Parcel maps in the A-19 zoning district are eligible for lot size averaging to preserve the integrity of the irrigation water conveyance system, subject to the following:

A. The net acreage divided by the number of lots must be equal to or greater than 19 acres per lot. The minimum resulting parcel size is 5 net acres.

B. Variation from minimum lot size is dependent on affirmative findings, on advice from the water conveyance advisory committee:

1. That the proposed configuration of the resulting parcels is necessary to preserve the integrity of the water conveyance system, from delivery and drainage of water on the resulting parcels.

2. That because of the unusual shape or topography of the parent parcel and the existing system for irrigating the parcels, division into parcels of a minimum of 19 acres would be detrimental to continued agricultural production or the delivery and drainage of irrigation water.

C. The location of the boundaries of the resulting parcels will be secured by deed restrictions or equivalent covenants, conditions and restrictions of record, containing the words: The boundaries of this parcel or parcels were established to preserve the integrity of the water conveyance system and may not be adjusted without the approval of the board of county commissioners.

D. Parcel maps which propose lot size averaging under this section will be referred to the planning commission. (Ord. 1129, 2005)

20.664.100 Manufactured homes and manufactured housing.

Manufactured or mobile homes allowed under the provisions of this chapter shall be installed in the following manner:

A. Mobile or manufactured homes may be used as single-family dwellings in an MH overlay zoning district if the home is certified under the National Mobile Home Construction and Safety Standards Act of 1974. (Ord. 763, 1996; Ord. 167, 1968; Ord. 131, 1963)

20.664.110 Manufactured home park design standards.

Manufactured home parks or subdivisions shall be designed and constructed in the following manner:

A. Individual manufactured home space minimum setbacks shall be measured from the edge of internal streets and space lines as follows:

1. Front: Ten feet;
2. Side: Five feet on each side or zero lot line on one side with 10 feet on the opposite side;
3. Rear: Ten feet;
4. Structural separation: Ten foot minimum between dwelling units.

B. Maximum manufactured home space coverage (manufactured home and its accessory structure) shall be 75 percent.

C. Each manufactured home shall be equipped with skirting, or provided with a support pad which is recessed to give the appearance of the manufactured home being located on-grade.

D. All on-site utilities shall be installed underground.

E. The manufactured home park shall be provided with parking as required by chapter 20.692 (Off-street Parking).

F. A common recreation area which may contain a recreation building shall be provided in the park for use by all tenants and their invited guests. The area shall be provided in one common location with a minimum aggregate area of 200 square feet of recreational space for each manufactured home space.

G. All exterior boundaries of the manufactured home park shall appear similar to conventional residential developments and shall be screened by a decorative wall, fence or other comparable device six feet in height, with a minimum six-foot-wide landscaped area provided along the outside of the perimeter screen.

H. Common open space shall be landscaped in accordance with a landscape plan approved by the director and in a manner consistent with chapter 20.694 (Landscaping Standards).

I. All manufactured home park or subdivision developments shall provide recreational amenities within the site which may include but are not limited to swimming pools, spas, a clubhouse, a “tot lot” with play equipment, picnic shelter or barbecue area, court game facilities such as tennis, basketball, or racquetball, improved softball or baseball fields, or day care facilities. The type and number of amenities shall

be approved by the board and provided according to the following schedule:

Units	Number of Amenities
0-9	0

Units	Number of Amenities
10-50	1
51-100	2
101-200	3
201-300	4

One amenity shall be added for each 100 additional units or fraction thereof. (Ord. 763, 1996; Ord. 131, 1963)

20.664.120 Multi-family housing (multi-family residential zoning district).

Multi-family housing within a multi-family residential zoning district is subject to design review and shall be constructed in the following manner:

A. All multi-family developments with 12 or more dwelling units must provide 25 percent of the project site as useable open space for passive and active recreational uses. Useable open space areas must not include rights-of-way, vehicle parking areas, areas adjacent to or between any structures less than 15 feet apart, setbacks, patios or private yards, or slope areas greater than 8 percent.

B. Each dwelling unit must have a private, walled patio or balcony in accordance with the following:

1. Ground floor units must have a patio or balcony not less than 150 square feet in area or 25 percent of the dwelling unit size, whichever is less.

2. All other units must have a patio or balcony not less than 75 square feet in area.

C. All multi-family developments must provide recreational amenities within the site which may include a swimming pool, spa, club house, tot lot with play equipment, picnic shelter or barbecue area, court game facilities such as tennis, basketball, or racquetball, improved softball or baseball fields, or, day care facilities. The type and number of amenities must be approved by the director and provided according to the following schedule:

Units	Number of Amenities
0-11	0
12-50	1
51-100	2

Units	**Number of Amenities**
101-200	3
201-300	4

One amenity must be added for each 100 additional units or fraction thereof.

D. Off-street parking spaces for multi-family residential developments must be located within 150 feet from the dwelling unit (front or rear door) for which the parking space is provided.

E. Each dwelling unit must be provided a minimum of 150 cubic feet of private enclosed storage space within the garage, carport, or immediately adjacent to the dwelling unit.

F. Driveway approaches within multiple family developments of 12 or more units must be delineated with interlocking pavers, rough-textured concrete, or stamped concrete and landscaped medians.

G. All parts of all structures must be within 150 feet of paved access for single story and 50 feet for multi-story.

H. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the current County building code must be provided.

I. Where common laundry facilities are not provided, each dwelling unit must be designed for a washing machine and dryer. (Ord. 1173, 2006; Ord. 801, 1997; Ord. 763, 1996; Ord. 347, 1980; Ord. 203, 1973; Ord. 167, 1968)

20.664.125 Multi-family housing (mixed-use commercial zoning district).

Multi-family housing within a mixed-use commercial zoning district is subject to design review and shall be constructed in the following manner:

A. Floor area ratios:

1. Between 25 percent and 50 percent of the total project floor area must be devoted to commercial uses, with 50 to 75 percent of the project floor area devoted to residential uses.

2. Maximum residential density is 16 dwelling units per gross acre.

3. Maximum building height is 35 feet for horizontal design. Horizontal design

includes residential uses and commercial uses each within separate buildings. Maximum building height for vertical design (minimum first floor retail/office) is 50 feet, except as noted below. If the project site exceeds 5 percent average slopes, the maximum height may be increased to 60 feet, except as noted below. If the height exceeds 35 feet, design features to reduce roof mass must be provided.

a. Within the Town of Genoa, the maximum building height is 35 feet.

b. Within the Towns of Minden and Gardnerville, the maximum building height is 45 feet.

4. Design must be architecturally compatible with and enhance the surrounding neighborhood and must properly integrate the multi-family residential and commercial uses by creating a pedestrian-oriented mixed-use environment.

5. Projects with 12 or more dwelling units must provide 10 percent of the mixed-use commercial area as useable open space for passive and active recreational uses. Useable open space areas shall not include rights-of-way, vehicle parking areas, areas adjacent to or between any structures less than 15 feet apart, or slope areas greater than 8 percent. Exceptions to useable open space may be allowed when a project includes regional open space amenities such as a neighborhood or regional park, or provides enhanced pedestrian-oriented connections which connect to existing or planned regional open space uses.

6. Projects with 50 or more units must provide transit loading/unloading areas that are convenient to the residents.

7. Design must minimize visual impacts to the surrounding neighborhood.

8. Integrated access, parking, pedestrian connections, and drainage must be provided.

9. For structures exceeding 45 feet in height, setbacks from adjacent properties with existing single-family residential uses must be a minimum of 30 feet for all yards.

10. Projects exceeding 45 feet in height may apply for density bonus units under an affordable housing agreement as provided under chapter 20.440.

11. All projects must provide recreational amenities within the site which may include a swimming pool, spa, clubhouse, tot lot with play equipment, picnic shelter or barbecue area, court game facilities such as tennis, basketball, or racquetball, improved softball or baseball fields, or day care facilities. The type and number of amenities must be approved by the director and provided according to the following schedule:

Units	Number of Amenities
0-11	2
12-50	3
51-100	4
101-200	5

201-300	6

One amenity must be added for each 100 additional units or fraction thereof.

12. Off-street parking for mixed-use commercial development is as follows, except where noted below:

a. One parking space is required for each 250 square feet of commercial floor area.

b. 1.5 parking paces is required for each residential unit.

c. Exceptions to both a and b above, is allowed when the project is within an established parking district.

13. Each dwelling unit must be provided a minimum of 150 cubic feet of private enclosed
storage space within the garage, carport, or immediately adjacent to the dwelling unit.

14. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the current County Building Code must be provided.

15. Where common laundry facilities are not provided, each dwelling unit must be designed for a washing machine and dryer. (Ord. 1293, 2009; Ord. 1253, 2008; Ord. 1173, 2006)

20.664.130 Open and subsurface mining.

A. Applicability requirements.

1. Requirements for special use permits. Unless exempted by provisions of this chapter, an approved special use permit as provided in chapter 20.604 shall be required for all surface mining operations in all zoning districts in which surface mining is allowed, and shall be required for the expansion or substantial change of operation of any surface mine for which such expansion or changes have not been thereby approved, including any operation which meets the definition of a “nonconforming use” pursuant to chapter 20.698.

2. Requirements for reclamation plans. A reclamation plan shall be required for all surface mining operations where permitted.

3. Exemptions. A reclamation plan shall not be required for any of the following activities:

a. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster;

b. Prospecting for, or the extraction of, minerals for non-commercial purposes in total amounts of less than 500 cubic yards in any one location of one acre or less;

c. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose;

d. Emergency excavations or grading by the county or its agent for flood control purposes;

e. Any other surface mining operations which the director determines to be of an infrequent nature and which involve only minor surface disturbances.

B. Applications for special use permits for surface mining operations and reclamation plans.

1. In addition to the special use permit application required in chapter 20.604; all applications for a special use permit for surface mining operations shall contain the surface mining and reclamation application supplement required by the planning division.

2. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for special use permits for surface mining operations. For surface mining operations that are exempt from a special use permit pursuant to this chapter, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan.

3. Applications shall include the necessary environmental review information prescribed by the planning division.

C. Performance standards for reclamation plans.

1. All new or revised reclamation plans shall address the environmental impacts of the project, including but not limited to wildlife habitat, backfilling, re-grading, slope stability, re-contouring, erosion control, re-vegetation, drainage, agricultural land reclamation, equipment removal, stream protection, topsoil salvage, tailing and mine waste management and maintenance.

2. Douglas County may impose additional performance standards developed either in review of individual projects, as warranted, or through the formulation and adoption of county-wide performance standards on any new reclamation plan or modification to a previously approved reclamation plan.

D. Phasing of reclamation.

1. Phasing of reclamation. Reclamation activities shall be phased with respect to the phasing of the mining operation and shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance.

2. Interim reclamation may also be required for mined lands that have been disturbed and will be disturbed again in future operations if it is determined to be necessary to ensure the success of final reclamation or for health and safety purposes. Reclamation may be done on an annual basis, or in stages compatible with continuing operations, or on completion of all excavation, removal, or fill as approved by the county. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: the approximate length of time for completion of each phase; all reclamation activities required; criteria for measuring completion of specific reclamation activities; and estimated costs as provided in subsection 20.664.130.F (Financial assurances for reclamation plans). The county shall approve the reclamation schedule.

3. Annual reports. Surface mining operators shall submit annually a status report to the planning division on the anniversary date of the special use permit.

4. A copy of the final approved reclamation plan shall be kept on-site at all times.

E. Findings for approval.

In addition to the findings for approval special use permits contained in chapter 20.604,

approval for surface mining operations shall include a finding that the project complies with the provisions of federal and state law.

1. For reclamation plans, the following findings shall be made by the board prior to approval:

a. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this chapter and the county's master plan;

b. That through implementation of the reclamation plan, all significant adverse impacts on lands to be reclaimed as a result of the surface mining operations are mitigated to the maximum extent feasible;

c. That the land or resources to be reclaimed will be restored to a condition that is compatible with the surrounding environment;

d. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with any applicable air quality or water quality resource plan or that suitable off-site development will compensate for related disturbances to resource values existing after reclamation is completed;

e. The reclamation plan will restore the mined lands to a usable condition which is adaptable for alternative land uses consistent with the master plan and any other applicable plan or element.

F. Financial assurances for reclamation plans.

1. In order to ensure that reclamation will proceed in accordance with the approved reclamation plan, the county shall require as a condition of approval one or more forms of security which will be released upon satisfactory performance. The applicant shall post security in the form of a surety bond, irrevocable letter of credit from an accredited financial institution, a certificate of time deposit as part of an approved trust fund, or other method acceptable to the county. Financial assurances shall be made payable to Douglas County.

2. Financial assurances shall be required to ensure compliance with elements of the reclamation plan including but not limited to re-vegetation and landscaping requirements; restoration of wildlife habitat; protection of archaeological sites; restoration of water bodies and water quality; slope stability and erosion and drainage control, disposal of hazardous materials; and other mitigation measures. Financial assurances for such elements of the reclamation plan shall be monitored by the planning division.

3. Financial assurances shall not be released until the reclamation has been completed in accordance with the approved reclamation plan to the satisfaction of the director.

4. The amount of financial assurances shall be based upon the estimated costs of reclamation for each year in the reclamation plan, including any irrigation and maintenance of reclaimed areas as may be required. Cost estimates shall be prepared by a licensed engineer or other qualified professionals retained by the operator; the estimates shall be approved by the county engineer. Financial assurances may be based upon estimates including but not necessarily limited to the volume of earth moved (cubic yards) for each year or phase of reclamation. Financial assurances to ensure

compliance with re-vegetation, restoration of wildlife habitat, and any other applicable element of the reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee.

5. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by an operator and, consequently, the county or state may need to contract with a third-party commercial company for mobilization and reclamation of the site.

6. Where reclamation is accomplished in annual increments, the amount of financial assurances required for any one year shall be adjusted annually and shall be adequate to cover the full estimated costs for reclamation of any land projected to be in a disturbed condition from mining operations by the end of the following year. The estimated costs shall be the amount required to complete the reclamation on all areas that will not be subject to further disturbance, and to provide interim reclamation, as necessary, for any partially excavated areas in accordance with the reclamation plan. Financial assurances for each year shall be released upon successful completion of reclamation (including any maintenance required) of all areas that will not be subject to further disturbance and upon the operator filing additional financial assurances for the succeeding year. Financial assurances for all subsequent years of the operation shall be handled in the same manner.

7. Financial assurances for reclamation that is accomplished in multiple-year phases shall be handled in the same manner as described for annual reclamation.

8. If a change of ownership occurs, the existing financial assurance remains in force until a replacement financial assurance is approved by the lead agency.

G. Inspections.

1. The department shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in subsection D.3, above, to determine whether the surface mining operation is in compliance with the reclamation plan.

2. In no event shall less than one inspection be conducted in any calendar year. The inspections may be made by a state-registered geologist, state-registered civil engineer, state-licensed landscape architect, state-registered forester, or other qualified specialist who has not been employed by the mining operation in any capacity during the previous 12 months, as selected by the director. The director shall, within 30 days of completion of the inspection, notify the mining operator that the inspection has been conducted and shall forward a copy of the inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection.

H. Time limit for commencement of a special use permit for surface mining operations.

The conditions of approval of the special use permit shall include time limits for commencement of operations and continuance thereof, in the absence of which, the

permit will lapse.

I. Modifications to reclamation plan.

Requests for modifications of approved reclamation plans shall be processed in the same manner as original applications for reclamation plan reviews unless they are determined to be minor modifications. Applications for minor modifications may be submitted in connection with the following, as long as it is not incompatible with existing conditions or plans:

1. To allow the minor re-contouring of final topography, providing slope stability is maintained and substantiated; effecting no more than 10 percent of the site;

2. To allow minor modification or addition of site access;

3. To allow a minor substitution in the reclamation plan, provided it does not substantially alter the intended end use described in the approved reclamation plan;

4. To allow minor technological or administrative changes in methods used to achieve reclamation;

5. To allow measures to be taken which will ensure or maintain public safety (e.g. fences, gates, signs, or hazard removal) provided it does not substantially alter the intended end use described in the approved reclamation plan;

6. To allow minor modifications to a previously approved phasing plan.

J. Violations and penalties.

If the director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this section, the applicable permit or the reclamation plan, the county shall initiate revocation procedures of the special use permit.

K. Section fees.

The county shall establish fees as it deems necessary to cover the reasonable costs incurred in implementing this section, including but not limited to processing of applications, annual reports, inspections, monitoring, enforcement and compliance.

L. Special development and performance standards.

1. Required signage. The outer boundaries of all property used for quarrying operations, involving the extraction and processing of rock, sand, gravel, decomposed granite, clay or similar materials shall be posted with signs carrying the message “QUARRY ZONE” in letters not less than four inches in height, and in letters not less than one inch in height, the message “This property may be used for the extraction and processing of rock, sand, gravel, decomposed granite, clay and similar materials, by Douglas County Code.”

a. These signs shall be posted not more than 500 feet apart, with signs placed at each change in direction of the boundary lines of the property and displayed in such manner as to give reasonable notice to passers-by of the message contained thereon.

2. All mining and quarrying operations, rock crushing plants and aggregate dryers shall be established and operated in accordance with the following standards:

a. All equipment and premises employed in conjunction with any of the uses permitted shall, insofar as is practicable and feasible, be constructed, operated

and maintained so as to suppress noise and vibration which are or may be injurious or annoying to persons living in the vicinity.

b. All private roads shall be kept wetted while being used or shall be treated with an approved dust palliative or hard-surfaced and maintained so as to prevent the emanation of dust.

c. All private access roads leading off any public street or highway onto property used for any purpose permitted in this zone shall be paved, with asphalt or concrete surfacing not less than three inches in thickness, for the first 50 feet of the access road.

d. No excavation or production from an open pit quarry shall be permitted which creates a slope steeper than one foot horizontally to one foot vertically.

e. No excavation or production shall be permitted nearer than 50 feet from the project boundary.

f. No production shall be permitted nearer than 50 feet to any lot line of adjoining property unless the written consent of the owner in fee of the property is first secured and recorded in the county recorder's office.

g. Prior to the start of any quarry operations, the outer boundaries of the entire property shall be continuously enclosed by a six-foot-high fence. Where adjacent to a public street or residentially zoned area, required fencing shall be a view obstructing fence, wall or landscaped berm. Elsewhere, the fence may be constructed of chain link, provided however that the reviewing authority may, without notice or hearing, grant a modification to the provisions of this subsection where:

i. The property is located in the bed or flood channel of a wash or water course and fencing would be impractical; or

ii. Topographic features; location factors or other conditions create an unnecessary hardship or unreasonable situation making it impractical to require compliance with the fencing requirements contained in this subsection.

h. All uses permitted which are not conducted within an enclosed building shall confine all operations on the property to the hours between 7:00 a.m. and 10:00 p.m., Monday through Saturday, except in cases of public emergency, or such reasonable or necessary equipment or building repairs as are required to be made.

i. Before commencing operation in any quarry the owner or operator shall secure insurance, to the extent of one million dollars ($1,000,000), against liability in tort arising from the production, activities or operations incident thereto conducted or carried on under or by virtue of any law or ordinance, and such insurance shall be kept in full force and effect during the period of such operations. (Ord. 763, 1996; Ord. 167, 1968)

20.664.140 Recreational vehicles.

No trailer or recreational vehicle shall be used for living or sleeping purposes in any area within the unincorporated area of the county except as follows:

A. A recreational vehicle or travel trailer may be occupied as a use pending construction of a permanent single-family residence in any agricultural, forest and range

or residential district, provided that the owner of the lot or parcel obtains a temporary use permit and occupies the recreational vehicle or travel trailer only for the period of construction, not to exceed 12 months. The temporary use permit must be issued concurrently with the building permit for the permanent residence. On expiration of the permit, or within 30 days from the date of issuance of the certificate of occupancy for the residence, any recreational vehicle or travel trailer must be removed or located on the site in accordance with chapter 20.692;

B. Existing trailer parks and campgrounds conducted, maintained and licensed under the terms of this chapter;

C. The temporary use of non-paying guests or relatives of the person residing on the lot or parcel which has a main residence may occupy a travel trailer or recreational vehicle for sleeping purposes for a period not to exceed seven consecutive days. The use must not exceed a total of 14 days for a calendar year. A travel trailer or recreational vehicle used for such a purpose must not discharge any litter, sewage, effluent or other matter except into sanitary facilities designed to dispose of the material.

D. Storage of travel trailers or recreational vehicles shall be in accordance with section 20.660.150(C) (4) (d). (Ord. 801, 1997; Ord. 763, 1996; Ord. 633, 1994; Ord. 131, 1963)

20.664.150 Recreational vehicle storage facilities.

Developments within the multi-family land use districts and with 12 or more dwelling units, or single-family subdivisions in excess of 30 units containing parcels less than 8,000 square feet in size shall provide recreational vehicle storage facilities. The storage facilities shall be reviewed as part of the design review and shall be constructed in the following manner:

A. Centralized storage areas shall be provided for recreational vehicles, as defined in Appendix A and 20.660.150.C.4.d, at a minimum of one space for each eight dwelling units.

B. Individual storage spaces shall measure not less than 12 feet by 30 feet, and shall have direct access to a driveway with a minimum paved width of 25 feet. (Ord. 763, 1996)

20.664.155 Single family residential- traditional design standards.

Single family housing within a single family residential – traditional zoning district is subject to design review and shall be constructed in the following manner:

A. Prior to design review approval, any proposed single family residential – traditional design must be reviewed by the applicable Town or GID Board.

B. Garages must be located in the rear or side yard; no "front-loaded" houses are allowed.

C. Extensive use of traditional building materials (such as stone, wood, stucco, tile, etc.) is required.

D. Front yards must be landscaped.

E. If the design incorporates exterior lighting, traditional fixture designs must be used.

F. The front yard must include a park strip and a minimum 6-foot wide sidewalk.

1. In case the single family residential – traditional design is for an infill project, this requirement may be waived if it would result in a "hodge-podge" look on the street.

G. Front porches a minimum of 60 square feet in area are mandatory features.

H. Raised foundations are mandatory features; finished floor/front porch height must be 24 inches or more above natural grade.

I. If allowed by building code, bay windows may protrude up to three feet into setbacks.

J. No project proposing attached housing or establishment of single family residential – traditional 3,000 or 4,000 zoning districts is allowed in the Towns of Minden and Gardnerville unless the project is a planned development. (Ord. 1308, 2010; Ord. 1253, 2008)

20.664.157 Independent congregate senior living community.

Independent congregate senior living communities shall be constructed in the following manner:

A. The density of units shall be determined with a special use permit.

B. Independent congregate senior living communities must be constructed to conform to the standards of the underlying zoning district, including setbacks, height restrictions, floor area ratios, etc. The floor area of common indoor recreational amenities, such as covered pools, fitness centers, and common rooms, may be subtracted from the total floor area for the purpose of calculating floor area ratios.

C. Facilities shall provide 15 percent of the project site as useable open space for passive and active recreational uses. Useable open space areas shall not include rights-of-way, vehicle parking areas, or slope areas greater than 8 percent.

D. Common recreational and entertainment areas of a size and scale consistent with the number of living units shall be provided.

E. Common laundry facilities of sufficient number and accessibility consistent with the number of living units and the International Building Code shall be provided or, in cases where common laundry facilities are not provided, each dwelling unit shall be designed for a washing machine and dryer.

F. Common kitchen facilities of sufficient number and accessibility consistent with the number of living units and International Building Code shall be provided or, in cases where common kitchen facilities are not provided, each dwelling unit shall be designed with a kitchen.

G. The project shall be designed to provide adequate security for residents, guest, and employees.

H. Adequate internal and external lighting including walkways shall be provided. The lighting shall be stationary, deflected away from adjacent properties and public rights-of-way, and of an intensity compatible with nearby development.

I. Off-street parking spaces for independent congregate senior living communities shall be located within 150 feet from the dwelling unit (front or rear door) for which the parking spaces is provided.

J. Adequate and suitably striped paved areas for shuttle parking shall be provided. Shaded waiting areas shall be provided adjacent to the shuttle stops.

K. Loading/unloading areas shall be provided at the entrance to the building and be striped and signed to indicate no parking allowed.

L. Independent congregate senior living community parking requirements may be adjusted on an individual project basis, subject to a parking study based on project location and proximity to services for senior citizens, including, but not limited to, medical offices, shopping areas, and transit services.

M. For projects of 20 or more units, on site management shall be required.

N. Eighty percent of the units must be occupied by at least one person 55 years of age or older. The other 20 percent of units may be occupied by younger persons. (Ord. 1279, 2009)

20.664.160 Stationary tank storage (above ground).

A. Definitions.

1. “Storage vault” means above ground flammable or combustible liquid storage vaults that are concrete enclosures located outside a building containing a tank and a pump assembly.

2. “Storage tanks” means above ground combustible liquid tanks are double wall steel tanks on supports or pads located outside a building. Storage tanks lack fire resistance ratings from exposure fires. Above ground storage tanks are limited to class II and III liquids only.

B. General requirements.

1. Storage vault and tank installations shall be limited to a maximum 1050 gallons individual tank capacity and 3150 aggregate at any one site.

2. Storage vaults and tanks shall be used only for private vehicle fleet, non retail installations, government fleet installations, private company equipment yards, waste oil storage, emergency generator pumps and other similar uses where the fire chief or fire marshal determines there is no increased threat to fire safety.

3. The fire chief or fire marshal may prohibit the use of a storage vault or tank installation when, in his opinion there is a hazard to fire of life safety from a given installation.

4. Storage vault and tanks shall not be manifolded together.

5. A building permit shall be obtained from the community development department and local fire department prior to the installation of tanks. Plans shall be submitted along with the request for a permit.

6. The location of tanks shall comply with the setback requirements of the applicable zoning district. Clearance to property lines, structures, unprotected openings and public ways shall be shown when applying for permits.

7. Grade shall slope from the tank and dispensing areas away from any structure.

8. Storage value and tank installations shall be fenced or secured to prohibit the public from having access to the installation.

9. Storage vaults and tanks shall be considered a group M, Division 2 occupancy under the Uniform Building Code.

10. Existing above ground single wall tanks containing flammable or combustible liquids shall meet all requirements outlined in the Uniform Fire Code, Article 79, Division V. All existing tanks shall be protected with two hour fire resistive construction.

11. All new installations shall be double wall tanks with two hour fire protection added or preferably a storage vault.

C. Tank design.

1. The storage vault and tank assembly shall be engineered in accordance with nationally recognized standards to insure that normal transportation, installation and operation of the tank will not result in damage to the tank or tank envelope which may lead to leakage of the tank contents.

2. Only tanks with UL or other nationally recognized testing laboratories listing shall be used and labeled accordingly. Each tank shall be compatible with the product being used.

3. All storage vault tanks shall be attached to the concrete vault by an approved engineered means.

4. Tank venting shall comply with section 79.509 of the Uniform Fire Code:

a. Minimum vent size shall be 1¼ inside diameter;

b. Vent piping shall terminate a minimum of twelve feet above the ground;

c. Vents shall discharge only in an upward or horizontal direction;

d. Vent lines shall not terminate within five feet of any building openings or within five feet of a property line that may be built upon;

e. Vent pipes shall be arranged so that flammable vapors will not enter any building openings, be trapped under eaves or other obstructions or discharge into hazardous locations.

The vent supplied with the storage vault may only be used if engineering data is shown to prove the vent is adequate for either the filing or withdrawal rate, whichever is greater, and that the vent pipe length is adequate and the vent location complies with the above.

5. The storage tanks and the tanks within the storage vault shall be grounded with a ground rod bonded to a metallic pipe coming from the tank with a flexible copper wire of adequate strength for the intended service and electrical resistance.

6. All piping shall be provided with swing joints where the pipe attaches to any building. Listed flexible connections may be used in lieu of the swing joints when approved by the chief or fire marshal.

7. Tank openings for filling and gauging purposes must be covered by vapor tight caps or lids and must be secured against tampering at all times except during

filling or gauging operations. Fill pipes must terminate within six inches of the bottom of the tank.

8. All vault interstitial spaces shall be monitored for leakage in accordance with N.D.E.P.

9. Vault enclosures shall be liquid and vapor tight without backfill. The sides and bottom of the enclosure shall be of reinforced concrete and listed for a two hour fire exposure with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors or liquid can escape into the enclosed space. A means shall be provided whereby portable equipment may be employed to discharge to the outside any vapors which might accumulate should any leakage occur.

10. Storage vault and tank assemblies shall provide overfill containment protection which will contain a minimum of five gallons of spillage. Such containment shall be around the fill pipes. Provisions for preventing rain water or snow melt from entering the overfill containment area shall be made.

11. Each storage vault or tank shall rest on concrete supports meeting nationally recognized approved engineered standards to support the weight of the tank, vault or outer shall and its contents. When designing the supports, visual inspection of the underside of vault is required.

12. The storage vault and tank system shall rest on an engineered concrete pad. Restraining from flotation shall be provided in areas prone to flooding. Refer to Uniform Building code, Chapter 23 for requirements.

13. Storage vaults and tanks must be clearly marked with their produce name and the words “FLAMMABLE (OR COMBUSTIBLE) KEEP FIRE AWAY.” The dispensing and filling area shall be posted as “NO SMOKING” area for at least 25 feet in all directions. Dispensing areas must be posted with “NO SMOKING OR OPEN FLAMES ALLOWED, STOP ENGINES WHILE REFUELING.” Letters for signs must be a minimum of two inches in height and ½ inch stroke on a background of contrasting color.

14. Storage vaults, tanks and dispensing units shall be protected from physical damage by the installation of six-inch concrete filled bollards located at least 12 inches from the vault or tank and spaced a maximum of four feet apart on all sides of the vault or tank subject to such damage. A concrete “jersey barrier” may be used in lieu of the bollards.

15. A concrete pad shall be provided under vehicles being refueled where required by local jurisdiction.

16. The area around the storage vault or tank shall be maintained free from weeds and brush at all times for at least ten feet in all directions. No other storage is permitted in the area or under the storage vault or tank.

17. The storage vault or tank and the dispensing units shall be secured to prevent tampering when not in use.

D. Pumps and dispensing units.

1. All pumps and dispensing units used in conjunction with the installation shall be tested and listed by a nationally recognized testing laboratory for use with the product being stored in the vault or tank assembly.

2. All electrical wiring shall comply with the National Electrical Code.

3. The pump shall take its suction from the top of the vaulted tank or the storage tank.

4. Remote pumping stations are prohibited.

5. Emergency pump shut off switches shall be provided within 75 feet but not closer than 15 feet from all dispensers. The switches shall not be located inside any building. A sign shall be posted "EMERGENCY PUMP SHUTOFF" at the shutoff switch. The sign shall be legible for a distance of 75 feet.

6. A portable fire extinguisher with a minimum 2A-20BC classification shall be located in an accessible location not more than 30 feet from the dispensing unit.

7. For refueling operations conducted between 30 minutes after sunset and 30 minutes before sunrise, adequate lighting is required to be permanently mounted in the area of the refueling operations.

E. Waste oil tanks.

1. Where the product stored in the storage vault or tank assembly is pumped in or poured in, such as waste oil tanks, ball check valves at the fill and at the withdrawal lines shall be provided.

2. Waste oil lines shall not be under pressure inside any building.

3. Storage vault or tank assemblies containing waste oil shall be provided with a reliable level indicator.

F. Container filling.

1. Class I flammable liquids shall not be dispensed into containers unless the nozzle and the container are electrically bonded.

2. Product may be dispensed into approved containers only. Class I liquids shall not be dispensed into glass or plastic containers at any time.

G. Training.

1. Every facility with a storage vault shall provide training to employees to include but not be limited to:

a. Use and care of the vault;

b. Procedures in the event of a spill or leak;

c. Training in the use of portable fire extinguishers;

d. Initial training to all employees;

e. Annual training to all employees.

2. Training records shall be retained for inspection by the fire department. (Ord. 801, 1997; Ord. 763, 1996; Ord. 671, 1994; Ord. 641, 1994; Ord. 167, 1968)

20.664.170 Telecommunications sites.

The following standards apply to all telecommunication sites as defined in this title:

A. The height of wireless communications facilities includes all antenna array structures.

B. Antenna support structures, where utilized, must be monopole type.

C. The wireless communications facility shall be located on the existing structure so as to minimize visual impacts from surrounding properties and rights-of-way.

D. All antennas and support structures must be painted to be architecturally compatible with the building on which it is located or painted to minimize visual impacts where the structures extend above the roof line.

E. Roof-mounted antenna support structures shall be located no closer to the nearest edge of the roof than the height of the structure with all antennas and other equipment attached.

F. Accessory equipment and equipment structures must be screened or designed according to the provisions of this title and the adopted Douglas County design manual.

G. Telecommunications sites are prohibited on residential structures and accessory residential structures.

H. The following additional standards apply within residential zoning districts:

1. Telecommunications antennas may only be located on alternative tower structures

2. Accessory equipment structures are limited in size to 120 square feet.

I. Telecommunication sites, as defined is section 20.660.130.H, are subject to minor design review.

J. Exemptions. The following facilities are exempt from county review:

1. Antennas not exceeding four feet high and 580 square inches in area as viewed from any one point, or tubular antennas not more than four inches in diameter and 15 feet in height when placed on an existing non-residential structure.

2. Antennas that are fully enclosed inside an existing structure.

3. Usual and incidental repair and maintenance of existing telecommunications sites. (Ord. 871, 1999)

20.664.180 Telecommunications facilities.

The following standards apply to all telecommunications facilities as defined in this title:

A. Maximum heights. The height of telecommunications facilities includes all antenna array structures. The following are the maximum facility heights permitted within the applicable zoning districts:

1. NC, MUC, OC, GC, TC, PR and AP: 60 feet.

2. PF, LI, and SI: 80 feet.

3. GI and A-19: 100 feet.

4. FR-19 and FR-40: 120 feet.

5. Residential zoning districts: Prohibited.

B. Setbacks.

1. Telecommunications facilities and accessory structures that do not exceed the maximum required height of the applicable zoning district must meet the required building setbacks for the zoning district in which the facility is located.

2. Facilities exceeding the height requirement of the zoning district in which the facility is located shall have the following minimum setbacks:

a. A minimum of 20% of the structure height or the minimum required setback of the applicable zoning district, whichever is greater, from all property lines.

b. A minimum of five-times the structure height from any residentially zoned property, master plan designated receiving area, and any existing residence on surrounding properties located within the A-19 or FR-19 zoning districts.

c. A minimum of 2,500 feet from major highway and road corridor rights-of-way, including US 395, SR 88, SR 208, SR 207, US 50, Foothill Road and Jacks Valley Road, excluding facilities to be located within the town boundaries of Minden or Gardnerville.

d. A minimum separation of one mile between all telecommunications facilities, measured from the nearest point of each structure, including facilities with a valid approval that have not yet been constructed.

3. Telecommunications facilities shall not be located within the front-yard area when there is an existing building on the parcel.

C. Design criteria.

1. Support structures for wireless communications antennas shall be monopole type. The use of lattice tower structures or guyed-wire towers is prohibited.

2. Monopole support structures may not exceed four feet in diameter unless technical evidence is provided showing that a larger diameter is necessary to attain the proposed tower height and that the proposed tower height is necessary.

3. Wireless communications facility support structures and antennas must be painted a non-glossy color so as to minimize visual impacts from surrounding properties. Specific color is subject to county review based on a visual analysis of the particular site.

4. Accessory structures must be designed and screened according the provisions of the adopted Douglas County design manual.

5. Support structures for wireless communications antennas shall be designed to allow at least one additional wireless service provider to co-locate antennas on the structure.

6. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. Security lighting must be in conformance with this title and the adopted design manual.

D. Access.

1. Unmanned telecommunications facilities must have a minimum 12 foot access easement to the facility.

2. When access is from a paved public street or alley, a paved driveway approach shall be constructed a minimum ten feet in length and 12 feet in width at the point of access.

E. Signage. A permanent, weather-proof identification sign, approximately 16 inches by 32 inches in size, must be placed on the gate of the fence around the facility or, if there is no fence, on the facility itself. The sign must identify the facility operator(s), provide the operator's address, and specify a 24-hour telephone number at which the operator can be reached so as to facilitate emergency services.

F. Landscaping.

1. Landscaping is to be provided in accordance with section 20.694

(Landscaping) for the purposes of screening the facility from surrounding properties or rights-of-way.

2. Landscaping must include re-vegetation of any cut or fill slopes. Where native vegetation exists, re-vegetation should include native plant species that can exist without irrigation.

3. Where possible, existing plants and trees should be used to the full extent possible for screening the facility.

G. Noise and traffic.

1. Backup generators shall only be operated during power outages and for testing and maintenance purposes. Testing and maintenance shall only take place on weekdays between the hours of 7 a.m. and 7 p.m.

2. Traffic shall be limited to no more than one round-trip per day on an average annual basis once construction is complete, except for emergency maintenance purposes.

H. Submittal requirements. In addition to the submittal materials required by the special use permit application, the following must be submitted with an application for a telecommunications facility:

1. A vicinity map showing the proposed telecommunications facility's distances from existing residential areas, existing residences, major roads and highways, and other telecommunications facilities pursuant to paragraph B, above.

2. A visual simulation showing the proposed structure as it would be seen from surrounding properties that may be visually impacted by the structure, including but not limited to surrounding residential properties and rights-of-way. The visual simulation may include a photo montage, field mock-up or other techniques.

3. A written statement to Douglas County indicating the technical reasons why there is no alternative site for co-location of the facility or written proof of refusal of the owner of the tower(s) in the vicinity to provide space at a fair rate of compensation.

4. A written statement to Douglas County indicating that the proposed tower structure is designed to accommodate at least one additional service provider in the future, and that the facility owner will make a good-faith effort to work with other service providers to co-locate antennas on the proposed structure in the future.

5. A copy of the property lease agreement including provisions for removal of the facility within six months of its abandonment, and provisions for county access to the facility for removal where the provider fails to remove the facility within six months of its abandonment.

I. Conditions of approval. The following conditions must be met prior to the service provider obtaining a building permit for the telecommunications facility:

1. The applicant shall provide proof of notification of an offer of co-location opportunities on the new facility to other service providers.

2. The applicant shall sign and record with the Douglas County recorder a legally binding agreement limiting any co-location costs assessed to other service providers to a pro rata share of the ground lease, site acquisition cost, design, capital costs for construction of the tower including associated permitting costs, and

reasonable maintenance, repair and replacement costs.

J. Reduction in required facility separation. A reduction in the required separation between telecommunication facilities may be granted as part of the special use permit approval where technical evidence has been provided to substantiate the following findings:

1. The granting of the variance will not substantially impair the intent and purpose of this title or the goals, policies and objectives in the adopted master plan;

2. The variance is not requested exclusively on the basis of economic hardship to the applicant;

3. The variance is necessary and essential to providing the applicant's wireless service, based on the technical constraints of locating the facility in accordance with the required separation;

4. Evidence has been submitted to the satisfaction of the county showing that co-location on existing tower structures is not available or is not technically feasible. Evidence may include a written statement from the service provider with the existing facility that co-location is not feasible.

K. Variances. Notwithstanding paragraph J above, all variance requests relating to telecommunications facilities are to be considered under the variance provisions of section 20.606. In addition to the required findings pursuant to section 20.606, the following findings must be made:

1. The granting of the variance will not substantially impair the intent and purpose of this title or the goals, policies and objectives in the adopted master plan;

2. The variance is not requested exclusively on the basis of economic hardship to the applicant;

3. The variance is necessary and essential to providing the applicant's wireless service, based on the technical constraints of locating the facility in accordance with the required separation;

4. For highway or road corridor setbacks, the proposed facility is not visible from the subject right-of-way or the facility includes features that minimize the visual impacts from the subject rights-of-way.

L. Minor modifications. Modifications may be approved by the director under the provisions of a minor design review where the modifications meet the following criteria:

1. The height of the facility does not increase by more than 10 feet above the height of the original facility as approved by a special use permit and the facility meets the height provisions and required setbacks.

2. The existing facility complies with all other applicable standards in this section.

M. Abandoned towers.

1. Any telecommunications facility that is not operated for a continuous period of six months or falls into disrepair shall be considered abandoned.

2. The owner of any abandoned telecommunications facility shall remove the facility within six months of its abandonment.

3. If an abandoned facility is not removed within six months, the county may

remove the facility at the property owner's expense.

4. Where two or more users share a single facility, the facility shall not be deemed abandoned until all users cease operation of the facility.

N. Inventory and tracking. The department shall compile and maintain a list of telecommunications facilities based on information provided by wireless service providers. The list shall include existing facility locations, structure heights, number of service providers using the facility, and availability of space for additional users based on prior approvals.

O. Existing, nonconforming facilities. Telecommunications facilities approved prior to the adoption of this ordinance that do not meet the required setbacks or height limitations shall be considered legal conforming structures provided that the height of the structure is not increased. (Ord. 871, 1999)

20.664.200 Wind energy conversion system, commercial.

A commercial wind energy conversion system with a total system height more than 400 feet and that is intended to produce electricity to sell for consumption.

A. A special use permit is required for all commercial wind energy conversion systems.

B. Commercial wind energy conversion systems may be permitted in the FR-19 and FR-40 zoning districts.

C. Total system height must not exceed 400 feet.

D. The minimum setback for a property line which separates two distinct owners is equal to the total system height.

E. The minimum setback from any master plan designated receiving area and any existing residence is 2,500 feet and 1,000 feet from any public right-of-way.

F. The blade diameter must not exceed 200 feet.

G. The tower, or any of its parts, may not be located in or on a drainage, utility or other established easement.

H. The system must be in compliance with FAA regulations regarding structure height and lighting.

I. If a wind system is not used for one year to generate electricity or the permit has expired, the system must be removed and the property restored to its previous condition within 120 days.

J. Wind turbines must be approved by a wind certification program which is recognized by the American Wind Energy Association.

K. The system must be in compliance with Douglas County-adopted building codes.

L. Utility notification: A wind energy system may not be installed until evidence has been given that the utility company has been informed of the customer's intent and written permission granted to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

M. The noise levels generated by a WECS must comply with chapter five, noise section, of the 2006 Master Plan.

N. Climbing apparatus-- Any climbing apparatus must be located at least 12 feet

above the ground, and the tower must be designed to prevent climbing within the first 12 feet.

O. The colors of materials used in the construction of the tower must be muted and visually compatible with the surroundings.

p. The applicant must have a Nevada Fish and Wildlife biologist professional conduct a species list study of the proposed site and extending one mile beyond the property lines of the subject parcels. (Ord. 1215, 2007)

20.664.210 Wind energy conversion system, commercial use test site.

Electrical equipment, wind sensors, communication devices, towers, guy wires and anchors, and other associated controls to measure, monitor and report wind speed, wind direction and other wind related data.

A. A temporary use permit is required for commercial wind energy conversion system test sites.

B. Test sites may be permitted in FR-19 and FR-40 zoning districts.

C. Test towers height must not exceed 200 feet in height.

D. The minimum setback is 750 feet from any master plan designated receiving area and any existing residence and 500 feet from any public road right-of-way.

E. No rotor blade is permitted under a wind energy conversion system, commercial use test site temporary use permit.

F. Test site equipment, or any of its parts, may not be located in or on a drainage, utility or other established easement.

G. Compliance with FAA regulations regarding structure height and lighting.

H. Temporary use permits for test site shall expire in 24 months after construction, the test site equipment must be removed and the property restored to its previous condition prior to the expiration of the temporary use permit.

I. Compliance with Douglas County adopted International Building Code.

J. The noise levels generated by a WECS must comply with chapter five, noise section, of the 2006 Master Plan.

K. Climbing apparatus- Any climbing apparatus must be located at least 12 above the ground, and the tower must be designed to prevent climbing within the first 12 feet. (Ord. 1215, 2007)

20.664.220 Wind energy conversion system, micro.

A. Wind energy conversion systems must be accessory to the existing or proposed use.

B. Maximum total system height and required applications.

1. Agricultural, Forest and Range, and Residential zoning districts.

a. Wind energy conversion systems must not exceed 50 feet.

i. Total system heights of 35 feet or less are permitted by right.

ii. Total system heights greater than 35 feet require minor design review.

iii. Wind energy conversion systems which are setback 200 feet or greater are exempt from obtaining a minor design review or special use permit regardless of height.

2. Non-Residential zoning districts.

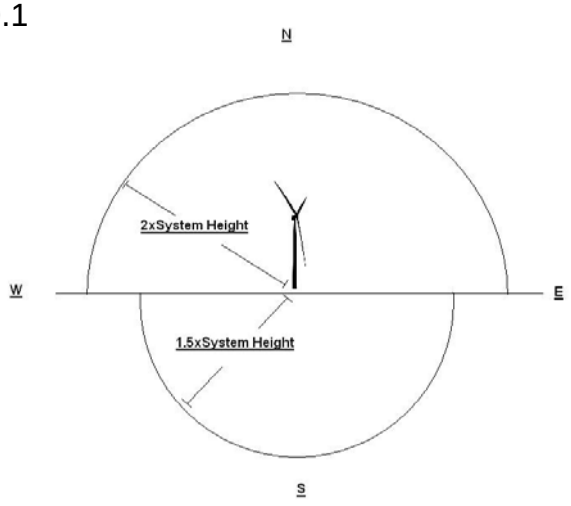
a. Wind energy conversion systems must not exceed 50 feet.

C. Required setback standards.

1. Agricultural, Forest and Range, and Residential zoning districts.

a. Wind energy conversion systems must be setback two times the total system height along the northern half of the setback circle and 1.5 times the total system height along the southern setback circle (See Figure 20.664.020.1)

Figure 20.664.020.1



2. Non-Residential zoning districts.

a. Wind energy conversion systems must meet zoning district setback standards.

i. When adjacent to a residential zoning district, wind energy conversion systems must be setback from all property lines which abut a residential zoning district in compliance with 20.664.220.C.1.a.

D. Maximum blade diameter dimension for all zoning districts.

1. Wind energy conversion systems with blades rotating around a vertical axis must not exceed 10 feet in diameter.

E. Minimum parcel size and maximum number of wind energy conversion systems per parcel.

1. Agricultural, Forest and Range, and Residential zoning districts.

a. Parcels are limited to four wind energy conversion systems, regardless of type; each micro wind energy conversion system requires two gross acres.

2. Non-Residential zoning districts.

a. Parcels are limited to eight wind energy conversion systems, regardless of type; each micro wind energy conversion system requires one half gross acres.

F. All wind energy conversion systems must comply with the noise requirements in this section. Noise regulations in this section and in County Code may be exceeded during short-term events such as utility outages and severe weather events.

1. Wind systems must comply with County Code, Section 20.690.030 (N) Noise.

2. A manufacturer's sound report must be submitted with each building permit.

3. No wind energy conversion system or combination of wind machines must be operated so that impulsive sound below 20 Hertz adversely affects the habitability or use of any off-site dwelling unit, hospital, school, library, or nursing home.

G. All wind energy conversion systems must comply with Douglas County adopted fire and building codes.

H. All rotating blades must be a minimum of 10 feet from the finish grade.

I. Evidence must be submitted with a building permit application that the wind energy conversion system has been constructed in accordance with an accepted industry standard and certified safe.

J. Wind energy conversion systems must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limitations of the system.

1. Evidence of an external, manual shut-off switch is required prior to Certificate of Occupancy.

K. The tower, or any of its parts, must not be located in or on a drainage, utility or other established easement.

L. Utility notification: A wind energy conversion system may not be installed until evidence has been given that the utility company has been informed of the customer's intent and written permission granted to install an interconnected customer-owned generator. Off-grid systems must be exempt from this requirement.

M. Wind energy conversion systems must be a monochromatic, neutral, and non-reflective color that conforms to the architecture of other structures located on the same parcel and maintains uniformity throughout the site when there is more than one system on the same parcel. Advertisements are prohibited on all wind energy conversion systems.

N. Wind energy conversion systems must not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting must be the lowest intensity allowable under FAA regulations.

O. Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.

P. If a wind system is not used for one year to generate electricity or the permit has expired, the system and its components must be removed and the property restored to its previous condition within 120 days. (Ord. 1313, 2010; Ord. 1215, 2007)

20.664.230 Wind energy conversion system, small.

A. Wind energy conversion systems must be accessory to the existing or proposed use.

B. Maximum total system height and required applications.

1. Agricultural, Forest and Range, and Residential zoning districts.
    a. Wind energy conversion systems must not exceed 90 feet.
        i. Total system heights of 35 feet or less are permitted by right.
        ii. Total system heights greater than 35 feet and less than 50 feet require minor design review.
        iii. Total system heights exceeding 50 feet require special use permit.
        iv. Wind energy conversion systems which are setback 300 feed or greater are exempt from obtaining a minor design review or special use permit regardless of height.
2. Non-residential zoning districts.
    a. Wind energy conversion systems must not exceed 90 feet.
        i. Total system heights below 50 feet require minor design review.
        ii. Total system heights exceeding 50 feet require special use permit.

C. Required setback standards.

1. Agricultural, Forest and Range, and Residential zoning districts.
    a. Wind energy conversion systems must be setback two times the total system height.
2. Non-Residential zoning districts.
    a. Wind energy conversion systems must meet zoning district setback standards.
        i. When adjacent to a residential zoning district, wind energy conversion systems must be setback from all property lines which abut a residential zoning district in compliance with 20.664.230.C.1.a.

D. Maximum blade diameter dimension for all zoning districts.

1. Wind energy conversion systems with blades rotating around either a horizontal or vertical axis must not exceed 25 feet in diameter.

E. Minimum parcel size and maximum number of wind energy conversion systems per parcel.

1. Agricultural, Forest and Range, and Residential zoning districts.
    a. Parcels are limited to four wind energy conversion systems, regardless of type; each small wind energy conversion system requires five gross acres.
2. Non-Residential zoning districts.
    a. Parcels are limited to eight wind energy conversion systems, regardless of type; each small wind energy conversion system requires one gross acre.

F. All wind energy conversion systems must comply with the noise requirements in this section. Noise regulations in this section and in County Code may be exceeded during short-term events such as utility outages and server weather events.

1. Wind systems must comply with County Code, Section 20.690.030(N) Noise.
2. A manufacturer's sound report must be submitted with each building

permit.

3. No wind energy conversion system or combination of wind machines must be operated so that impulsive sound below 20 Hertz adversely affects the habitability of use of any off-site dwelling unit, hospital, school, library, or nursing home.

G. All wind energy conversion systems must comply with Douglas County adopted fire and building codes.

H. All rotating blades must be a minimum of 10 feet from the finish grade.

I. Evidence must be submitted with a building permit application that the wind energy conversion system has been constructed in accordance with an accepted industry standard and certified safe.

J. Wind energy conversion systems must be equipped with both manual and automatic controls to limit the rotational speed of the blade within the design limitations of the system.

K. The tower, or any of its parts, must not be located in or on a drainage, utility or other established easement.

L. Utility notification: A wind energy conversion system may not be installed until evidence has been given that the utility company has been informed of the customer's intent and written permission granted to install an interconnected customer-owned generator. Off-grid systems must be exempt from this requirement.

M. Wind energy conversion systems must be a monochromatic, neutral, and non-reflective color that conforms to the architecture of other structures located on the same parcel and maintains uniformity throughout the site when there is more than one system on the same parcel.

N. Wind energy conversion systems must not be artificially lighted unless required, in writing, by the Federal Aviation Administration (FAA) or other applicable authority that regulates air safety. Where the FAA requires lighting, the lighting must be the lowest intensity allowable under FAA regulations.

O. Any climbing apparatus must be located at least 12 above the ground, and the tower must be designed to prevent climbing within the first 12 feet.

P. If a wind system is not used for one year to generate electricity or the permit has expired, the system and its components must be removed and the property restored to its previous condition within 120 days. (Ord. 1313, 2010; Ord. 1215, 2007)

Chapter 20.666

Non-Residential Specific Standards for Permitted, Development Permitted and Special use permit Uses (Table).

20.666.010 Table.

In addition to the general development requirements contained in chapter 20.690 (Property Development Standards), the following uses have specific standards that apply within the non-residential zoning districts. The standards are specified in chapter 20.668:

Key: "+" applies in the land use district.

Specific Standards (*See* section in chapter 20.668)	**PR**	**NC**	**OC**	**GC**	**MUC**	**TC**	**LI**	**GI**	**SI**	**PF**	**AP**
010. Accessory dwelling units	+	+	+	+	+	+	+	+	+	+	+
020. Airport related uses											+
030. Bed and breakfast	+	+	+								
040. Campground	+					+				+	
050. Day care center		+									
060. Drive-through uses	+	+	+	+	+	+	+	+	+	+	
070. Large group care of group home			+		+					+	
080. Multi-family housing (MFR zone)					+						

(continued on next page)

Key: "+" applies in the land use district.

Specific Standards (*See* section in chapter 20.668)	**PR**	**NC**	**OC**	**GC**	**MUC**	**TC**	**LI**	**GI**	**SI**	**PF**	**AP**
.085 Multi-family housing (MCU zone)					+						
090. Open or subsurface mining										+	
100. Personal storage facility							+	+	+		
110. Recreational vehicles	+	+	+	+	+	+	+	+	+	+	+
120. Recycling facility							+	+	+		
130. Vehicle service center, convenience store with gasoline sales		+		+	+	+					
135. Independent congregate senior living community		+	+	+							
140. Service station conversion	+	+	+	+	+	+	+	+	+	+	
150. Sexually oriented businesses									+		
160. Vehicle sales		+		+	+	+					

(continued on next page)

Key: "+" applies in the land use district.

Specific Standards (*See* section in chapter 20.668)	**PR**	**NC**	**OC**	**GC**	**MUC**	**TC**	**LI**	**GI**	**SI**	**PF**	**AP**
170. Stationary tank storage	+	+	+	+	+	+	+	+	+	+	+
180. Telecom. site	+	+	+	+	+	+	+	+	+	+	+
190. Telecom. facility	+	+	+	+	+	+	+	+	+	+	+
200. Wind energy conversion system, commercial										+	
210. Wind energy conversion system, commercial use test site										+	
220. Wind energy conversion system, Micro	+	+	+	+	+	+	+	+	+	+	+
230. Wind energy conversion system, small	+			+	+	+	+	+	+	+	+

(Ord. 1313, 2010; Ord. 1279, 2009; Ord. 1215, 2007; Ord. 1173, 2006; Ord. 1036, 2003; Ord. 871, 1999; Ord. 801, 1997; Ord. 763, 1996)

Chapter 20.668
Non-Residential Uses Specific Standards.

Section:

20.668.010 Accessory dwellings.
20.668.020 Airport related facilities.
20.668.030 Bed and breakfast.
20.668.040 Campgrounds.
20.668.050 Day care center.
20.668.060 Drive-through uses.
20.668.070 Large group care or group home.
20.668.080 Multi-family housing – MFR zone.
20.668.085 Multi-family housing – MUC zone.
20.668.090 Open and subsurface mining.
20.668.100 Personal storage facility (mini-storage).
20.668.110 Recreational vehicles.
20.668.120 Recycling facilities for reusable domestic containers.
20.668.130 Major or minor vehicle service center or convenience store with gasoline sales (service stations or gas stations).
20.668.135 Independent congregate senior living community.
20.668.140 Service station conversions.
20.668.150 Adult characterized businesses.
20.668.160 Vehicle sales.
20.668.170 Stationary tank storage (above ground).
20.668.180 Telecommunications sites.
20.668.190 Telecommunications facilities.
20.668.200 Wind energy conversion system, commercial.
20.668.210 Wind energy conversion system, commercial use test site.
20.668.220 Wind energy conversion system, micro.
20.668.230 Wind energy conversion system, small

In addition to the general development requirements contained in chapter 20.690 (Property development standards), the following standards apply to specific commercial land use districts (See table 20.666 on previous pages):

20.668.010 Accessory dwellings.

Accessory dwellings within non-residential zoning districts shall be constructed or utilized in compliance with the following standards:

A. Accessory dwellings within non-residential zoning districts must be accessory to a primary permitted use on the same parcel.

B. Except as provided in paragraph C, below, an accessory dwelling shall be limited to no more than 1,000 square feet of livable area.

C. A person may utilize an existing residential structure, regardless of size, as an

accessory dwelling in a non-residential zoning district provided that at least 25 percent of the total floor area is utilized for a permitted non-residential use within that zoning district.

D. No more than one accessory dwelling is permitted on any parcel or lot.

E. The accessory dwelling shall be provided with one off-street parking space in addition to that required for the primary on-site use. No variance or minor exception may be filed to allow parking within the required front-yard setbacks.

F. Where the accessory dwelling is proposed on a parcel served by an individual well, the applicant shall submit a letter or other evidence that service is approved by the state engineer. (Ord. 1182, 2006; Ord. 801, 1997; Ord. 763, 1996)

20.668.020 Airport related facilities.

A. "Airport and aviation uses permitted" in the airport district are:

1. Aeronautical facilities as shown on the approved airport layout plan;
2. Aircraft charter, including sight-seeing, and rental;
3. Aircraft maintenance, repair, salvage, painting, upholstering and sales;
4. Aircraft operations, including but not limited to takeoffs, landings, taxiing, preflight engine run-ups and related activities;
5. Aerial photography services;
6. Aircraft storage including tie-downs, shelters, and hangars;
7. Aviation clubs;
8. Avionics sales and repair;
9. Banner towing;
10. Buildings and facilities associated with management and operation of the airport;
11. Cargo transport (aircraft with gross takeoff weights of less than 30,000 pounds for single wheel, 50,000 pounds for multiple);
12. Drainage and utility systems and access roads supporting operation of the airport;
13. Flight training (powered, sailplane, and helicopter), except commercial airline or transport training centers;
14. Offices, facilities and storage yards for public and quasi-public agencies;
15. Manufacturing of aircraft or aircraft components;
16. Pipeline and power line patrol;
17. Retail aircraft fuel, lubricant, and part sales;
18. Retail pilot supply sales;
19. Re-manufacturing of aircraft components;
20. Temporary housing for emergency personnel;
21. Accessory uses when associated with a principal permitted use. "Permitted accessory uses" are:
    a. Car rental agencies with up to ten rental vehicles;
    b. Caretaker's quarters;
    c. Classrooms;

d. Gift shop;

e. Kitchens and sleeping quarters associated with corporate flight centers up to 500 square feet which are designated for short-term occupancy (less than 24 hours);

f. Lounges and bars provided they are associated with a restaurant and represent no more than 25 percent of the gross floor area of the restaurant;

g. Newsstands;

h. Offices;

i. Flight simulators;

j. Parking lots;

k. Pilots lounges;

l. Rest rooms;

m. Snack bars and restaurants (up to 60 seats); and

n. Storage of materials necessary to the operation of the primary use, including but not limited to short-term storage of hazardous materials, provided that all storage is screened from public rights-of-way;

22. Other uses which are determined by the planning commission to be similar to and compatible with those listed above provided that the determination is made in writing and upon review and recommendation by staff through an ordinance amendment.

B. “Uses permitted subject to a special use permit” are:

1. Aviation uses which may produce unacceptable environmental or operational effects, or which may be of a scale requiring the attachment of special operational standards and conditions including the following:

a. Aerial applicator uses (“crop dusters”);

b. Aeronautical research;

c. Aviation mechanics school;

d. Cargo transport using aircraft with gross takeoff weights of 30,000 up to 50,000 pounds;

e. Flight training, commercial airline and transport training facilities

f. Museums with an aeronautical theme;

g. Scheduled passenger service;

h. Other aeronautical uses not listed above which are determined to be similar to and compatible with those identified uses; and

i. Parachute and other similar schools including offices, classrooms and training facilities;

2. Aviation supporting uses including, but not limited to hotels, motels, conference facilities, campgrounds, RV parks, stand alone restaurants, gasoline sales or service stations (automotive), and car rental agencies with greater than ten rental vehicles;

3. Uses listed in subsection A.21, above, where not associated with any principal use;

4. Uses which derive more than 25 percent of their gross annual income from

sales or services which are not aviation related. Uses may include, but are not limited to:

a. Manufacturing processing, assembly fabrication, warehousing, and research or experimental laboratories;

b. Administrative and executive offices when associated with a permitted use;

c. Offices and commercial establishments which provide services or consultation to other permitted uses, excluding retail uses intended to serve the general public;

5. Other uses which are compatible with aviation uses, and which would produce revenue to support operation of the airport.

C. “Prohibited uses” are:

1. Residential uses other than those specifically permitted;

2. Uses which might impair visibility through the creation of smoke, dust or steam;

3. Uses which produce light emissions which might interfere with pilot vision;

4. Uses which could produce electrical emissions which would interfere with aircraft communication systems or navigational equipment;

5. Uses which would penetrate Federal Aviation Regulations Part 77, Surfaces Defined for the Airport, unless an aeronautical study determines that the use would not be an obstruction; and

6. Uses which would penetrate critical areas of navigational aids.

D. “Standards for permitted uses”.

1. Signs. The Douglas County sign ordinance shall apply to all uses within the airport zone except where a specific provision to the contrary is provided in this chapter. Each business facing a private or public street shall be permitted one wall sign and one freestanding sign, with a maximum height of seven feet, for each street frontage. Total surface area for each sign must not exceed 200 square feet and is calculated at 1.25 times the linear width of the structure facing the street (i.e. 100 feet X 1.25 = 120 square feet of signage). Freestanding signs shall be limited to a maximum area of 50 square feet.

a. For those businesses, except rental storage hangars, which provide aviation or aviation-support services, additional signage is permitted in accordance with the following provisions:

i. A maximum of two signs are permitted for each habitable structure accessing an airport taxiway.

ii. Each sign must be wall-mounted and may be illuminated, internally or externally.

iii. For each structure, the applicant must identify a principal frontage and a secondary frontage. Principal frontages are permitted a maximum 100 percent of the allowable area provided below, while secondary frontages are permitted a maximum 50 percent of the allowable area. The following schedule shall apply to all such signs:

(a) The sign area shall not exceed a ratio of two times the linear frontage of the wall in which the sign is to be located.

(b) The sign may not exceed 75% of the width of the wall in which the sign is to be located.

(c) Individual letters on the sign may not exceed 40 inches in height.

(d) Self service fuel dispensing facilities are allowed one additional pole-mounted, illuminated sign not to exceed 50 square feet for each self service fuel facility with a maximum height of the lesser of 20 feet or 2 feet less than penetrating Federal Aviation Regulation Part 77.

b. Businesses providing rental storage hangars are permitted one sign for each bank or group of hangars in accordance with the following schedule:

i. The total sign area may not exceed 50 square feet.

ii. The sign may not exceed 75 percent of the width of the wall in which the sign is to be located.

iii. Individual letters on the sign may be no larger than 18 inches in height.

c. No signs are permitted beyond the building restriction line except for airfield signs meeting Federal Aviation Administration standards with county approval.

d. As part of an overall sign program, the county or its assignee may permit the construction of airport entrance identification signs subject to the following requirements:

i. The total sign area is not to exceed 50 square feet;

ii. Total height of the sign and structure is not to exceed ten feet in height;

iii. Signs may only be constructed at public entrances to the airport and must be located on county owned property outside of the public right-of-way.

iv. The sign must include reference to the Douglas County airport; however, the signs may also include a listing of those uses or businesses accessible from the street. Any business identification signage shall be of uniform size and may not exceed six square feet in sign area.

2. Landscaping. Non-aviation or aviation-supporting uses must provide landscaping as part of the development plan. The percentage required shall be consistent with that required under the landscape ordinance. Because of the unique characteristics of the airport and leaseholds, a portion of the required landscaping may be relocated to common areas and entrances of the Douglas County airport. Additionally, at the discretion of the operations manager, the developer may pay an in-lieu fee for that portion of the landscaping which would be transferred. Aviation uses must landscape those portions of their leasehold which face a street. No landscaping is required on those portions of the leasehold accessible by aircraft. The areas required to be landscaped shall meet the following:

a. Landscape planter areas located adjacent to streets must not be less than 15 feet in width.

b. Landscape planter areas located along side yards, outside of aircraft operations areas, must be a minimum five feet in width.

c. All other landscape planters must be a minimum four feet in width.

3. Outside storage. Outside storage must be minimized. All outside storage must be suitably screened from surrounding areas by walls, plantings or other barriers as specified under the design review approval.

4. Fencing and gates. Fencing and gates shall be constructed to the extent necessary to restrict access to the airfield to the satisfaction of the operations manager.

5. Lighting. Exterior lighting shall be installed in a manner to prevent any nuisance or hazard to adjoining uses, traffic on public streets or aircraft operations. All light fixtures shall be of a “shoe-box” variety which directs light to the ground and limits dispersion of light. No unshaded light source will be permitted.

6. Off-street parking. Parking shall be provided in accordance with chapter 20.692. Each use shall have sufficient parking available to serve the uses conducted on its leasehold. No on-street parking may be counted toward required off-street parking. Automobile parking is permitted within a hangar while the aircraft normally stored in the hangar is in use. Parking requirements for aviation-supporting uses shall be based upon the most similar use as contained in this title. Where adopted standards do not establish a specific standard, the parking requirement shall be established by the planning commission following consultation with the director and operations manager. The required number of loading spaces shall be determined as part of the design review process. To the extent feasible, loading activities are to be located at the rear of the building or screened from public view.

7. Aircraft parking. All aviation uses must provide sufficient space on the leasehold for parking and staging of aircraft using the facility.

8. Building height. No building or structure within the airport zone may exceed 45 feet in height. Additionally, no building or structure may penetrate the Federal Aviation Regulations Part 77, Imaginary Surfaces, defined for the Douglas County airport unless an aeronautical study has determined that the structure would not constitute an obstruction.

9. Leasehold area. The minimum leasehold size is one-half acre, with the exception of aircraft storage hangars which may be less than one-half acre provided the performance criteria which follow are met. All uses must have a lot of sufficient size to encompass all elements of their operation, including buildings, storage, auto parking, aircraft storage, staging of aircraft, and parking of service vehicles, such as fuel trucks.

10. Yards. No setbacks from leasehold lines are required, except to accommodate required landscaping or to meet setbacks designated on the approved airport layout plan. For the purposes of building regulations, that portion of a leasehold adjacent to a taxiway shall be treated as if the taxiway was a public street.

11. Taxiways. Lease holders shall be responsible for constructing, paving and maintaining any taxiways necessary to connect their leasehold to public taxiways. The location and design of these taxiways must be approved by the director and the operations manager.

E. Compliance with chapter 20.614 (Design Review).

1. In order to insure consistency with the purpose of the district and compatibility of uses, the airport layout plan, development standards, conditions of any applicable special use permit approval,

any new construction or substantial alteration of an existing use must comply with the provisions of chapter 20.614, design review. (Ord. 1002, 2002; Ord. 801, 1997; Ord. 763, 1996; Ord. 691, 1995)

20.668.030 Bed and breakfast.

See section 20.664.030. (Ord. 763, 1996)

20.668.040 Campgrounds.

A. Applicability.

1. All existing trailer parks duly licensed in the county on the effective date of the ordinance codified in this chapter shall be considered as conforming in all respects with the provisions of this chapter. An existing, conforming trailer park may request to replace or construct improvements or replace units for health and safety reasons that may not be otherwise allowed in the park's zoning district. The improvements or replacement units cannot change the type of use or the number of units in the park. The permit for the work may be issued on written approval of the director.

2. All individual trailers not in conformance with this chapter shall be removed within a period of one year.

B. Campground requirements. Each campground shall be constructed and operated under the provisions of this chapter and shall provide for the following:

1. A location on a well-drained, properly graded site, free from hazards, unusual noises, probability of flooding or erosion. Soil, ground water, drainage, rock formations and topography shall not create undue hazards to property or endanger the health and safety of the occupants;

2. A single area of not less than two acres;

3. Direct vehicular access to an improved public street or width and construction suitable to traffic requirements of the property served;

4. Landscaping or fencing designed to screen the street and adjoining properties, as approved through special use permit approval;

5. Every space shall be clearly defined and abut a driveway or other clear area with unobstructed access to an interior road. Recreational vehicles shall be parked in spaces so that there will be a minimum of 15 feet between units and so that none will be less than 20 feet from exterior boundary of the park;

6. Interior access roads providing for continuous forward movement, connecting with a street or highway, and having a minimum width of 20 feet for a one-way street system and 30 feet for a two way pattern. All driveways shall be hard surfaced with A/C paving, well marked in daylight and lighted at night with at least the equivalent of a 100 watt lamp for each 100 feet;

7. A centrally located common area for recreation, in the amount of at least 200 square feet per individual trailer space;

8. An accessible, adequate, safe and potable supply of water capable of furnishing a minimum of 150 gallons per day per trailer space. Furthermore, fire flows shall be provided as required by the county fire marshal. The development of an independent water supply to serve the campground shall be made only after express approval has been granted by the state health department. Where a public supply of water of such quality is available connection shall be made to it and its supply shall be used exclusively;

9. Each campground shall be provided with toilets, baths or showers and other sanitation facilities as follows:

a. Toilet facilities for men and women in either separate buildings at least 20 feet apart or in the same building separated by a soundproof wall, consisting of not less than one flush toilet, one shower or bathtub and one washbasin for each sex, for every ten dependent trailer spaces. Each toilet, wash basin or bathtub shall be in a private compartment with a door to insure privacy and one full set of sanitary facilities for each sex shall be the minimum requirement for each dependent park regardless of its size;

b. Service buildings housing toilet facilities shall be moisture-proof, permanent structures, complying with all the applicable laws regulating construction and equipment. They shall be well lighted at all times and the floors shall be of water-impervious materials sloping to a floor drain connecting with the sewage system;

10. Trash enclosures per the standards set forth in the design criteria and improvement standards manual;

11. Sufficient number of three-quarter inch faucets of non-freezing types shall be so located and installed to reach all trailer spaces with a 50-foot garden hose extension. Two 50-foot lengths of dry, unfrozen hose shall be located on the premises for immediate use;

12. All sites and site improvements shall be harmoniously and efficiently organized in relation to topography, shape and building location, with full regard to use and appearance and advantages of view, trees and other site features;

13. All service buildings and the grounds of the trailer park shall be maintained in a clean, sightly condition and kept free of any condition that will constitute a menace to the occupants or general public;

14. Sewage and waste from all sources shall be discharged into a public wastewater treatment facility.

15. Each space shall provide:

a. An electrical outlet supplying at least 110 volts to each space which is grounded and weatherproof and in compliance with all state and local codes;

b. A minimum space of 1,000 square feet which shall be at least 25 feet wide;

16. Each park constructed, operated and licensed, shall be limited solely and only to recreational vehicles, and shall not be converted or used as a manufactured

home park without full compliance of all requirements governing manufactured home parks.

C. Permittee. Registration and sanitation duties.

Each campground permittee, under the terms of this chapter, shall perform faithfully the following:

1. Keep and maintain a register in duplicate of all trailers and occupants located within the park at all times. This register shall contain:

a. Name of each occupant;

b. License number, as well as the state issuing the license, make, model and year of each trailer, recreation vehicle and motor vehicle parked or stored;

c. Dates of arrival and departure of each trailer, recreation vehicle and motor vehicle;

d. A register shall be available at all times for inspection by law enforcement officers and others whose duties require such information. One copy shall accompany each quarterly payment, the other shall not be destroyed for a period of one year following date of departure;

2. Maintain the park in a clean, orderly and sanitary condition at all times, and see that the provisions of this chapter are adhered to and enforced;

3. Occupancy limited to a transient basis. (Ord. 1035, 2003; Ord. 801, 1997; Ord.763, 1996)

20.668.050 Day care center.

See section 20.664.050. (Ord. 763, 1996)

20.668.060 Drive-through uses.

A. Pedestrian walkways should not intersect the drive-through drive aisles, but where they do, they shall have clear visibility, and they must be emphasized by enriched paving and striping.

B. Drive-through aisles shall have a minimum 14 foot width on curves and a minimum 11 foot width on straight sections.

C. Drive-through aisles shall provide sufficient stacking area behind menu board to accommodate a minimum of five cars.

D. All service areas, rest rooms and ground mounted and roof mounted mechanical equipment shall be screened from view.

E. Landscaping shall screen drive-through or drive-in aisles from the public right of way and shall be used to minimize the visual impact of the menu board sign and directional signs.

F. Drive-through aisles shall be constructed with (PCC) concrete.

G. Drive-through aisles shall be setback from the ultimate curb face a minimum of 20 feet.

H. One menu board per drive-through lane or customer order display (speaker post) may be permitted and shall be a maximum of 30 square feet in size, with a maximum height of seven feet, and shall face away from the street. A maximum of two

menu boards shall be permitted for any drive-through use. A menu board is not calculated as part of the total sign area for the parcel.

I. Drive-through uses within an integrated shopping center shall have an architectural style consistent with the theme established in the center. The architecture of any drive-through must provide compatibility with surrounding uses including but not limited to form, materials, colors, and scale. Structure plans shall have variation in depth and angle to create variety and interest in its basic form and silhouette. Articulation of structure surface shall be encouraged through the width of openings and recesses which create texture and shadow patterns. Structure entrances shall be well articulated and project a formal entrance through variation of architectural plane, pavement surface treatment, and landscape plaza.

J. No drive-through aisles shall exit directly onto a public right-of-way. (Ord. 953, 2001; Ord. 801, 1997; Ord. 763, 1996)

20.668.070 Large group care or group home.

See section 20.664.090. (Ord. 801, 1997; Ord. 763, 1996)

20.668.080 Multi-family housing – MFR zone.

See section 20.664.120. (Ord. 1137, 2006; Ord. 801, 1997; Ord. 763, 1996)

20.668.085 Multi-family housing – MUC zone.

See section 20.664.125. (Ord 1137, 2006; Ord. 801, 1997; Ord. 763, 1996)

20.668.090 Open and subsurface mining.

See section 20.664.130. (Ord. 801, 1997; Ord.763, 1996)

20.668.100 Personal storage facility (mini-storage).

Mini-storage facilities shall, at a minimum, be constructed in the following manner:

A. The minimum site area shall be 20,000 square feet.

B. On-site lighting is required and shall be stationary and directed away from adjoining properties and public rights-of-way.

C. The site shall be completely enclosed with either a six-foot-high solid decorative masonry wall or security fencing with a minimum of eight foot dense landscaping, except for points of ingress and egress (including emergency fire access) which shall be properly gated. Any gate shall be maintained in good working order and shall remain closed except during business hours.

D. No business activity shall be conducted other than the rental of storage spaces for inactive storage use.

E. Unless otherwise permitted, all storage shall be located within a fully enclosed structure.

F. No flammable or otherwise hazardous materials shall be stored on-site.

G. Residential quarters for a manager or caretaker may be provided in the development.

H. The development shall provide for two parking spaces for the manager or caretaker, and a minimum of one parking space per 75 units located adjacent or in a close proximity to the manager's quarters for customer parking.

I. Aisle width shall be a minimum of 30 feet between buildings to provide unobstructed and safe circulation.

J. Every parcel with a structure shall have a trash receptacle on the premises. The trash receptacle shall comply with adopted community development department standards and be of sufficient size to accommodate the trash generated. The receptacles shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height. The gate shall be maintained in working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures.

K. Storage facilities located adjacent to residential districts shall have their hours of operation restricted to 7:00 a.m. to 9:00 p.m., Monday through Saturday, and 9:00 a.m. to 9:00 p.m. on Sundays. (Ord. 801, 1997; Ord. 763, 1996)

20.668.110 Recreational vehicles.

See section 20.664.140. (Ord. 801, 1997; Ord. 763, 1996)

20.668.120 Recycling facilities for reusable domestic containers.

A. Any recycling facility must obtain a permit from the county and is subject to review by the county prior to commencing operation. Any facility will be permitted solely at the county's discretion and authority to displace competition and in compliance with the terms of any applicable franchise agreement.

B. Recycling facilities may be subject to permit review in all commercial and industrial land use district according to the following schedule:

Type of facility	Districts permitted	Permit required
Reverse vending machine	All commercial and industrial	Permitted
Small collection	All industrial	Minor design review
Large collection	All industrial	Special use permit
Light processing	LI, GI	Special use permit
Heavy processing	GI	Special use permit

C. The standards for recycling facilities are as follows:

1. Reverse vending machines located within a commercial structure as long as the use does not require additional parking spaces for recycling customers, and is

permitted in all commercial and industrial land use districts subject to compliance with the following standards:

a. Shall be installed as an accessory use to a commercial use which is in full compliance with all applicable provisions of this code, and shall not obstruct pedestrian or vehicular circulation;

2. Small collection facilities located within applicable commercial and industrial land use districts shall be subject to design review, and comply with the following standards:

a. Shall be installed as an accessory use to an existing commercial use which is in full compliance with all applicable provisions of this code;

b. Shall be no larger than 500 square feet and occupy no more than five parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;

c. Shall be set back behind the front building line of the furthest building located on-site, and shall not obstruct pedestrian or vehicular circulation:

d. Shall accept only glass, metals, plastic containers, papers and reusable items;

e. Shall not use power-driven processing equipment except for reverse vending machines;

f. Shall use containers that are constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and shall be of a capacity sufficient to accommodate materials collected and collection schedule;

g. Shall be maintained in a clean and sanitary manner free of litter and any other undesirable materials, including mobile facilities;

h. Collection containers, site fencing, and signs shall be of a color and design that is compatible with and harmonizes with the surrounding uses and neighborhood;

i. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be dearly marked to identify the name and telephone number of the facility operator and the hours of operation and display a notice stating that no material shall be left outside the recycling enclosure of containers;

j. Signs may be provided as follows:

i. Recycling facilities may have identification signs with a maximum of 15 percent per side of a structure or 16 square feet, whichever is less. In the case of a wheeled facility, the side will be measured from the ground to the top of the container;

ii. Signs shall be consistent with the character of their location; and

iii. Directional signs, consistent with section 20.696.100, bearing no advertising message may be installed with the approval of the director if found necessary to facilitate traffic circulation or if the facility is not visible from the public right-of-way;

k. The facility shall not impair the landscaping required by chapter 20.694

(Landscaping standards) for any concurrent use;

l. No additional parking space shall be required for customers of a small collection facility located at the established parking lot of the primary use. One space will be provided for the attendant, if needed;

m. Small collection facilities may be subject to landscaping and screening as determined by the review authority; and

n. Shall maintain adequate refuse containers for the disposal of non-hazardous waste.

3. A large collection facility which is larger than 500 square feet, or on a separate parcel not accessory to a “primary” use, which has a permanent structure is permitted in the industrial land use districts, subject to a special use permit and the following standards:

a. The facility does not abut a parcel designated or planned for residential use;

b. The facility shall be screened from the public right-of-way, within an enclosed structure;

c. Structure setbacks and landscape requirements shall be those provided for the land use district in which the facility is located;

d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition and screened in accordance with this title.

e. Queuing for a minimum of six vehicles shall be provided outside the parking and drive aisles for the site.

f. Four parking spaces for employees plus one parking space for each commercial vehicle operated by the recycling facility shall be provided on-site;

g. Adequate refuse containers for the disposal of non hazardous waste shall be permanently maintained on-site.

4. Light processing facilities and large processors shall be permitted in the industrial land use districts subject to a special use permit and the following standards:

a. The facility does not abut a parcel designated or planned for residential use;

b. The facility shall be screened from the public right-of-way, within an enclosed structure;

c. Structure setbacks and landscape requirements shall be those provided for the land use district in which the facility is located;

d. All exterior storage of material shall be in sturdy containers which are covered, secured, and maintained in good condition and screened in accordance with this title;

e. Queuing for a minimum of six vehicles shall be provided outside the parking and drive aisles for the site;

f. Four parking spaces for employees plus one parking space for each commercial vehicle operated by the recycling facility shall be provided on-site;

g. Adequate refuse containers for the disposal of non hazardous waste shall

be permanently maintained on-site; and

h. No dust, fumes, smoke, vibration or odor above ambient level shall be detectable from adjacent residentially designated parcels. (Ord. 801, 1997; Ord. 763, 1996)

20.668.130 Major or minor vehicle service center or convenience store with gasoline sales (service stations or gas stations).

Vehicle service centers and convenience stores with gasoline sales shall comply with the following standards:

A. A maximum of two service stations shall be permitted at each intersection.

B. The minimum parcel size shall be 15,000 square feet, with a minimum street frontage of 100 feet on each street.

C. All activities and operations shall be conducted entirely within an enclosed structure, except as follows:

1. The dispensing of petroleum products, water and air from pump islands;

2. The provision of emergency service of a minor nature;

3. The sale of items from vending machines which must be placed next to the main structure in a designated area not to exceed 32 square feet, and which must be screened from public view from the right-of-way;

4. Liquid propane gas dispensers and tanks.

D. Pump islands shall be located a minimum of 20 feet from a street property line. However, a canopy or roof structure over a pump island may encroach up to ten feet within this distance. Additionally, the cashier location shall provide direct visual access to the pump islands and the vehicles parked adjacent to the islands.

E. There shall be no more than two points of ingress and egress to any one street.

F. There shall be a minimum distance of 30 feet between curb cuts along a street frontage.

G. No driveway may be located closer than 35 feet to the curb return.

H. The width of a driveway may not exceed 36 feet at the sidewalk.

I. On-site parking shall be provided at one space for each pump island, plus one space for each service bay.

J. Unenclosed storage of motor vehicles is prohibited.

K. No vehicles may be parked on sidewalks, parkways, driveways or alleys.

L. No vehicle may be parked on the premises for the purpose of sale.

M. No used or discarded automotive parts or equipment, or disabled, junked or wrecked vehicles may be located in any open area outside the main structure for a period not to exceed 72 hours.

N. All light sources, including canopy, perimeter, and flood, shall be energy efficient, stationary and shielded or recessed within the roof canopy so that the service station shall be indirectly visible and light is deflected away from adjacent properties and public rights-of-way. Lighting shall not be of such a high intensity as to cause a traffic hazard or adversely affect adjoining properties.

O. Where the service station adjoins property in a residential land use district, a six-

foot-high decorative masonry wall shall be constructed at the time the station requires a permit for the on-site improvement or modification. Materials, textures, colors and design of the wall shall be compatible with on-site development and adjoining properties. When the wall reaches the established front-yard setback line of a residentially designated lot abutting or directly across an alley from the service station, it shall decrease to a height of 30 inches.

P. Restroom entrances visible from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening.

Q. All parking, loading, circulation aisles, and pump island bay areas shall be constructed with (PCC) concrete.

R. A sign with the service station logo is permitted on up to three sides of the pump island canopy, provided that the area of each sign is no more than two square feet. (Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968)

20.668.135 Independent congregate senior living community.

See section 20.664.157. (Ord. 1279, 2009)

20.668.140 Service station conversions.

A structure originally constructed as a service station and which is proposed for conversion to another allowable use shall require upgrading and remodeling for such items as, but not limited to, removal of all gasoline appurtenances, removal of canopies, removal of pump islands, removal of gas tanks, removal of overhead doors, additional street improvements or modification of existing improvements to conform to access regulations, exterior remodeling, and any additional standards as required by this code. (Ord. 801, 1997; Ord. 763, 1996)

20.668.150 Adult characterized businesses.

A. Adult characterized businesses are defined in section 5.36.010.

1. Development standards. In addition to all other conditions and restrictions which may be imposed by statute, ordinance or regulation, the following location requirements shall apply to adult characterized businesses in those zones where they are allowed.

2. An adult characterized business that is the subject of an application that desires to locate in Douglas County in an area other than the Tahoe Basin Planning Area shall not be located within a 1,000-foot radius of any of the following:

a. The property boundary of a church, college, university, public or private elementary or secondary school, any residential district, a public park, publicly owned meeting facilities or the property line of a lot used or designated for residential use; or

b. The 1,000 foot radius shall extend from the perimeter limits of the property that is the subject of the application without regard to intervening structures or objects.

c. An adult characterized business shall not be located within 250 feet of

another adult characterized business.

3. In the Tahoe Basin Planning Area, adult characterized businesses are restricted to the Stateline Community Plan Area as defined by the Tahoe Regional Planning Agency. (Ord. 990, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 378, 1981)

20.668.160 Vehicle sales.

Vehicle sales dealerships, new or used, in the county must conform with the intent of this code and shall enhance and promote the image of the county. All dealerships must be constructed in the following manner:

A. The minimum site area shall be 15,000 square feet;

B. All parts and accessories shall be stored within a fully enclosed structure;

C. Service and associated car storage areas shall be completely screened from public view;

D. All loading and unloading of vehicles shall occur on-site and not in adjoining streets or alleys;

E. All vehicles associated with the business shall be parked or stored on-site and not in adjoining streets and alleys;

F. An adequate on-site queuing area for service customers shall be provided. Required parking spaces may not be counted as queuing spaces;

G. No vehicle service or repair work shall occur except within a fully enclosed structure. Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way; (Ord. 801, 1997; Ord.763, 1996; Ord. 284, 1978)

20.668.170 Stationary tank storage (above ground).

See section 20.664.160. (Ord. 801, 1997; Ord. 763, 1996)

20.668.180 Telecommunications sites.

See section 20.664.170 for specific standards. (Ord. 871, 1999)

20.668.190 Telecommunications facilities.

See section 20.664.180 for specific standards. (Ord. 871, 1999)

20.668.200 Wind energy conversion system, commercial.

A commercial wind energy conversion system with a total system height of more than 400 feet and that is intended to produce electricity to sell for consumption.

A. A special use permit is required for all commercial wind energy conversion systems.

B. Commercial wind energy conversion systems may be permitted in the PF zoning district.

C. Total system height must not exceed 400 feet.

D. The minimum setback for a property line which separates two distinct owners is equal to the total system height.

E. The minimum setback is 2,500 feet from any master plan designated receiving area and any existing residence and 1,000 feet from any public right-of-way.

F. The blade diameter must not exceed 200 feet.

G. The tower, or any of its parts, may not be located in or on a drainage, utility or other established easement.

H. Compliance with FAA regulations regarding structure height and lighting.

I. If a wind system is not used for one year to generate electricity or the permit has expired, the system must be removed and the property restored to its previous condition within 120 days.

J. Wind turbines must be approved by a wind certification program which is recognized by the American Wind Energy Association.

K. Compliance with Douglas County adopted International Building Code.

L. Utility notification: A wind energy system may not be installed until evidence has been given that the utility company has been informed of the customer's intent and written permission granted to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

M. The noise levels generated by a WECS must comply with chapter five, noise section, of the 2006 Master Plan.

N. Climbing apparatus- Any climbing apparatus must be located at least 12 feet above the ground, and the tower must be designed to prevent climbing within the first 12 feet.

O. The colors of materials used in the construction of the tower must be muted and visually compatible with the surroundings.

P. The applicant must have a Nevada Fish and Wildlife biologist professional conduct a species list study of the proposed site and extending one mile beyond the property lines of the subject parcels. (Ord. 1215, 2007)

20.668.210 Wind energy conversion system, commercial use test site.

Electrical equipment, wind sensors, communication devices, towers, guy wires and anchors, and other associated controls to measure, monitor and report wind speed, wind direction and other wind related data.

A. A temporary use permit is required for commercial wind energy conversion system test sites.

B. Test sites maybe permitted in the PF zoning district.

C. Test towers must not exceed 200 feet in height.

D. The minimum setback is 750 feet from any property line and 500 feet from any public road right-of-way.

E. No rotor blade is permitted under a wind energy conversion system, commercial use test site temporary use permit.

F. Test site equipment may not be located in or on a drainage, utility or other established easement.

G. Compliance with FAA regulations regarding structure height and lighting.

H. Temporary use permits for test site shall expire 24 months after construction, the test site equipment must be removed and the property restored to its previous

condition prior to the expiration of the temporary use permit.

I. Compliance with Douglas County adopted International Building Code.

J. The noise levels generated by a WECS must comply with chapter five, noise section, of the 2006 Master Plan.

K. Climbing apparatus- Any climbing apparatus must be located at least 12 above the ground, and the tower must be designed to prevent climbing within the first 12 feet. (Ord. 1215, 2007)

20.668.220 Wind energy conversion system, micro.

See section 20.664.220. (Ord. 1313, 2010; Ord. 1215, 2007)

20.668.230 Wind energy conversion system, small.

See section 20.664.230. (Ord. 1313, 2010; Ord.1215, 2007)

Chapter 20.672

Livestock Overlay (LO) Zoning District

Sections:

20.672.010 (LO) Purpose.
20.672.020 (LO) Applicability.
20.672.030 (LO) Permitted uses.
20.672.040 (LO) Standards.

20.672.010 (LO) Purpose.

These regulations are intended to establish standards and conditions for the raising or keeping of livestock and other farm animals on parcels of less than one net acre within the county while protecting the public health, safety and general welfare. (Ord. 763, 1996; Ord. 674, 1994)

20.672.020 (LO) Applicability.

The Livestock Overlay (LO) district is created as a combining zoning classification to be superimposed on a parcel within the SFR-1 or SFR-$^{1}/_{2}$ zoning districts where the parcel size is between one-half gross acre (inclusive) and one net acre in size where a landowner desires to raise or keep livestock or large farm animals. (Ord. 763, 1996; Ord. 674, 1994)

20.672.030 (LO) Permitted uses.

The permitted uses within the LO district shall be the same as that of the underlying zoning. (Ord. 763, 1996; Ord. 674, 1994)

20.672.040 (LO) Standards.

Notwithstanding section 20.660.010.D, parcels of one-half gross acre (inclusive) to one net acre are entitled to raise or keep livestock and large farm animals with the following restrictions:

A. The parcels must be within a LO district to raise or keep livestock or other large farm animals.

B. Animal Units. The keeping or raising of livestock and other large farm animals as permitted under this chapter shall be permitted in accordance with the table of animal units set forth below and the density standards which follow:

Animal Type	Animal Unit Equivalency
One horse, mule or donkey	1
One cow, steer or bull	1
One pig, llama or alpaca	0.5
One pony, miniature horse, donkey or burro	0.5
One sheep or goat	0.2

C. Density. Livestock and farm animals may be established at the density of one animal unit for each 10,000 square feet of lot area. In no event shall the density of animals exceed the maximum provided for under these provisions. All fractional densities are rounded down to the nearest whole number.
Example: On a 21,000 square foot lot, only two animal units would be permitted.

D. Calculations. For permitted animals, animal categories may be combined so that the unit equivalency of the combined categories is equal to or less than the permitted density in paragraph C, above. Example: On a 30,000 square foot lot in the Livestock Overlay district, the following combination would be permitted.

5 sheep = 5 x 0.20 =	1.00
1 horse = 1 x 1.00 =	1.00
1 cow = 1 x 1.00 =	1.00
Total allowable animal units =	3.00

E. The offspring of animals are allowed and are not to be counted until they are weaned or of a self-sufficient age.

F. Setbacks. All buildings used to house livestock and large farm animals including barns, stables and other similar accessory structures shall be located behind the residence on the lot and shall maintain side and rear yard setbacks of a minimum of ten feet. All other animal enclosures including corrals, pens, feeding areas paddocks, uncovered stables and other similar enclosures shall be located a minimum of ten feet from all property lines and must not be located less than 50 feet from any primary residence (other than the residence of the owner or keeper of the animals) located off-site.

G. All corrals, stables, pens, cages, or other places in which any animal is kept or harbored must at all times be maintained in a sanitary manner. All manure must be disposed of on a weekly basis. (Ord. 763, 1996; Ord. 674, 1994)

Chapter 20.674

Manufactured Housing (MH) District

Sections:

20.674.010 (MH) Purpose.
20.674.020 (MH) Applicability.
20.674.030 (MH) Permitted uses.
20.674.040 (MH) Standards.

20.674.010 (MH) Purpose.

These regulations are intended to establish standards and conditions for the placement of a manufactured home, as the primary residence, on a single-family residential parcel within Douglas County while protecting the public health, safety and general welfare. (Ord. 763, 1996)

20.674.020 (MH) Applicability.

The Manufactured Housing (MH) overlay district is created as a special zoning classification to be superimposed on a parcel to allow the placement of a manufactured home, as the primary residence, on a residential parcel. (Ord. 801, 1997; 763, 1996)

20.674.030 (MH) Permitted uses.

The permitted uses within the MH overlay district shall be the same as that of the underlying zoning with the addition of the following:

A. One single-family manufactured home used as a permanent living accommodation, subject to the provisions of the underlying zoning district;

B. A manufactured home park used for permanent living accommodations, subject to provisions of the underlying zoning district;

C. Accessory structures which are not a manufactured home or trailer, as permitted by the underlying zoning. (Ord. 801, 1997; Ord. 763, 1996; Ord. 203, 1973; Ord. 167, 1968)

20.674.040 (MH) Standards.

A. In addition to the setback, yard, height and other general development standards of the underlying zoning district, all manufactured homes being placed within the MH overlay zoning district must comply with section 20.664.100.

B. Manufactured home parks must comply with the provisions of section 20.664.110, in addition to the standards of the underlying zoning district. (Ord. 801, 1997; Ord. 763, 1996; Ord. 203, 1973; Ord. 167, 1968; Ord. 131, 1963)

Chapter 20.675

Mixed-use Commercial (MUC) Overlay District

Sections:

20.675.010 (MUC) Purpose.
20.675.020 (MUC) Applicability.
20.675.030 (MUC) Permitted uses.
20.675.040 (MUC) Processing procedures.
20.675.050 (MUC) General provisions.
20.675.060 (MUC) Development and review standards.

20.675.010 (MUC) Purpose.

The mixed-use commercial (MUC) overlay is intended to establish standards and conditions for the establishment of mixed-use commercial uses within Douglas County, while protecting the public health, safety, and general welfare. Development review and approval of a mixed-use commercial overlay includes provisions for the overlay district as provided herein, and a change in zoning district classification to mixed commercial, if applicable. (Ord. 1193, 2007)

20.675.020 (MUC) Applicability.

A. A mixed-use commercial overlay district may be proposed as an overlay zone within the mixed-use commercial zoning district.

B. The mixed-use commercial overlay district may only be proposed in an area designated for commercial land use under the adopted master plan.

C. The establishment of a mixed-use commercial overlay district does not relieve the applicant of other requirements of law including but not limited to applicable provisions of state and federal law, the consolidated development code, and other adopted plans and standards established by the County and the Towns. (Ord. 1193, 2007)

20.675.030 (MUC) Permitted uses.

The permitted uses within the mixed-use commercial overlay district shall be the same uses as those within the mixed-use commercial zoning district. (Ord. 1193, 2007)

20.675.040 (MUC) Processing procedures.

A proposal for the establishment of a mixed-use commercial overlay district must include a development plan. The zone establishment or reclassification must be processed as provided for with the amendment of a zoning district in chapter 20.610. Applications must be submitted to the community development department on a form provided by the director. (Ord. 1193, 2007)

20.675.050 (MUC) General provisions.

A. All applications for the mixed-use commercial overlay district shall include and combine the applications for land use approval necessary for project implementation including, but not limited to, subdivision of land, design review, variances, and special use permit. (Ord. 1193, 2007)

B. An application for the establishment of a mixed-use commercial overlay shall be reviewed and approved in a procedure that combines the procedures for approval of a zoning map amendment set forth in chapter 20.610.020, a tentative subdivision or parcel map approval as set forth in chapters 20.704, 20.708, and 20.712, a variance as set forth in 20.606, a special use permit as set forth in chapter 20.604, and design review as set forth in chapter 20.614, as applicable. (Ord. 1193, 2007)

20.675.060 (MUC) Development and review standards.

Proposed residential development within a mixed-use commercial overlay district shall comply with section 20.664.125 Multi-family housing (mixed-use commercial district), in addition to the general development requirements in chapter 20.690 Property Development Standards. Proposed developments must comply with the adopted Gardnerville Plan for Prosperity and Design guidelines when located within the Town of Gardnerville or the adopted Town of Minden Plan for Prosperity and Design Guidelines when located in the Town of Minden. (Ord. 1193, 2007)

Chapter 20.676

Planned Development (PD) Overlay District

Sections:

20.676.010 (PD) Purpose.
20.676.020 (PD) General provisions.
20.676.030 (PD) Application for establishing a planned development.
20.676.040 (PD) Approval of planned development and required findings.
20.676.050 (PD) Permitted uses.
20.676.060 (PD) Planned development, generally, components.
20.676.070 (PD) Standards.
20.676.080 (PD) Density and intensity standards.
20.676.090 (PD) Increases in density.
20.676.100 (PD) Open space requirements.
20.676.110 (PD) Revision procedure.
20.676.120 (PD) Minimum area requirements.
20.676.130 (PD) Public improvements.
20.676.140 (PD) Filing fees.
20.676.150 (PD) Development schedule.
20.676.160 (PD) Development schedule, review by planning commission.
20.676.170 (PD) Development schedule, revocation or amendment, extension.
20.676.180 (PD) Identification.
20.676.190 (PD) Compliance with chapter, application restricted.
20.676.200 (PD) Status of plan after tentative approval.
20.676.210 (PD) Revocation of tentative approval.
20.676.220 (PD) Procedure for final plan approval.
20.676.230 (PD) Procedure on determination of noncompliance
20.676.240 (PD) Certification, filing and recording of approved plan.
20.676.250 (PD) Effect of recordation.

20.676.010 (PD) Purpose.

A. The Planned Development (PD) overlay is intended to provide a method of comprehensive planning for smaller, less complex development projects than are typically processed with a specific plan, and which meets one or more of the following criteria:

1. The project site contains topographic constraints, environmental resources, or other features which require special planning consideration;

2. A more efficient and desirable design can be achieved through flexible design standards or mixed land use patterns than can be attained through the strict adherence

to zoning standards;

3. Adequate public facilities and infrastructure exist or can be provided to the project site to serve the proposed type and intensity of development;

4. Detailed development plans are known at the time the comprehensive development plan is prepared, allowing combined review and approval;

5. Buildout of the planned development project area is contemplated within the scope and duration of the plan.

6. The project is located within a receiving area as shown on the master plan land use maps, and is proposing to utilize transfer development rights. (Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 667, 1968; Ord. 167, 1968; Ord. 158, 1967)

20.676.020 (PD) General provisions.

A. A planned development overlay may be proposed as an overlay zone within any zoning district, provided that the type and intensity of uses is consistent with the master plan and the base zoning district or districts.

B. A planned development is typically utilized for projects of at least five acres in area. The project site must be of sufficient size to allow provision of design benefits and site amenities through flexibility of development regulations. Projects of a larger scale are more appropriately evaluated through the specific plan process as described in section 20.612.

C. When adopted by the board, a planned development overlay shall be depicted on the official zoning map with an identification number, for purposes of disclosure.

D. All applications for planned development overlay shall include and combine the applications for land use approval necessary for project implementation, including but not limited to subdivision of land, design review and special use permit. Where the project is located within a receiving area as shown on the master plan land use maps, the base zoning will be established concurrently as part of the planned development process.

E. The planned development overlay is a combined zoning district that may be established in conjunction with any base zoning district for purposes of authorizing a planned development.

F. An application for establishment of the planned development overlay shall be reviewed and approved in a procedure that combines the procedures for approval of a zoning map amendment set forth in section 20.610.020, tentative subdivision map approval, as set forth in chapter 20.708, and special use permit, set forth in chapter 20.604.

G. The planned development project must be inaugurated within the time-frame as established by a development schedule pursuant to section 20.676.150.

H. Planned development projects approved prior to the adoption of this title shall have the same yard and building setback requirements as that indicated in the original planned development approval or if not mentioned in the original approval, that which existed in code at the time of original approval.

I. Planned developments in receiving areas must use transfer development rights

in connection with any change in intensity or density of use, including any change to a residential, commercial, or industrial zoning district or combination thereof. (Ord. 1328, 2010; Ord. 1008, 2002; Ord. 890, 1999; Ord. 801, 1997; Ord.763, 1996; Ord. 167, 1968)

20.676.030 (PD) Application for establishing a planned development.

A. Applications for the establishment of or reclassification to, the planned development overlay must include a development plan as described in section 20.676.060. The zone establishment or reclassification must be processed as provided for amending a zoning district in chapter 20.610. The special use permit portion of the application must meet the requirements of chapter 20.604. Applications must be submitted to the community development department on a form provided by the director.

B. Applications may be initiated by the owner of the land. Consideration of the application with a tentative map will follow the procedure provided in chapter 20.708, subdivision application procedure and approval process, but shall include all of the elements of review and approval provided in this chapter. The board, upon recommendation of the planning commission, may approve, disapprove, modify, or attach conditions to a development plan. (Ord. 763, 1996; Ord. 167, 1968)

20.676.040 (PD) Approval of planned development and required findings.

A. The planning commission, after a public hearing, may recommend the establishment of a planned development overlay and the board, after a public hearing, may by ordinance establish a planned development overlay district and approve the planned development provided they find, taking into account the recommendations of the reviewing agencies, that the facts submitted with the application and presented at the public hearings establish in the affirmative the following:

1. The plan is consistent with the statement of objectives of a planned development contained in the master plan and in this chapter.

2. The extent that the plan departs from zoning and subdivision regulations otherwise applicable to the property, including but not limited to density, bulk and use, are deemed to be in the public interest.

3. The ratio of residential to non-residential use in the planned development is consistent with the master plan.

4. The purpose, location and amount of the common open space in the planned development, the reliability of the proposals for maintenance and conservation of the common open spaces are adequate as related to the proposed density and type of residential development.

5. The physical design of the plan and the manner in which the design of the planned development makes provisions for adequate public facilities, as required by this code.

6. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods.

7. Any development-related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods, are mitigated by improvements or modifications either on-site or within the public right-of-way.

8. Where a development plan proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the planned development and the integrity of the plan and, where the plan provides for phases, the period in which the application for each phase must be filed.

9. That each individual unit or phase of the development, if built in stages, as well as the total development, can exist independently and be capable of creating a good environment in the locality and be as desirable and stable in any phase as in the total development.

10. The uses proposed will not be a detriment to the present and proposed surrounding land uses, but will enhance the desirability of the area and have a beneficial effect.

11. Any deviation from the standard ordinance requirements is warranted by the design and additional amenities incorporated in the development plan which offers certain unusual redeeming features to compensate for any deviations that may be permitted.

12. The planned development will not result in material prejudice or diminution in value of surrounding properties, and will not endanger the health, safety and welfare of the community.

13. The subdivision of land proposed in the planned development meets the requirements of the Nevada Revised Statutes and this code.

14. The subdivision of land proposed in the planned development conforms to the density requirements, lot dimension standards and other regulations applicable to planned developments.

15. The subdivision of land proposed in the planned development conforms to the improvement and design standards contained in the development code and adopted design criteria and improvement standards.

16. Where applicable, adequate transfer development rights have been established consistent with the number of proposed units within the planned development.

17. The planned development has a beneficial relationship to the neighborhood in which it is proposed to be established.

B. The granting or denial of tentative approval must set forth with particularity the findings why the plan would or would not be in the public interest. (Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968)

20.676.050 (PD) Permitted uses.

Uses permitted within the planned development district are those authorized in the base zoning district or districts, whether the uses are permitted outright, as accessory

uses, or are authorized by special use permit. The density and intensity of these uses are those established in the base district, except as modified by this chapter, and those established through the transfer development right program. The standards applicable and the conditions to be applied shall be those provided for in this chapter. (Ord. 801, 1997; Ord.763, 1996; Ord. 167, 1968)

20.676.060 (PD) Planned development, generally, components.

A. A planned development must be designed and located to minimize traffic congestion on public highways and streets in its vicinity and to best fit the land use pattern of the area in which it is located.

B. Components. The development plan must include all the following:

1. A plot plan map which shows:

a. Existing and proposed public street and sidewalk improvements;

b. Lot design;

c. Areas proposed to be dedicated or reserved for any public use, including but not limited to, public utility easements, public buildings, and public land uses;

d. Parking and interior traffic flow;

e. Land uses within 300 feet of the external boundary of the planned development zone;

2. Site details, including:

a. Preliminary building plans, including generalized elevations, except for single-family residential projects creating parcels one-half acre or greater in size;

b. Maximum building heights;

c. Maximum lot or area coverages;

d. Minimum distance between structures;

e. Minimum setbacks from interior lot lines;

f. Minimum setbacks from street rights-of-way;

g. Landscaping, screening and lighting;

h. Projected population densities within the PD zone;

3. Zoning classification to be located within the development;

4. Development schedule as described in sections 20.676.150 through 20.676.170;

5. A detailed, written narrative discussing how the findings for approval are met;

6. Any other reasonably related information necessary for the commission to act.

C. The planning division shall only accept as complete plans that contain the information specified or that is reasonably determined necessary by the director. (Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968)

20.676.070 (PD) Standards.

A. Setbacks, building heights, distances between buildings, lot coverage, building densities, parking requirements, and landscaping requirements are those established in

the base zoning district unless the commission finds that variations in these standards complements and assures the suitable integration of the planned development into the neighborhood or area in which it is located.

B. The following minimum standards apply to all single-family residential planned developments creating parcels less than one-half acre in size and multi-family residential planned developments:

1. A minimum of 25 percent of the garages along a street must have setbacks which are five feet greater than the minimum front-yard setback and setback a minimum of five feet behind the main residence. Garages on interior lots which are accessed from the side and incorporate architectural features, such as windows, along the street frontage may also be considered for meeting this requirement.

2. Where three-car garages are proposed, the three-car garages along a street with the standard 20 foot setback must have recessed and off-set doors.

3. No three-car garages are allowed on lots 6,000 square feet or smaller, except on lots with alley access or lots exceeding 60 feet in width.

4. All planned developments must provide a variety of dwelling elevations appropriate for the scale of the project. Elevations must be approved by the planning commission. At a minimum, the same elevations must not be repeated for adjacent houses. Varied front setbacks, some two-story houses, front porches, bays and balconies are encouraged as ways of achieving variety.

5. Windows, doors, and garage doors (except recessed garage doors) on the front elevation must have raised trim in order to provide visual interest and relief.

6. The commission shall consider the relationship of second-story windows, doors, and balconies with the privacy of neighbors, and may require that these features be redesigned or omitted from second-story rear walls, or may exclude two-story structures from parcels along the exterior boundary of the development.

7. Front yards must contain landscaping, including street trees, lawn or other type of groundcover, shrubs, and an irrigation system. Front yard landscaping for single family residential development must be installed prior to occupancy, or a private agreement (i.e. CC&R's) must be recorded establishing that a homeowners association or other private organization will require completion of front-yard landscaping within one year of occupancy. All required common area and open space landscaping must be completed prior to occupancy, including landscaping for multi-family residential development.

C. Multi-family residential planned developments must meet the specific multi-family development standards of sections 20.660.100.D and 20.664.120.

D. The commission and board may impose additional requirements deemed necessary for consistency with the findings required by section 20.676.040. These may include but are not limited to amenities, such as recreation or play areas and open space, to compensate for any deviations that may be permitted. (Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968)

20.676.080 (PD) Density and intensity standards.

A. For purposes of calculating single-family residential density, the plan must separately designate a development envelope by phase of development for each type of residential use and each area to be developed for non-residential use.

B. Rules established in this code for determining residential density and number of single-family residential units allowable on constrained and unconstrained land apply to determinations within the planned development overlay. The maximum allowable density for any parcel within the planned development is that for the base district, except as otherwise provided in this chapter.

C. The density of single-family residential development within the planned development is calculated by dividing the acreage of the residential development envelope by the minimum parcels size authorized within the base zoning district. The steps for calculating the total number of single-family residential units allowable within the planned development are as follows:

1. Deduct areas devoted to non-residential uses (i.e. commercial uses) from the total site area;

2. Determine the number of units allowed under the base zoning district by dividing the net residential development envelope size determined in step 1 by the minimum parcel size permitted by the base zoning district. Round down any fraction to the next lowest whole number to obtain the number of allowable units;

D. The residential development envelope may bridge base zoning district boundaries and may be subdivided into phases provided that the density of any given phase does not exceed that permitted within the PD overlay by the base zoning district within that phase.

E. The average lot size or the lot size for particular tracts within the PD may be increased above the average for the single-family development envelopes in order to ensure compatibility with adjacent development within or outside the planned development.

F. Establishing industrial or commercial zoning districts or uses within the receiving area requires transfer development rights in the amount of 10 units per acre. (Ord. 1008, 2002; Ord. 903, 2000; Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968)

20.676.090 (PD) Increases in density.

A. A planned development situated within a receiving area, as designated by the 1996 Master Plan, as amended, may increase the allowed residential densities by acquiring transfer development rights, as provided by chapter 20.500. If a planned development is approved subject to transferred development rights, the transfers must be perfected and recorded prior to recordation of the final plan for the phase or phases in which they are to be used.

B. A planned development situated within a receiving area may apply to the planning commission and board, and the planning commission may recommend, and the board may approve, a waiver of the requirement of transferred development rights. The number of transferred development rights waived may not exceed the number or percentage of affordable housing units provided within the project, as defined, and for

the duration provided by section 20.440.020.G. The approval of a waiver, and provision of the affordable housing units, must be in the manner otherwise provided for density bonus and affordable housing agreements in chapter 20.440.

C. An applicant for a planned development may apply to the planning commission and board, and the planning commission may recommend, and the board may approve, a density bonus or affordable housing agreement, in accordance with the provisions of chapter 20.440.

D. The planning commission may recommend and the board may grant a density bonus of one-half percent (0.5%) for every one percent of the project site area that is dedicated to and accepted by the US Forest Service, Bureau of Land Management (BLM), or other state, federal, county or other public agency overseeing public lands for open space access, agricultural easements or other public purposes. The following standards must be met in order to receive the density bonus:

1. The applicant must submit written evidence, with the submittal of a planned development application, from the applicable public agency that the public agency will accept the offer of dedication and maintenance of the property.

2. The land must be deeded to the public agency prior to, or concurrently with, the recording of the final map.

3. If the planned development is to be recorded in phases, the appropriate amount of area must be dedicated to the public agency with each phase to provide for the relative number of units that are being recorded with that phase.

4. The public agency accepting the dedicated land may require that all applicable lands be dedicated at one time, with the recording of the first phase of a planned development.

5. A deed restriction shall be placed on the open space parcel permanently restricting development on the parcel except for open space or recreational purposes.

6. Where open space is dedicated to and accepted by the applicable public agency, the open space shall be deemed to meet the planned development standards for improved open space.

7. Bonus residential units may be used, in addition to any unused density permitted by the underlying zoning district, to transfer development rights from a designated sending parcel to a receiving area, as defined in the adopted master plan. (Ord. 1054, 2003; Ord. 903, 2000; Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968)

20.676.100 (PD) Open space requirements.

A. Common open space.

1. For exclusively residential projects, except as provided in a and b below, a minimum of 25 percent of the project site must be retained in common open space that must be improved in a park-like setting with active recreational areas.

a. A single-family residential project may be exempted from the common open space requirement if it utilizes transfer development rights for at least 50% of the project density.

b. A single-family residential project may be exempted from providing improved recreational areas within the required open space for those areas determined to be environmentally sensitive, such as meadows, wetlands, perennial springs or streams and major drainage ways, or historical or archeological sites, as determined by the State Historic Preservation Office.

c. The use of existing, native vegetation may be used in conjunction with trails or other amenities to satisfy the requirement for improved recreational areas where a single-family residential planned development is located outside the urban service area, defined in the adopted master plan, and community water is not available.

d. Recreational amenities within the open space areas of multi-family residential planned developments must meet the specific standards of section 20.664.120.

2. For commercial, industrial, or mixed-use projects, 30 percent of the project site must be devoted to common open space improved in a park-like setting with active recreational areas. No more than 50 percent of common open space requirements may be satisfied on unimproved constrained land, which includes but is not limited to hillside areas or areas located within a primary flood plain. Common open space must be exclusive of road rights-of-way, dedicated easements for public facilities, parking areas and other similar areas. Open space requirements must be determined for the entire planned development at the time of establishment of the planned development overlay district and approval of the tentative plan.

a. A commercial, industrial or mixed-use project may be exempted from providing improved recreational areas within the required open space for those areas determined to be environmentally sensitive, such as meadows, wetlands, perennial springs or streams and major drainage ways, or historical or archeological sites, as determined by the State Historic Preservation Office.

B. Open space allocation. Where required, allocation of open space must be made to each development envelope and for each phase of the planned development. The board may establish minimum open space requirements for particular development envelopes or phases of the planned development. In the event that common open space is not to be provided proportionally by phase, the developer must execute a reservation of common open space by grant of easement or covenant in favor of the county authorizing the county to reserve all or a portion of the reserved area to common open space in the event that the development is not completed.

C. Ownership and maintenance of common open space. Where applicable, the landowner of a planned development, pursuant to this chapter, must provide for and establish an organization for the ownership and maintenance of any common open space not dedicated to the public use. The organization must not be dissolved or dispose of any common open space by sale or otherwise without first offering, in writing, to dedicate the common open space to the county. Any offer must be accepted or rejected by the county within one 120 days of the written offer to dedicate. The organization must be authorized to make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition

in accordance with the approved plan. An assessment must be made ratably among the properties within the planned development that have a right of enjoyment of a common open space. The organization must enter into an agreement with the property owners providing for a reasonable method of notice and levy of the assessment and for the subordination of the lien securing the assessment to other liens either generally or specifically described. (Ord. 890, 1999; Ord. 801, 1997; Ord. 763, 1996; Ord. 167, 1968)

20.676.110 (PD) Revision procedure.

A public hearing by the planning commission and board is required before revisions to the plan which involve changes in land use, expansion, or intensification of development, or changes in the standards of development may be approved. The director will determine on a case-by-case basis those instances when a revision to the development plan is necessary, following the same procedure as the original application. Changes in an approved development plan which do not involve changes in land use, expansion, or intensification of development or changes in the standards of development may be approved by the director if the changes are consistent with the purposes, character, and conditions of the development plan. (Ord. 763, 1996; Ord. 167, 1968)

20.676.120 (PD) Minimum area requirements.

A. Each planned development must have a minimum area of five acres, except that the board may waive this minimum when proper planning justification is shown.

B. The minimum permitted parcel size for single-family residential lots within a planned development is 5,000 square feet, except where areas are developed with building envelopes and common open space areas are provided around the building envelopes.

C. The minimum parcel size for all areas designated non-residential shall be the minimum parcel size required by section 20.658.010 (Non-residential development standards) according to the applicable zoning district. (Ord. 890, 1999; Ord. 763, 1996; Ord. 167, 1968)

20.676.130 (PD) Public improvements.

All public improvements are required to meet full county standards pursuant to NRS 278.230 through 320 inclusive. All streets must be offered for dedication to Douglas County, except that the use of private roads which meet the specification contained in the design criteria and improvement standards manual for a public road may be permitted upon approval by the board. In addition, if determined necessary for proper traffic circulation, the applicant may be required to provide proper methods of ingress and egress to the development, including acceleration and deceleration lanes, traffic devices, including channelization and signalization. (Ord. 890, 199; Ord. 763, 1996; Ord. 167, 1968)

20.676.140 (PD) Filing fees.

A single fee for the filing of an application for planned development approval and establishment or revision of a planned development overlay, or for the consideration or revision of a development plan, shall be charged, in the amount provided in chapter 20.40. Additional fees for the component approvals of land division and special use permit will not be charged. (Ord. 763, 1996; Ord. 167, 1968)

20.676.150 (PD) Development schedule, modification, or revocation.

A. An application for planned development approval must be accompanied by a development schedule, including a phasing plan, indicating the dates when applications for final approval of all sections of the plan are to be filed and, in the case of tentative maps, dates that the final map or series of final maps must be recorded by. The development schedule, if approved by the board, shall be set forth in a minute action and become a part of the development plan. The board may approve a modification, as allowed under NRS Chapter 278A, to the development schedule, including a phasing plan, unless a different timeframe is set by a development agreement. The board may add, delete, and/or modify the conditions of approval for a planned development when approving a modification to a development schedule.

B. Tentative approval shall be revoked for areas included in the plan for which final approval has not been given if:

1. The landowner elects to abandon the plan or any part thereof, and so notifies the director in writing; or

2. The landowner fails to file application for the final approval within the required time. (Ord. 1328, 2010; Ord. 96-763, 167, 1968)

20.676.170 (PD) Development schedule, revocation or amendment.

If, in the opinion of the commission, the owner or owners are failing or have failed to meet the approved schedule, the commission may initiate proceedings to reclassify the property and revoke the approval of the development plan, or to amend the development plan. (Ord. 1328, 2010; Ord. 763, 1996)

20.676.180 (PD) Identification.

Each planned development overlay must be numbered, the first adopted being shown on the zoning map as Planned Development (1) and each zone subsequently adopted being numbered consecutively. (Ord. 763, 1996)

20.676.190 (PD) Compliance with chapter, application restricted.

Compliance with any requirement contained in this chapter shall not be construed to relieve the applicant from compliance with subdivision regulations, building code requirements, or any other applicable regulations of the county, except when they are modified in the approval process. (Ord. 763, 1996)

20.676.200 (PD) Status of plan after tentative approval.

A. Tentative approval of a planned development plan does not qualify the plan for recording or authorize development or the issuance of any building permits. Recording and development of the planned development requires filing and approval of substantially conforming applications for final approval of each phase within the time specified in the order approving the application for tentative approval.

B. A plan which has been approved by the board as submitted, or which has been given tentative approval with conditions which have been accepted by the developer, may not be modified, revoked or otherwise impaired by action of the county pending an application for final approval without the consent of the developer or assigns, except as provided in section 20.676.210. (Ord. 763, 1996)

20.676.210 (PD) Revocation of tentative approval.

A. Tentative approval may be revoked in accordance with the procedures set forth in chapter 20.32 and the portion of the area included in the plan for which final approval has not been given shall be subject to the current provisions of this development code if:

1. The developer elects to abandon the plan or any part thereof, and so notifies the county in writing; or

2. The landowner fails to file applications for final approval within the times established in the tentative approval. (Ord. 763, 1996)

20.676.220 (PD) Procedure for final plan approval.

A. Application requirements. An application for final approval of a phase or phases of a planned development must be submitted to the director on forms provided by the department within the times specified by the tentative approval of the plan. The application for final approval may be for all the land included in a tentatively approved plan or, to the extent set forth in the tentative approval, for a phase of the plan. The application must be accompanied by the maps, drawings, specifications, fees, covenants, easements, conditions and forms of performance security required in the tentative approval or otherwise required by law. If a tentative map is submitted with the development plan, a final map must be approved at or before final plan approval

B. Determination of substantial compliance. The director will review the application for final approval and all information submitted and determine whether it complies with the approved tentative plan. The plan submitted for final approval shall not be in substantial compliance if any modification:

1. Varies the proposed gross residential density or intensity of use;

2. Varies the proposed ratio of residential to non-residential use;

3. Involves a reduction of the area set aside for common open space or involves the substantial relocation of the area;

4. Substantially increases the floor area proposed for non-residential use;

5. Substantially increases the total ground areas covered by buildings or involve a substantial change in the height of buildings;

6. No longer meets adequate public facilities standards of this title, except for minor modifications in the location and design of streets or facilities for water and for disposal of stormwater and sanitary; or

7. Is not accompanied by proof of satisfaction of conditions imposed as prerequisites to final plan approval.

C. Approval of applications which substantially comply with tentative approval. The director shall approve a final plan if it is in substantial compliance with the plan as tentatively approved. (Ord. 763, 1996)

20.676.230 (PD) Procedure on determination of noncompliance.

A. If the final plan as submitted for final approval is found by the director not to be in substantial compliance with the plan as tentatively approved, the director must, within 30 days of the date of filing of the application for final approval, notify the developer in writing the particular ways in which the plan is not in substantial compliance with the tentative approval.

B. The developer may:

1. Treat the notification as a denial of final approval;

2. Refile the plan in a form which is in substantial compliance with the plan as tentatively approved; or

3. File a written appeal request with the director that a hearing be set before the commission on the application for final approval.

C. If the developer elects the alternative set forth in paragraphs B (2) or B (3), he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by the tentative approval to file for final approval, or 30 days from the date he receives notice of the refusal, whichever is the latter.

D. The public hearing must be held within 30 days after the request for the hearing is made by the landowner. Notice must be given in accordance with chapter 20.20 and the hearing shall be conducted in the manner prescribed in chapter 20.24. Within 20 days after the conclusion of the hearing, the commission shall either grant final approval of the plan or deny final approval of the plan. The grant or denial of final approval of the plan shall contain the findings of fact required in section 20.676.040. (Ord. 763, 1996)

20.676.240 (PD) Certification, filing and recording of approved plan.

A plan, or any part, which has been given final approval, must be certified without delay by the county and filed of record in the county recorder's office before any development occurs in accordance with the plan. The county recorder must not file for record any final plan unless, if required by the provisions of this code, a final map has been approved, the certificates of approval as required under NRS 278.377 have been provided, or the map is accompanied by evidence that the approvals were requested more than 30 days before the date on which the request for filing is made, and that the approval has been refused. (Ord. 763, 1996)

20.676.250 (PD) Effect of recordation.

After the final map is recorded for the planned development, or any phase, the zoning and subdivision regulations of this code plan apply to the land subject to the final map or phase only to the extent that these regulations have been incorporated in the final plan as recorded. (Ord. 763, 1996)

Chapter 20.678

Residential Office (RO) Overlay District

Sections:

20.678.010 (RO) Purpose.
20.678.020 (RO) Applicability.
20.678.030 (RO) Processing procedures.
20.678.040 (RO) Permitted uses.
20.678.050 (RO) Development and review standards.

20.678.010 (RO) Purpose.

These regulations are intended to establish standards and conditions for the conversion of existing single-family residences to commercial office uses in transitional neighborhoods while protecting the public health, safety and general welfare. (Ord. 763, 1996; Ord. 479, 1988)

20.678.020 (RO) Applicability.

The RO overlay district is created as a combining zoning classification to be superimposed on a parcel containing an existing single-family residence with either an underlying residential or commercial zoning designation. This zone classification is not permitted in conjunction with an MH overlay zoning district. (Ord. 801, 1997; Ord. 763, 1996; Ord. 479, 1988)

20.678.030 (RO) Processing procedures.

Any proposal for establishment of the RO overlay district shall be filed concurrently with an application for a special use permit. (Ord.763, 1996; Ord. 479, 1988)

20.678.040 (RO) Permitted uses.

Uses permitted in the RO overlay district are as follows:

A. Professional office, excluding retail uses;

B. Photography studios, portrait studios and art studios; and

C. Uses allowed in the base zoning district. (Ord. 801, 1997; Ord. 763, 1996; Ord. 479, 1988)

20.678.050 (RO) Development and review standards.

Any conversion of a single-family residence within the RO overlay district must conform with the following:

A. The parcel contains an existing single-family structure;

B. The existing structure will be retained and enhanced and the overall single-family character of the residence will be retained;

C. The use will be served by the required number of off-street parking spaces,

provided that if a portion of the structure retains residential use only one off-street parking space is required per residence;

D. Signs shall be limited to a single non-illuminated monument or wall sign of not more than six square feet in area identifying the business or businesses and the address. (; Ord.763, 1996; Ord. 479, 1988)

Chapter 20.680

Genoa Historic (GH) Overlay District

Sections:

20.680.010 (GH) Purpose.
20.680.020 (GH) Applicability.
20.680.030 (GH) Commission.
20.680.040 (GH) Processing procedures.
20.680.050 (GH) Submittal requirements.
20.680.060 (GH) Failure to take action.
20.680.070 (GH) Variance
20.680.080 (GH) Repair, safety.
20.680.090 (GH) Change of land use or zoning.
20.680.100 (GH) Appeals.

20.680.010 (GH) Purpose.

The purposes of these regulations are to promote the general welfare of the inhabitants of Genoa, Douglas County, Nevada, through the preservation and protection of historic buildings and places of historic interest, many of which are not only of local, but of state and national significance, through development of an appropriate setting for these buildings, places and districts; through the stabilization and improvement of property values; through the promotion and use of this historic areas for the education, pleasure, welfare of the people; through fostering civic beauty and pride in heritage of Nevada's oldest town; and through providing for objective criteria whereby the historic district and structures therein might obtain grants, tax relief, low interest loans and other recognition. (Ord. 763, 1996; Ord. 212, 1974)

20.680.020 (GH) Applicability.

The Genoa Historic (GH) overlay district is created as a combining overlay classification to be superimposed on lands within the defined "Genoa historic district," the boundaries of which are shown on the Hawkins Map of 1874 and the official zoning map of Douglas County. Notwithstanding anything in this chapter to the contrary, this chapter shall apply to the erection, reconstruction, alteration or restoration of property presently or in the future zoned for non-residential use in the district. (Ord. 763, 1996; Ord. 212, 1974)

20.680.030 (GH) Commission.

The Genoa historic commission, hereinafter referred to in this chapter as "the commission," was formed pursuant to Title 2 of the Douglas County Code and shall be responsible for the issuance of certificates of appropriateness within the district. (Ord.

763, 1996; Ord. 212, 1974)

20.680.040 (GH) Processing procedures.

No owner shall apply to the county for a zoning permit or building permit within the district for the purpose of erecting, reconstructing, altering or restoring a structure unless and until the Genoa historic commission has approved the exterior architectural features which are subject to public view from a public street, way or place and issued a certificate of appropriateness. (Ord. 763, 1996; Ord. 212, 1974)

20.680.050 (GH) Submittal requirements.

Applicants requesting approval of the Genoa historic commission shall, at minimum, submit an application form provided by the historic commission with all required submittal materials, including, but not limited to, site plans, elevations and other information deemed necessary by the commission to determine the appropriateness of the exterior features to be passed upon must be made available to the commission by the applicant. Note that the historic district commission will not consider those detailed designs, interior arrangement or building features not subject to public view. The Genoa historic commission will not make any recommendations or requirements except for the purpose of preventing developments obviously incongruous to the historic aspects of the surroundings and the district. (Ord. 763, 1996; Ord. 212, 1974)

20.680.060 (GH) Failure to take action.

If the Genoa historic commission fails to take final action on an application within 60 days after discussion at a regular historic commission meeting, the application is deemed to be approved except where mutual agreement has been reached for an extension of the time limit. (Ord. 763, 1996; Ord. 212, 1974)

20.680.070 (GH) Variance.

When strict adherence to this chapter would work a substantial hardship on an applicant, the commission, in the same manner as issuing a certificate of appropriateness, may grant a variance if the variance remains in harmony with the general purpose and intent of this chapter so that the general character of the historic district is conserved and substantial justice done. In granting the variance, the commission may impose reasonable and additional conditions to fulfill the purposes of this chapter. (Ord. 763, 1996; Ord. 212, 1974)

20.680.080 (GH) Repair, safety.

Ordinary maintenance or repair which does not involve a change of design, material or outward appearance of a structure, or where the change involves any portion of the structure which a building engineer or inspector or the county engineer certifies as required because of an unsafe or dangerous condition, may be undertaken without the issuance of a certificate of appropriateness. (Ord. 763, 1996; Ord. 212, 1974)

20.680.090 (GH) Change of land use or zoning.

A copy of all applications of master plan amendment or zone changes within the district must be forwarded to the Genoa historic commission for its recommendations to the planning commission. Any recommendations must be received no later than public hearing on any of the aforementioned matters. (Ord. 763, 1996; Ord. 212, 1974)

20.680.100 (GH) Appeals.

Appeals of the Genoa historic commission shall be made pursuant to chapter 20.12. (Ord. 763, 1996; Ord. 212, 1974)

Chapter 20.682

Clustered Residential Subdivision (CR) Overlay

Sections:

20.682.010 (CR) Purpose.
20.682.020 (CR) Applicability.
20.682.030 (CR) Processing procedures.
20.682.040 (CR) Approval of clustered subdivision and required findings.
20.682.050 (CR) Permitted uses.

20.682.010 (CR) Purpose.

The clustered residential subdivision overlay zoning is intended to establish standards and conditions for the clustering of residential subdivisions on non-contiguous agricultural and/or forest and range zoning districts in order to preserve agricultural land and promote efficient and compact development. (Ord. 1224, 2008)

20.682.020 (CR) Applicability.

The clustered residential subdivision overlay district is created as a zoning classification to be superimposed on a parcel containing agricultural or forest and range land which is to be clustered and developed into residential lots. The size of each clustered lot will determine the overlay zoning classification as provided for in chapter 20.650. (Ord. 1224, 2008)

20.682.030 (CR) Processing procedures.

Applications to establish a clustered residential subdivision overlay district must be filed concurrently with an application for a tentative subdivision map and must meet the provisions of section 20.664.040. (Ord. 1224, 2008)

20.682.040 (CR) Approval of clustered subdivision and required findings.

A. The planning commission, after a public hearing, may recommend the establishment of a clustered residential subdivision and the board, after a public hearing, may by ordinance establish a clustered residential subdivision overlay district and approve the clustered subdivision provided they find, taking into account the recommendations of the reviewing agencies, the facts submitted with the application and presented at the public hearings establish in the affirmative the following:

1. The plan is consistent with the statement of objectives of a clustered subdivision contained in the Master Plan and in this chapter.

2. The extent that the plan departs from the base zoning regulations otherwise applicable to the property, including but not limited to density, bulk, and use, is deemed to be in the public interest taking into account the benefit the public may receive from restrictions placed on water transfers and conservation easements.

3. The physical design of the plan and the manner in which the design of the clustered subdivision makes provisions for adequate public facilities.

4. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods.

5. The project must be similar in density to adjacent development and neighborhoods. If public services and facilities can be provided, the density may be increased.

6. The uses proposed will not pose significant detriments, such as traffic, noise, odors, and visual nuisances, to the present and proposed surrounding land uses.

7. The clustered residential subdivision will not endanger the health, safety and welfare of the community.

8. The subdivision of land proposed in the clustered residential subdivision meets the requirements of Nevada Revised Statutes and this code. (Ord. 1224, 2008)

20.682.050 (CR) Permitted uses.

Uses permitted in the clustered residential subdivision overlay district are as follows:

A. Single-family residential

B. Multi-family residential

C. Uses allowed in the base zoning district (Ord. 1224, 2008)

Chapter 20.685

Gaming District (GD) Overlay

Sections:

20.685.010 (GD) Purpose.
20.685.020 (GD) General provisions.
20.685.030 (GD) Application and fee for establishing a gaming district.
20.685.040 (GD) Minimum requirements and findings.
20.685.050 (GD) Development schedule, extension, expiration, and transfer.
20.685.060 (GD) Revisions.

20.685.010 (GD) Purpose.

The Gaming District (GD) Overlay is intended to establish standards and conditions for gaming establishments while protecting the public health, safety and general welfare. Development review and approval of a gaming district overlay includes provisions for the overlay zoning district as provided herein, issuance of a special use permit, and a change in zoning district classification to tourist commercial, if applicable. (Ord 997, 2002)

20.685.020 (GD) General Provisions.

A. The gaming district overlay may only be proposed in an area designated for commercial land use under the adopted master plan.

B. A gaming district overlay may only be proposed as an overlay zone within the tourist commercial zoning district.

C. No gaming establishment shall be permitted except within the gaming district overlay or as allowed under chapter 20.700, Tahoe Basin Regulations.

D. If an applicant proposes a zone change to tourist commercial in anticipation of the development of a gaming establishment or establishments, then the applications must be combined.

E. The standards and conditions of approval for a gaming establishment must be imposed on a special use permit, which includes a development plan.

F. The approval of a gaming district overlay does not relieve the applicant of any other requirements of law, including, but not limited to, applicable provisions of state and federal law, the consolidated development code, and licensing and taxation provisions of the Douglas County Code. (Ord. 1319, 2010; Ord. 997, 2002)

20.685.030 (GD) Application and fee for establishing a gaming district.

A. The application for a gaming district overlay must be submitted to the community development department on a form provided by the director. The application must combine all applications necessary for processing the request, including a zoning map amendment subject to chapter 20.610 and special use permit

subject to 20.604.

B. A single fee for the filing of an application for gaming district overlay, including a zoning map amendment, special use permit, and variance, or for the revision of a special use permit, including a development plan, must be charged, in the amount provided in chapter 20.40, and set by resolution.

C. An application for the establishment of, or reclassification to, the gaming district overlay must include a development plan. A development plan shall contain the following:

1. A vicinity map showing the location and street address of the subject property and showing all residential, commercial, industrial and public uses and zoning districts with 7,500 feet of all boundaries of the subject property;

2. Site details indicating the existing and proposed uses, gross floor area, building coverage, height, parking, density, landscaping, screening, lighting, open space and public facilities;

3. A circulation plan showing proposed streets and the relation to the master plan for streets and highways;

4. An analysis of any adverse impacts upon surrounding properties and proposed mitigation methods including, but not limited to, construction traffic, noise and other construction-related impacts, post-construction traffic, parking, signage, lighting and any other impacts associated with the gaming establishment operation;

5. A development schedule indicating phases and the sequence and timing of development;

6. A plan for extension of public facilities, services, and utilities and for flood control and drainage;

7. The required fee;

8. A detailed, written narrative discussing how the findings for approval are met; and

9. Any other reasonable related information necessary for the commission and board to act.

D. A gaming establishment means any premises wherein or whereon gaming is authorized pursuant to a nonrestricted license or as a nonrestricted operation as those terms are defined in Nevada Revised Statutes section 463.0177. (Ord. 1319, 2010; Ord. 997, 2002)

20.685.040 (GD) Minimum requirements and findings.

A. When considering a zoning change to tourist commercial in anticipation of a gaming district overlay request, the commission and board must first vote to approve the zoning map amendment to tourist commercial, pursuant to the findings in section 20.610, before voting on the gaming district overlay zoning district.

B. When approving an application for a gaming district overlay and/or special use permit including a development plan, the commission and board must make the following findings:

1. The proposed zoning map amendment is consistent with the policies

embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

2. The proposed zoning map amendment is compatible with the actual and master planned use of the adjacent properties.

3. The proposed gaming establishment at the specified location is consistent with the policies embodied in the adopted master plan and the general purpose and intent of the applicable zoning district regulations;

4. The proposed gaming establishment is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to nearby development and neighborhoods. These improvements or modifications may include, but must not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both, to mitigate such impacts;

5. The proposed gaming establishment will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood;

6. The proposed gaming establishment incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets;

7. The proposed gaming establishment incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed gaming establishment on adjacent properties;

8. The proposed gaming establishment is not located within an identified archeological/cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible pre the findings in the report;

9. The proposed gaming establishment complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to gaming establishments, including but not limited to, the adequate public facility policies of this title;

10. The proposed gaming establishment will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity;

11. Any deviation from the standard ordinance requirements are warranted by the design and additional amenities incorporated in the development plan for the gaming establishment, which offer certain unusual redeeming features to compensate for any deviations that may be permitted;

12. The proposed gaming establishment will enhance, expand and stabilize employment and the local economy;

13. If the proposed gaming establishment includes a development plan with no less than 100 guest rooms, that adequate and affordable housing is available for the employees of the gaming establishment and hotel;

14. On the date that the zoning map amendment application was filed, the property line of the proposed establishment was not less than:

(a) Five hundred feet from the property line of a developed residential district.

(b) Five hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship;

15. The proposed zoning map amendment will not cause material prejudice to any of the following whose property line is within 2,500 feet from the property line of the proposed establishment:

(a) A developed residential district, or

(b) A public school, private school or structure used primarily for religious services; and

16. The proposed gaming establishment includes a development plan that includes no less than 100 guest rooms, which comply with the requirements of chapter 447 of the Nevada Revised Statues as amended, with the first phase of the development and that are held out to the public for transient nightly occupancy. This finding is not applicable to a gaming establishment that held a nonrestricted license on October 1, 2010, or to a proposed gaming establishment, with a special use permit and development plan or specific plan approval before August 1, 2009, located within a gaming district overlay zoning district. All requests for revisions to a gaming establishment with a special use permit and development plan approval before August 1, 2009, must follow the procedures in section 20.685.060.

C. A proposed establishment adjacent to a developed residential district may apply for a waiver of the distance requirements in subsection B(14)(a) as part of its application. The granting of such a waiver is in the discretion of the board, and may only be granted upon affirmative findings on all the other subsections in this section. In considering whether to grant the waiver, the board may base its exercise of discretion upon any relevant factor, including, but not limited to any one or more of the following:

1. The proposed establishment replaces or reconstructs an existing commercial structure.

2. There are significant highway or geographical features separating the proposed establishment from the residential district.

3. The proposal includes mitigation measures, such as lighting controls, landscaping buffers or features, sound barriers or traffic control improvements to alleviate the impact of the development on the residential district.

D. If the application is denied, another application concerning the same location or any portion thereof must not be heard or considered for a period of one year after the date of denial. (Ord. 1319, 2010; Ord. 1036, 2003; Ord. 997, 2002)

20.685.050 (GD) Development schedule, extension, expiration, and

transfer.

A. An application for a gaming district overlay must be accompanied by a development schedule indicating the date when the development plan covering the entire area, or the first of a series of phases covering a portion of the approved development plan area, will be inaugurated and construction commenced. The time frame for the special use permit, including the development plan and the development schedule, if approved by the board will be identical and must run concurrently. Unless a longer time is approved under the development schedule, the special use permit and development plan covering the entire area or the first phase covering a portion, must be inaugurated and under construction or completed no later than two years after the date of the approval. For the purposes of this section, construction means the applicant has a valid site improvement permit or building permit and is actively in the process of building or assembling infrastructure or a structure.

B. The board may extend the limits imposed by the special use permit, including the development plan, and the development schedule for good cause. If a gaming establishment was approved prior to October 1, 2010 without a development schedule, the special use permit may be extended pursuant to chapter 20.30. If the owner(s) have failed to meet the approved development schedule, the approval for the special use permit, including the development plan, will expire and become void.

C. If the owner(s) of a gaming establishment file an application for a subsequent special use permit, including a development plan, the findings for a gaming establishment under section 20.685.040 must be met. (Ord. 1327, 2010; Ord. 1319, 2010; Ord. 997, 2002)

20.685.060 (GD) Revisions.

A public hearing by the planning commission and board is required for a major revision to a special use permit, including an associated development plan, which involves expansion or intensification of development or changes in the standards of development. The director will determine on a case-by-case basis those instances when a major revision to the special use permit, including the development plan, is necessary, following the same procedure and findings as required in section 20.685.040. Changes in an approved special use permit, including a development plan, which do not involve changes in expansion or intensification of development or changes in the standards of development are considered a minor revision and may be approved by the director, if the changes are consistent with the purpose, character, and conditions of the special use permit, including the development plan. (Ord. 1319, 2010; Ord. 997, 2002)

Chapter 20.690

Property Development Standards

Sections:

20.690.010 Purpose
20.690.020 Applicability.
20.690.030 General standards.

20.690.010 Purpose.

These standards shall ensure that new or modified uses and development will produce an environment of stable, desirable character which is harmonious with the existing and future development and consistent with the master plan. (Ord. 763, 1996)

20.690.020 Applicability.

Except as otherwise provided, any permit which authorizes new construction or modifications to an existing structure shall be subject to the standards set forth in this chapter. (Ord. 763, 1996)

20.690.030 General standards.

A permit must not be approved unless it conforms to all of the standards in this chapter including:

A. Access.
B. Antennas, vertical and satellite dish.
C. Design considerations.
D. Dust and dirt.
E. Exterior building walls.
F. Fences, walls and hedges.
G. Fire protection.
H. Fumes, vapor and gases.
I. Hazardous materials.
J. Height of structures.
K. Hillside grading.
L. Hours of construction.
M. Lighting.
N. Noise.
O. Projections into setbacks.
P. Radioactivity.
Q. Refuse storage and disposal.
R. Screening.

S. Signs, off-street parking, off-street loading and landscaping.

T. Solar energy.

U. Storage.

V. Toxic substances.

W. Undergrounding utilities (buildings and structures).

X. Vibration.

Y. Yards and lot area.

Z. Single-family dwelling design standards.

These standards apply to more than one land use district, so they are combined in this chapter. These standards are to be considered in conjunction with those standards and design guidelines located in the specific land use district chapters and in the County's design criteria and improvement standards manual.

A. "Access". Every structure or use shall have frontage upon a public street or permanent means of access to a public street by way of a public or private easement, or recorded reciprocal access agreement.

B. "Antennas, vertical and satellite dish". All antennas, including portable units and satellite dishes that do not meet the definition of a telecommunications site or telecommunications facility pursuant to sections 20.660.130.H and 20.660.130.I, are subject to the following standards:

1. Antennas shall not be located within the front yard or street side-yard areas.

2. The operation of the antennas shall not cause interference with any electrical equipment in the surrounding neighborhoods, including but not limited to television, radios, telephones, and computers, unless exempted by Federal regulation.

3. Ground-mounted satellite dish installations for residential purposes must be 105 inches or less in diameter, 12 feet or less in height, and located in the rear yard. Ground-mounted satellite dish installations that are six feet or less in height may be located in the side yard area if screened by a solid six-foot fence.

4. Roof mounted satellite dishes must be screened according to the provisions of this title and the design manual.

5. A building-mounted satellite dish may be located anywhere on the structure provided that the dish is 24 inches or less in diameter.

6. Single-pole or tower roof, building or ground-mounted television or amateur radio antennas, including the boom or any active element of the antenna array, are limited to 35 feet in height.

C. "Design considerations". The following standards apply to uses which are subject to design review and are in addition to the specific design guidelines contained in the individual land use districts:

1. The proposed development shall be of a quality and character whish is consistent with the community design goals and policies including but not limited to scale, height, bulk, materials, cohesiveness, colors, roof pitch, roof eaves and the preservation of privacy.

2. The design shall improve community appearance by avoiding excessive variety and monotonous repetition.

3. Proposed signage and landscaping shall be an integral architectural feature which does not overwhelm or dominate the structure or property.

4. Lighting shall be stationary and deflected away from all adjacent properties and public streets and rights-of-way.

5. Mechanical equipment, storage, trash areas, and utilities shall be architecturally screened from public view.

6. With the intent of protecting sensitive land uses, the proposed design shall promote a harmonious and compatible transition in terms of scale and character between areas of different land uses.

7. Parking structures shall be architecturally compatible with the primary and surrounding structures.

8. Piecemeal mansard roofs (used on a portion of the structure perimeter only) are prohibited. Mansard roofs, if utilized on commercial structures, shall wrap around the entire structure perimeter.

D. "Dust and dirt". Grading activity greater than five acres shall comply with the appropriate NRS provisions regarding air quality permits and grading. Grading activities conducted on property less than five acres in size shall be conducted so as not to create any measurable amount of dust or dirt emission beyond any boundary line of the parcel. To ensure a dust free environment, appropriate grading procedures shall include, but are not limited to, the following:

1. Scheduling all grading activities to ensure that repeated grading will not be required, and that implementation of the desired land use (e.g. planting, paving or construction) will occur as soon as possible after grading;

2. Disturbing as little native vegetation as possible;

3. Watering graded areas as often as necessary to prevent blowing dust or dirt, hydro-seeding with temporary irrigation, adding a dust palliative, or building wind fences;

4. Re-vegetating graded areas as soon as possible;

5. Constructing appropriate walls or fences to contain the dust and dirt within the parcel subject to the approval of the director.

E. "Exterior building and structure walls". The following standards shall apply to those uses subject to design review:

1. Since walls will always be a main architectural and visual feature in any major development, restraint must be exercised in the number of permissible finish materials. The harmony of materials and particularly color treatment is essential to achieve unity in the project.

2. The following designs are deemed unacceptable in any development (with the exception of agricultural buildings located in the A-19 or FR districts, or buildings within the Airport zoning district) and therefore shall be prohibited:

a. Non-anodized and unpainted aluminum finished window frames;

b. Metal grills and facades. However, grills and facades of unique design and in keeping with the general decor of the development and neighborhood may be permitted subject to prior approval by the director;

c. Aluminum or other metal panels are not permitted on the street elevation, unless it can be demonstrated that they are consistent with a structure's overall design character;

d. Exterior roof access ladders must be screened from view.

F. "Fences, walls and hedges". The following standards shall apply to the limitations outlined in the following tables:

Districts	Maximum Permitted Height*
Residential, agricultural and FR Districts	
Front yard area or side of street yard setback area	3 feet (Solid structures, hedges or landscaping which creates a visually solid structure) 4 feet (Open work structures or plants (must permit the passage of a minimum of 90% of light))
Other yard area	6 feet
Enclosures outside of required yard area (i.e. tennis courts, etc.	14 feet
New subdivisions abutting a non-residential district	6 feet (Solid, decorative masonry wall)
All Other Districts	
Front yard or side of street yard	2 feet 6 inches (Solid structures, hedges or landscaping which creates a visually solid structure) 6 feet (Open work structures or plants (must permit the passage of a minimum of 90% of light))
Abutting residential district	8 feet (solid, decorative masonry wall)
Other yard area	8 feet
Outdoor storage areas visible from public rights-of-way (located behind required yards)	10 feet (Commercial) 12 feet (Industrial)

All Districts Traffic Safety Site Area	2 feet 6 inches
Residential, agricultural and FR Districts	

(continued on next page)

Districts	Maximum Permitted Height*
Public Rights-of-way, water-conveyance features, retention and detention basins	8 feet
Retaining Walls	
Uphill slope	8 feet
Down slope	3 feet
Adjacent to driveways	6 feet
Facing streets	5 feet (Constructed with natural, indigenous materials)

1. The limitations shall not apply in the following instances:

a. Where a greater height is required by any other provision of this code;

b. Where a greater height or type of fence, wall or hedge is required by a condition of approval; or

c. Within the SFR-2, RA-5, RA-10, A-19 or FR zoning districts, solid fences or hedges are permitted within the front yard areas at a height not to exceed six feet.

2. Traffic safety site area. On a corner lot, no fence, wall, hedge, sign or other structure, shrubbery, mounds of earth, or other visual obstruction over 30 inches in height above the nearest street curb elevation shall be erected, placed, planted, or allowed to grow within a traffic safety sight area. The foregoing provision shall not apply to public utility poles, trees trimmed (to the trunk) to a line at least six feet above the level of the intersection, saplings or plant species of open growth habits and not planted in the form of a hedge, which are so planted and trimmed as to leave at all seasons a clear and unobstructed crosstie, supporting members of appurtenances to permanent structures existing on the date this development code becomes effective, and official warning signs or signals.

3. Prohibited fence materials.

a. The use of barbed wire, electrified fence or razor wire fence in conjunction with any fence, wall, roof, hedge, or by itself within any land use district, is prohibited unless required by any law or regulation of the county, the state of Nevada,

the federal government, or agency thereof. Properties in agricultural use or PF districts and for animal keeping uses as defined in this title are exempt from this provision.

b. The above limitations shall not apply where the prohibited fence material is required as a condition of approval.

c. Chain link fencing shall not be acceptable material for trash enclosures.

4. Wall design standards.

a. Perimeter walls shall have articulated planes by providing at a minimum for every 100 feet of continuous wall an 18 inch deep by eight-foot-long landscaped recession.

b. Walls shall be construed with pilasters provided at every change in direction, every five feet difference in elevation and at a minimum of every 25 feet of continuous wall.

c. These provisions do not apply to individual single-family residences.

G. “Fire Protection”. All structures shall meet the requirements of the appropriate fire district in which the project is located.

H. “Fumes, vapor, gases, and other forms of air pollution”. No emission levels which can cause damage to human health, animals, vegetation or other forms of property shall be discharged into the atmosphere. No other forms of emission shall be measurable at any point beyond the boundary line of the parcel.

I. “Hazardous materials”. Hazardous materials shall be transported and maintained in accordance with the Nevada Revised Statutes and applicable uniform code. Projects or businesses which store hazardous materials shall prepare a spill management plan and containment systems to the satisfaction of the fire district with appropriate jurisdiction.

J. “Height of structures”. All structures shall meet the following standards relating to height:

1. The structure’s height shall not exceed the standard for the land use district in which it is located. The structure height shall be determined by the vertical distance from any part of the structure to the natural grade below, excluding chimneys and vents.

2. The above height restrictions do not apply to parapet walls extending four feet or less above the limiting height of the building on which they rest, or to bulkheads, elevator towers, water tanks or similar structures, provided that the aggregate floor area of the structure is not greater than one-half of the total roof area.

3. Church spires, bell towers, cupolas, domes, chimneys, and the like may exceed the maximum height established by the zoning district by 20 percent, except where they may be deemed a hazard.

4. Free-standing flagpoles and radio and television antennas may not exceed the structure height restrictions of the land use district in which they are located, except as otherwise provided in this development code.

5. Where the maximum permitted height of a new structure exceeds 35 feet, the following provisions shall apply:

a. Enhanced buffering to surrounding properties and the appropriateness of

under-structure parking shall be evaluated;

b. The need and appropriateness of the additional height shall be demonstrated;

c. Compatibility and harmony with surrounding development, and land use designations shall be demonstrated.

d. Above 35 feet, additional structural setbacks (step back) may be required.

K. “Hillside grading”.

1. Applicability. Grading activities in hillside areas with slopes of 15% or greater and having a minimum vertical rise of at least 30 feet (*see* figure 20.690.030.K.1.a, Appendix C) must be conducted in accordance with regulations set forth in this section, and as depicted in Appendix C. “Hillside Grading Graphics”

2. Exemptions. The standards contained in this section shall not apply to those specific developments or applications involving one or ore of the following circumstances. Non-applicability of the standards will not be construed to prevent the director, the planning commission or the board, upon proper findings, from imposing conditions which may also be contained within this section on approval of any tentative map, parcel map, special use permit, planned development, design review or special plan made after the date of adoption of this ordinance or the approval of any re-application:

a. Any ministerial approval including, but not limited to, building permits and grading permits, additions to existing residences and construction of accessory buildings on any tentatively approved or recorded parcels of record created prior to the adoption of this section;

b. Any development application proposed within an existing structure which does not involve expansion of the structure or additional grading of the site;

c. Any parcel involving a sanitary landfill operation, landfill related gas recovery and collection systems and ancillary electrical power generating and transfer station facilities as well as equipment storage, administrative facilitates and ancillary improvements related to the landfill;

d. Fire breaks and fire roads required by governmental agencies;

e. Public recreation trails for pedestrian, equestrian and mountain biking uses;

f. Any parcel located in a hillside area having only isolated land forms with slopes of 15 percent or greater which have a horizontal run less than 100 feet and a vertical rise less than 30 feet (*see* figure 20.690.030.K.2.f, Appendix C);

g. The construction of public improvements initiated by a public or quasi-public agency including, but not limited to, drainage channels, retention basins, water tanks and pumping stations, provided that such facilities are sited, landscaped and beamed so as to minimize visual impacts;

h. Boundary line adjustments;

i. Divisions of land into large parcels.

3. Required approvals for projects. No tentative subdivision map, tentative

parcel map, special use permit, building permit, design review, grading permit, construction permit or other discretionary approval shall be granted for a project unless the person or entity authorized to grant approval affirmatively finds, in addition to the required findings for the underlying discretionary approval, that the project complies with the provisions of this section.

4. Processing procedures and submittal requirements for projects.

a. For every non-exempt building or construction permit application which requires a grading permit under the Uniform Building Code as adopted by Douglas County and for every non-exempt tentative subdivision map, tentative parcel map, design review, special use permit or other discretionary approval of a project which proposes to disturb areas as defined in section 20.690.030.K.1. (Applicability), the applicant must submit the items and information listed in paragraphs b and c of this section to the community development department. This list is not exclusive and additional information or studies may be required for review of the project pursuant to the requirements of the underlying zoning district, process or procedure for review being applied for, and laws pursuant to the Nevada Revised Statutes, the Uniform Building Code as adopted by the County or this code.

b. An applicant must submit the following to the community development department unless specifically waived by the director:

i) Slope Analysis (*see* figure 20.690.030.K.4.b.i, Appendix C).

aa) The slope analysis must specifically identify and calculate the slope percentages for each topographic feature. Horizontal runs used to calculate slopes must be limited to each individual feature.

bb) Total land area within each category must be indicated on a table to be provided on the map face.

ii) Grading plan.

aa) A grading plan, prepared by a Nevada registered professional engineer, must include the height and width of all manufactured slopes, proposed drainage patterns, methods of storm water detention or retention, and identification of areas to remain in a natural state must be clearly shown. Off-site contours for adjacent, unimproved areas within 100 feet of the project's boundaries must be provided. When adjacent property is improved, pad elevations, access streets, street grades, wall sections, and any approved or existing improvements immediately adjacent to the subject property, must also be shown.

bb) One copy of the grading plan showing cut and fill areas, including preliminary building pad locations, driveway location and access points.

iii) Cross sections, preliminary cut and fill.

aa) No less than two cross sections which completely traverse those portions of the property proposed to be graded at appropriately spaced intervals in locations where topographic variation is the greatest. The exhibits must be prepared by a registered Nevada professional engineer. The cross sections must clearly depict the vertical variation between natural and finished grade.

iv) Erosion control and re-vegetation plan.

aa) An erosion control and re-vegetation plans must be submitted and prepared by a Nevada licensed landscape architect, registered forester or civil engineer and must include at least the following:

bb) A survey of existing trees, large shrubs and ground covers.

cc) A plan of the proposed re-vegetation of the site detailing existing vegetation to be preserved, new vegetation to be planted and any modifications to existing vegetation.

dd) A plan for the preservation of existing vegetation during construction activity.

ee) A maintenance program including initial and continuing maintenance for re-vegetated areas as necessary.

v) Fire protection report. If a project is located in a high fire hazard area, a fire protection report is to be prepared showing the location of fire lanes, fuel breaks, and proposed clear areas. This report must be approved by the fire district in which the project is located.

c. For projects located in hillside areas with slopes of 25% or greater that are not exempt, the following technical reports must be prepared in accordance with the design criteria and improvement standards for the county and submitted by a Nevada registered professional engineer (licensed in the appropriate discipline), and filed with the community development department unless specifically waived by the director:

i) Hydrology, drainage and flood report for all sites;

ii) Soils engineering report of the proposed sites attesting to the stability of all sites, and the appropriateness of the construction method proposed and appropriate setbacks;

iii) Engineering geology report attesting to the stability of the sites and addressing the potential of material either above the site or below the site causing a hazard to the site in question or other properties in the vicinity;

iv) Engineering for all roads providing access to the proposed sites.

5. Grading control.

a. The department may issue a permit when the plans conform to the provisions of this section. The department must consider the purpose, intent and the criteria established in this section, together with applicable standards and must approve the design if all applicable provisions are met.

b. The applicant or developer must be responsible for the maintenance of all slope planting and irrigation systems until the properties are occupied or until a homeowner's association accepts the responsibility to maintain the landscaping in common areas, or other maintenance district formation is established. These areas must be maintained in perpetuity by the property owner, homeowners association or maintenance district.

c. Any person who grades in those areas subject to the provisions of this title without prior county approval of plans for such work, subject to this section, shall be in violation of this ordinance. Abatement of the violation may include the property

owner undertaking the restoration (under county supervision and monitoring), or that failing, county-contracted restoration of the disrupted area. The property owner may be charged the cost of the restoration together with the direct costs of supervision and monitoring of the restoration. If the property owner fails to reimburse the county the costs incurred, a lien against the property for payment may be instituted and collected.

d. The provisions of this section are in addition to other county code titles and regulations applicable to grading activities within the county including the Uniform Building Code as adopted by the County.

e. The department may apply conditions when the proposed development does not comply with applicable standards. Conditions may be attached to the approval of grading plans so as to achieve the following objectives:

i) The health and safety of the public;

ii) The preservation of stream courses and encouraging re-vegetation with drought-tolerant native species;

iii) The avoidance of excessive building padding or terracing and cut and fill slopes to reduce the scarring effects of grading (*see* figure 20.690.030.K.5.e.iii & iv, Appendix C);

iv) The use of contour grading techniques to ensure optimum treatment of natural hillside and drainage features and soften the impact of grading on hillsides, including rolled, sloping, or split pads, rounded cut and fill slopes (*see* figure 20.690.030.K.5.e.iii & iv, Appendix C);

v) Erosion prevention during construction and long term avoidance through proposed design and maintenance measures.

vi) Compliance with the provisions of this section.

The plans and drawings may be disapproved but the county must specify the standards that are not met.

6. Grading standards. No development in a hillside area shall be approved unless the development, or the development as modified with conditions, complies with the following standards:

a. For the construction of utilities, all areas of cut must be restored to natural grade and re-vegetated to conform to the character of the surrounding natural terrain. In order to reduce grading disturbance during utility installation, all utilities must be incorporated in common trenches and access roads, where practical.

b. Mass grading of hilltops, ridges, and ravines is prohibited.

c. All manufactured or man-modified slopes must be stabilized, made to conform to the surrounding natural terrain, and must be re-vegetated to conform to the natural character of the surrounding area.

d. The maximum height for manufactured slopes is 30 feet (*see* figure 20.690.030.K.6.d, Appendix C).

e. Manufactured fill slopes adjacent to primary and secondary arterial must be no steeper than 4:1 within landscaped areas and public right-of-ways and must not exceed ten feet in height unless the slope is lower in elevation than the roadway (*see* figure 20.690.030.K.6.e, Appendix C).

f. Grading on the perimeter of the site must not be designed with perimeter downslope to property lines unless a homeowners association, slope maintenance district, or similar entity is established for maintenance of the downslope. Exemptions to this requirement may be made for downslope to property lines with a ratio of 5:1 or less. For interior slopes between lots, manufactured building pads must be designed with up-slopes to property lines.

g. Plot plans must indicate a minimum 20 foot setback from the rear dwelling wall to the toe or top of a manufactured slope or retaining wall and a minimum 10-foot setback from the side dwelling wall. The only exception to this standard would be in the case of a terraced rear yard where multiple levels of functional yard space are provided (*see* figure 20.690.030.K.6.g, Appendix C).

h. All manufactured slopes must be rounded at the top and at the toe of slope. The radius of the rounded slope shall be calculated by dividing the overall height of the slope by three (H/3) (*see* figure 20.690.030. K.6.h, Appendix C).

i. Manufactured slopes in excess of 200 feet in length and greater than eight feet in height must be designed with horizontal curvature that simulates the horizontal surface variations of natural contours.

j. Cross lot drainage may be utilized to reduce grading if an overall design and method of
maintenance is established to the satisfaction of the director. Terrace drains must be subject to maintenance by private homeowners associations or individual property owners (*see* figure 20.690.030.K.6.j, Appendix C).

k. Any continuous manufactured slope within a parcel map, serial parcel map or subdivision with a slope ratio of 3:1 or steeper, a vertical height of 20 feet or greater, and which abuts five or more lots (*see* figure 20.690.030.K.6.k, Appendix C), shall require the creation of a property owners association or other maintenance entity with provision for the collection of fees or assessments designated specifically to pay costs associated with the maintenance of these slopes, as well as to create easements or homeowners association lots for maintenance of all slopes falling under this category. The slope maintenance entity, rather than individual property owners, will be responsible for maintenance of the slopes. The tentative parcel or subdivision map must be designed to provide access to the slopes by easements which do not access the slopes through individual lots. No fences shall be permitted between lots within the slope easement areas. Slope easement areas may be included as lot area for purposes of calculating lot size. Permanent structures must not be permitted within common slope easement areas.

L. “Hours of construction”. The hours of operation for all building construction activities not within a dedicated road right-of-way are as follows: 7:00 a.m. to 7:00 p.m. Monday through Friday; 8:00 a.m. to 7:00 p.m. Saturday and Sunday.

M. “Lighting”. Exterior lighting shall be shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel, and shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures

shall be appropriate in scale, intensity, and height to the use it is serving. Security lighting shall be provided at all entrances and exits.

N. “Noise”. The following provisions shall apply:

1. No exterior noise level shall exceed 65 CNE exterior and 45 CNE interior in residential areas.

2. All residential developments shall incorporate the following standards to mitigate noise levels:

a. Increase the distance between the noise source and receiver;

b. Locate land uses not sensitive to noise, which include but are not limited to parking lots, garages, maintenance facilities, and utility areas, between the noise source and the receiver;

3. The minimum acceptable surface weight for a noise barrier is four pounds per square foot (equivalent to 3/4 inch plywood). The barrier shall be of continuous materials which are resistant to sound including:

a. Masonry block;

b. Pre-cast concrete;

c. Earth berm or a combination of earth berm with block concrete.

4. Noise barriers shall interrupt the line-of-sight between noise source and receiver.

O. “Projections, construction and equipment permitted into setbacks”. The following list represents the only projections, construction, or equipment that shall be permitted within the required setbacks. Building code requirements may further restrict the distance required to be maintained from the property lines and other structures:

1. Front setback: Roof overhangs, oriel and bay windows, fireplace chimneys, awnings, canopies and porches may encroach into the front yard a maximum of 5 feet. Access stairs are permitted to encroach into the front yard setback a maximum of 5 feet on parcels with an average slope of 16 percent or greater;

2. Rear setback: Roof overhangs, pools, patio covers, tennis courts, gazebos, and awnings and canopies, provided there is no projection within five feet of the property line. Accessory structures may be located pursuant to section 20.664.020;

3. Side setback: Roof overhangs, oriel and bay windows, porches, fireplace chimneys, awnings and canopies may encroach into the side yard a maximum of two feet - six inches provided that a minimum four feet of clearance is provided for access.

P. “Radioactivity or electrical disturbance”. No activity shall be permitted which emits radioactivity or electrical disturbance.

Q. “Refuse storage and disposal”. The following standards apply to multi-family projects and single family homes:

1. Every parcel with a multi-family project with four or more units, including manufactured home parks, or a commercial or industrial structure shall have a trash receptacle on the premises. The trash receptacle shall be of sufficient size to accommodate the trash generated. The receptacle shall be screened from public view on at least three sides by a solid wall six feet in height and on the fourth side by a solid gate not less than five feet in height, in compliance with the design criteria and

improvement standards manual. The gate shall be maintained in good working order and shall remain closed except when in use. The wall and gate shall be architecturally compatible with the surrounding structures. Trash receptacles for single family homes should be stored within the enclosed garage or behind a fence. Trash receptacles for single family homes must be removed from the street within 24 hours of trash pickup.

2. For single family homes using bear-proof trash enclosures, which are structurally attached to the ground, permanent or designed not to be easily moved, the placement of the enclosures must be in an accessible location for garbage pickup using the following standards:

a. Bear-proof trash enclosures must be located on the parcel between the residence and within 20 feet of a county maintained road, or other road but not closer the 10 feet from the edge of pavement or curb;

b. Where possible, a minimum separation of 50 feet between the residence and the bear-proof trash enclosure be maintained. Where the minimum separation cannot be met due to parcel size or site constraints, the bear-proof trash enclosure must be located to maximize its separation.

c. The bear-proof trash enclosure must be located outside of the road right-of-way, snow storage area, and traffic safety sight areas;

d. The bear-proof trash enclosure must be painted a color compatible with the surrounding structures; and

e. The maximum size of the bear-proof trash enclosure must not exceed 60” in height, by 60” in width.

R. “Screening”. Any equipment, whether on the roof, side of structure, or ground, shall be screened. The method of screening shall be architecturally compatible in terms of materials, color, shape, and size. The screening design shall blend with the building design and include landscaping when on the ground.

S. “Signs, off-street parking, off-street loading and landscaping”. All development shall comply with the provisions of chapter 20.696 (Sign and advertising control), chapter 20.692 (Off-street parking), and chapter 20.694 (Landscaping standards).

T. “Solar energy”. Passive heating and cooling opportunities should be encouraged in all developments in the following manner:

1. Future structures should be oriented to maximize solar access opportunities.

2. Streets, lot sizes, and lot configurations should be designed to maximize the number of structures oriented so as to maximize passive solar opportunities.

3. The proposed lot size and configuration should permit structures to receive cooling benefits from both prevailing breezes and existing and proposed shading.

4. Any pool or spa facilities owned and maintained by a homeowners association should be equipped with a solar cover and solar water heating system.

5. No structure (building, wall or fence) should be constructed or vegetation placed so as to obstruct solar access on an adjoining parcel.

6. Roof-mounted solar collectors should be placed in the most obscure location without reducing the operating efficiency of the collectors. Wall-mounted and ground-mounted collectors shall be screened from public view.

7. Roof-mounted collectors should be installed at the same angle or as close as possible to the pitch of the roof.

8. Appurtenant equipment, particularly plumbing and related fixtures, should be installed in the attic.

9. Exterior surfaces of the collectors and related equipment should have a matte finish and shall be color-coordinated to harmonize with roof materials or other dominant colors of the structure.

U. “Storage”.

1. There shall be no visible storage of motor vehicles, manufactured houses, trailers including horse and utility trailers, airplanes, boats, or their composite parts, loose rubbish, garbage, junk, or their receptacles, tents, or building or manufacturing materials in any portion of a lot, except as allowed under the provisions of this code. No storage shall occur on any vacant parcel.

2. No vehicles or other materials may be stored or displayed for sale on any vacant lot or at any vacant business location.

3. No goods, wares, or merchandise may be displayed for sale on any vacant lot or at any vacant business location without a traveling merchant permit pursuant to Title 5.24.

4. Building materials for use on the same premises may be stored on the parcel during the time that a valid building permit is in effect for construction.

5. There shall be no visible storage of a metal storage, sea cargo, cargo or similar container without a minor design review as required by chapter 20.614.

V. “Toxic substances and wastes”. No use may operate that utilizes toxic substances or produces toxic waste without the approval of a special use permit pursuant to the provisions of chapter 20.604. Prior to consideration of a special use permit, the operator must prepare a toxic substance and waste management plan which will provide for the safe use and disposal of these substances.

W. “Undergrounding of utilities”. Utilities shall be placed underground pursuant to chapter 20.220.

X. “Vibration”. No vibration associated with any use shall be permitted which is discernible beyond the boundary line of the property.

Y. “Yards and lot area”. Yard areas are defined in Appendix A of this title.

1. The following requirements apply to property within any agricultural, forest and range, or residential zoning district:

a. No required yard or open space around an existing building or any building erected may be considered a yard or open space for any building on an adjoining lot or parcel except as may be approved under a planned development.

b. Where the average slope of the front half of the lot is more than one foot rise or fall in four feet, the front yard may be reduced to not less than one-half of the original requirement.

c. Structures designed and used for storage purpose not more than six feet in height or 25 square feet in floor area may be extended into any required side yard a

distance not exceeding two feet or into any required rear yard a distance not exceeding four feet.

d. Notwithstanding anything in this title to the contrary, all yard setback requirements may be varied by the procedure in chapter 20.606.

2. The following requirements apply to property within any commercial or industrial zoning district:

a. Side and rear yards. When a non-residential lot or parcel is contiguous to the boundary line of a residence of agricultural lot or parcel, any side or rear yard which is adjacent to the residence or agricultural lot or parcel must have a minimum width of ten feet.

3. Area regulations:

a. No lot or parcel may be reduced in area to be less in any dimension than is required by requirements applicable to the land use district in which the lot is located.

b. No portion of any lot or parcel of land which is part of the required area for an existing building may be used as a part of the required area of any other lot or parcel or proposed building. When a portion of any lot or parcel is sold or transferred, and the area of that portion or portion remaining no longer conforms to required areas as defined in land use districts in which the lot or parcel is located, the portion sold or transferred and the portion remaining are considered as one parcel only in determining permissible number and location of buildings allowed to be placed on both parcels.

c. Corner lots created after the adoption of this code which are less than one-half acre net in size shall have a minimum lot area ten percent greater than that required in the zoning district in which it is located.

4. Exceptions to minimum lot area and width. Notwithstanding the minimum requirements for lot area, width, and setback requirements, the board may approve a random mixture of lot widths, lot sizes and setbacks when considering a tentative map for a subdivision creating at least ten lots, each of which are less than one net acre in size in a residential zoning district, provided that the following conditions are met:

a. Excluding corner lots, at least 25 percent of the remaining lots exceed the minimum lot width by at least five feet;

b. Excluding corner lots, no more than 40 percent of the remaining lots may be less than the minimum width;

c. No lot shall have a length less than the minimum length or a width less than 15 feet
below the minimum width;

d. No corner lot may be less than the minimum width or area;

e. No more than two consecutive lots below minimum width may be adjacent to one another.

5. For divisions of land after the date of adoption of this title, a “restricted use area” shall be retained in its existing state and be restricted from all development except for hiking trails, provided such trails neither create nor increase a public hazard, and excluding minimal grading required to construct public utility services or roadways to adjacent properties where no technically feasible alternative route or construction

method exists. Any restricted use area must be shown as such on the recorded final map. In all zoning districts, a restricted use area shall extend a minimum of 50 feet from the following features:

a. Landslides. Setback measured from mapped boundary of landslide. The current active status of a landslide shall be determined by a geologic hazard study.

b. Cave or mine entrances. Setback measured from edge of entrance.

c. Sinkhole. Setback measured from the edge of those sinkholes that exhibit three feet or greater depth of closed depression.

d. Perennial springs. Setback measured from perimeter of spring.

e. Perennial streams and major drainage ways including, but not limited to, all streams and drainage ways delineated by the U.S. Geological Survey on the 7.5 minute quadrangle topographic map series. Drainage ways that have been modified by man or by natural processes so that they are different from those delineated on the 7.5 minute (7.5') quadrangle maps shall be set back from as defined herein. In addition, some man-made drainage ways as designated by the county engineer shall be set back from as defined herein.

i) The 50-foot setbacks shall extend landward from the banks or normal high-water points of the drainage ways.

f. Abandoned quarries or borrow pits. Setbacks shall extend from the top and bottom of quarry face.

g. Historical and archeological sites. Setbacks shall extend from the boundaries of significant historical or archeological sites as determined by the State Historical Preservation Office.

h. Wetlands. Setbacks shall extend from the boundary of the determined wetland.

Z. "Single-family dwelling design standards". The following standards shall apply to the construction of all single-family dwellings, excluding homes placed within the MH overlay zoning district and accessory dwellings for employees' quarters that fall under the provisions of section 20.664.010:

1. The dwelling must meet the requirements of the most current version of the Uniform Building Code as adopted by the County, or, if it is a manufactured home, it must meet the requirements of the HUD Code and must not have been altered in violation of such codes.

2. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be recorded with the County Recorder and the title must be filed with the Manufactured Housing Division, State of Nevada.

3. The dwelling must be approved for and permanently connected to all required utilities.

4. Each dwelling shall have a code compliant, site built, concrete, masonry, steel, or treated wood foundation capable of transferring design dead loads and other design loads unique to local home sites due to wind, seismic, and water conditions that are imposed by or upon the structure into the underlying soil or bedrock without failure. All foundations shall be designed in accordance with Douglas County adopted building

codes or an approved engineered design. All tie-down devices must meet the manufacturer's installation requirements and Douglas County adopted building codes or an approved engineered design. The space beneath the structure must be enclosed at the perimeter of the dwelling and constructed of materials that are weather resistant and aesthetically consistent with concrete or masonry type foundation materials. The foundation material shall be comparable to the predominant materials used in foundations of surrounding dwellings. All manufactured homes shall have running gear, tongues, axles, and wheels removed at the time of installation.

5. Manufactured homes must be certified under the National Mobile Home Construction and Safety Standards Act of 1974 and must be manufactured within the 5 years immediately preceding the date on which it is affixed to the residential lot.

6. The dwelling shall have a roof surface of metal, asphalt, composition, or concrete, fiberglass cement, clay, or slate tiles. Unfinished galvanized steel, copper, or aluminum roofing shall not be permitted, unless designed to weather and gain a patina with age. The dwelling shall have a roof with a minimum of 4:12 pitch for at least 75 percent of the total roof area and there shall be a roof overhang at the eaves and gable ends of not less than 18 inches for standard residential construction and 16 inches for manufactures home construction, excluding rain gutters, measured from the horizontally from the exterior wall to the tip of the eave. The roof overhang requirement shall not apply to areas above porches, alcoves, and other appendages.

7. Dwellings shall have exterior siding materials consisting of wood, hardwood, brick, concrete, stucco, glass, tile, vinyl lap, or stone.

8. The width of the dwelling shall be at least 20 feet at the narrowest point of its first story for a length of at least 20 feet exclusive of any garage or porch area. The width shall be considered the lesser of the two primary dimensions. Manufactured homes must consist of more than one section and contain a minimum of 1,000 square feet of livable area.

9. Off-street parking shall be provided in accordance with section 20.692.050. In addition, single-family dwellings shall be provided with a garage or carport with a minimum interior width of 12 feet and constructed concurrently with the primary dwelling. The garage or carport shall be architecturally compatible with the dwelling in terms of color, size, roof overhangs and materials and exterior materials.

10. Porches, decks, or verandas that require a building permit are permitted on the front of the home only when covered with a roof.

11. All single-family dwellings shall utilize at least three of the following architectural features: dormers; more than two gables; recessed entries; covered porch/entry; bay window or alcove; building off-set; roof overhang at the eaves of at least 24 inches; roof pitch of a least 6:12; a deck with railing or planters and benches; or other compensating features that would make the dwelling architecturally compatible and harmonious with the surrounding neighborhood, as approved by the director.

12. The provisions of this section do not abrogate a recorded restrictive covenant prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to NRS 384.005 or 384.100. An

application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions, and restrictions placed on the lot and that the lot is not located within a historic district.

13. The director may consider variance requests from one or more of the developmental or architectural standards contained in development standards 6 through 11, above. All variance requests related to these standards shall be considered a minor variance and are to be considered under the variance provisions of chapter 20.606. In lieu of the findings required under section 20.606.050 A., the following findings must be made for approval:

a. The architectural style proposed provides compensating features and the proposed dwelling will be compatible and harmonious with existing structures in the vicinity;

b. The variance is not requested exclusively on the basis of economic hardship to the applicant; and

c. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, substantial impairment of natural resources or be detrimental to the public health, safety and general welfare. (Ord. 1315, 2010; Ord. 1310, 2010; Ord. 1219, 2007; Ord. 1208, 2007; Ord. 974, 2001; Ord.902, 2000; Ord. 871, 1999; Ord. 844, 1998; Ord. 801, 1997; Ord. 770, 1997; Ord. 763, 1996; Ord. 614, 1993; Ord. 590, 1993; Ord. 497, 1989; Ord. 407, 1982; Ord. 406, 1982; Ord. 390, 1981; Ord. 196, 1972; Ord. 167, 1968; Ord. 158, 1956)

Chapter 20.692

Off-Street Parking and Loading

Sections:

20.692.010 Required.
20.692.020 Exemption.
20.692.030 Prohibited.
20.692.040 Existing uses and change in uses.
20.692.050 Size and access.
20.692.060 Mixed occupancies.
20.692.070 Joint use.
20.692.080 Parking lot - General requirement, access, design, and maintenance.
20.692.090 Off-street loading and unloading.
20.692.100 Excess parking.
20.692.110 Units of measurement.
20.692.120 Parking calculation of storage areas.

20.692.010 Required.

Every building or portion of a building erected must be provided with off-street parking facilities to accommodate the vehicles used by the occupants, visitors, customers, clientele, and employees of the building. With the exception of commercial parking lots in any commercial or industrial zone and joint use parking facilities, all public or private off-street parking facilities must be located on the same property as the land use intended to be served. The number of off-street parking and loading spaces required per use is provided for each respective land use category identified in the following table:

Table 20.692.1
Required Parking and Loading Spaces

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required**
.010 Agricultural and related limited commercial		
(A) Agricultural products and related limited commercial uses	One per 500 square feet of floor area or storage area	First one required at 10,000 sq. ft.
(B) Agricultural products retail outlet	One per 500 sq. ft. of area devoted to sales	First one required at 10,000 sq. ft.
(C) Aquaculture	Determined with special use permit	Determined with special use permit

(continued on next page)

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required**
.010 Agricultural and related limited commercial uses (cont'd)		
(D) Animal keeping	None	None
(E) Commercial stock yard	Determined with special use permit	A minimum of one
(F) Commercial meat or poultry processing facility	One per 500 sq. ft.	First one required at 10,000 sq. ft.
(G) Commercial nursery	One per 1,000 sq. ft. of total area plus one per 250 sq. ft. of interior floor area, excluding shade structures and green houses	A minimum of one
(H) Keeping of non-domestic (wildlife) animals	Determined with special use permit	Determined with special use permit
(I) Limited agricultural uses	None	None
(J) Limited commercial use	One per employee on site	None
(K) Open agricultural uses	None	None
.020 Commercial and business service uses		
(A) Building contracting shop	One per 200 sq. ft.	First one required at 5,000 sq. ft.
(B) Carpentry, woodworking or furniture making facility	One per 500 sq. ft.	First one required at 5,000 sq. ft.
(C) Car wash	One per each washing bay and five stacking spaces per washing bay	None
(D) Commercial bakery	One per 1,000 sq. ft.	First one required at 5,000 sq. ft.
(E) Commercial laundry and dry cleaning	One per 500 sq. ft.	First one required at 10,000 sq. ft.
(F) Gaming	One per 100 sq. ft.	First one required at 5,000 sq. ft.
(G) Kennel	One per 300 sq. ft. with a minimum of two spaces	None
(H) Dog fancier or breeder kennel	One per 300 sq. ft., with a minimum of two spaces	None
(I) Dog rescue kennel	One per 300 sq. ft., with a minimum of two spaces	None
(J) Pet Service	One per 300 sq. ft., with a minimum of two spaces	None
(K) Pawn Shop	One per 250 sq. ft.	First one required at 5,000 sq. ft.
(L) Printing or publishing establishments	One per 250 sq. ft.	First one required at 5,000 sq. ft.
(M) Thrift or second hand stores, used appliance stores	One per 250 sq. ft.	First one required at 5,000 sq. ft.

(continued on next page)

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required**
.020 Commercial and business service uses (cont'd)		
(N) Adult characterized businesses	One per 250 sq. ft.	First one required at 5,000 sq. ft.
.030 Forestry Uses		
(A) Forestry	None	None
.040 Industrial uses		
(A) Equipment rental	One per 300 sq. ft. of enclosed building area. Equipment may not occupy required parking.	None
(B) General Industrial	One per 500 sq. ft. and as determined through special use permit	First one required at 10,000 sq. ft.
(C) Light Industrial	One per 500 sq. ft.	First one required at 10,000 sq. ft.
(D) Machine shop	One per 500 sq. ft.	First one required at 5,000 sq. ft.
(E) Outside storage	None	None
(F) Sawmill	One per 500 sq. ft. of floor area or area of operation	First one required at 10,000 sq. ft.
(G) Solid waste disposal site and facility	Determined with special use permit	Determined with special use permit
(H) Solid waste transfer facility	Determined with special use permit	Determined with special use permit
.050 Institutional and uses of community significance		
(A) Cemetery	Determined with special use permit	Determined with special use permit
(B) Church	One per 30 sq. ft. of worship area, plus parking for accessory uses	None
(C) Community center and related facilities	One per 250 sq. ft. of office area and as determined through design review	Determined with design review
(D) Day care center (large)	One per every eight persons plus one space per employee	None
(E) Day care center (small)	None	None
(F) Emergency care facility	One per 330 sq. ft.	None
(G) Educational facility	Three parking spaces per classroom plus 10 for all other facilities	First one required at 10,000 sq. ft.
(H) Small group care or group home	0.5 per bed	None

(continued on next page)

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required*
(J) Hospital		
(K) Judicial center	Determined with special use permit	Determined with special use permit
(L) Nursing, convalescent, or residential care facility	One for every three patient beds	First one required at 10,000 sq. ft.
(M) Post office	One per 100 sq. ft.	Determined with design review
(N) Use of community significance	Determined with special use permit	Determined with special use permit
(O) Independent congregate senior living community	One covered parking space per living unit, plus one guest parking space for every four units.	One shall be provided for the facility.
.060 Lodging uses		
(A) Bed and breakfast	One per guest room and two for the primary residence	None
(B) Campground	One for each RV space plus one per 250 sq. ft.	None
(C) Overnight lodging	One per room plus one per each 15 rooms and any parking required for incidental uses including but not limited to gaming and restaurants	First one required at 10,000 sq. ft.
(D) Resort lodge, conference center or guest ranch	1.5 per room and/or cabin	First one required at 10,000 sq. ft.
.070 Mining uses		
(A) Open and subsurface mining	Determined with special use permit	Determined with special use permit
.080 Office uses		
(A) Professional office	One per 250 sq. ft.; real estate offices require one per 200 sq. ft.	First one required at 10,000 sq. ft.
.090 Recreation uses		
(A) Equestrian facilities	Determined with design review	Determined with design review
(B) Golf course	Six per hole, plus parking for accessory uses such as restaurants and pro shops	Determined with special use permit or planned development
(C) Health club	One per 300 sq. ft.	First one required at 10,000 sq. ft.
(D) Indoor recreation	One per 200 sq. ft.	None
(E) Membership club	One per 100 sq. ft.	None
(F) Motorized racing facility	Determined with design review	Determined with design review

(continued on next page)

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required*
.090 Recreation uses (cont.)		
(G) Non-motorized racing facility	Determined with design review	Determined with design review
(H) Outdoor recreation, for day use	One per 200 sq. ft. of active area	None
(I) Outdoor recreation, for night use	One per 200 sq. ft. of active area	None
(J) Park or play field, for day use	Determined with design review	None
(K) Park or play field, for night use	Determined with design review	None
(L) Public recreation center	One per 200 sq. ft. of active area	None
(M) Ski area	Determined with special use permit	Determined with special use permit
.100 Residential uses		
(A) Boarding House	One per bedroom	None
(B) Clustered development	As required per use	None
(C) Manufactured home park	Two per unit, one of which must be covered, plus one quest space per four units NOTE: tandem parking is allowed	None
(D) Multi-family dwelling	Two per unit, one of which must be covered, plus ne guest space per four units	None
(E) Single-family dwelling	Two covered parking spaces	None
.110 Retail and personal service uses		
(A) Bank	One per 300 sq. ft.; three stacking parking spaces are required for each drive up window or station	None
(B) Bar	One per 75 sq. ft.	First one required at 10,000 sq. ft.
(C) Building material or garden store	One per 250 sq. ft. of sales area	First one required at 10,000 sq. ft.
(D) Convenience store	One per 200 sq. ft.	First one required at 3,000 sq. ft.
(E) Indoor theater	One per 35 sq. ft. for non-fixed seats or one per four fixed seats	None

(continued on next page)

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required**
.110 Retail and personal service uses (cont.)		
(F) Mortuary	One per 200 sq. ft., plus one parking space for each 30 sq. ft. of chapel area	None
(G) Outdoor theater	One per each 35 sq. ft. for non-fixed seats or one per four fixed seats	None
(H) Restaurant	One per 100 sq. ft.; one per 250 sq. ft. for take-out restaurants	First one required at 5,000 sq. ft.
(I) Retail or personal service facility	One per 250 sq. ft. and five stacking spaces are required for each drive up window or station	First one required at 10,000 sq. ft.
(J) Vehicle rental	One per 300 sq. ft. of office area. Rental vehicles may not be parked in required spaces.	None
(K) Vehicle service center, minor	One per each gas pump, plus two per service bay; one stacking space is required for each service bay and car wash bay	None
(L) Vehicle service center, major	Three per service bay	None
(M) Veterinary clinic, with outdoor holding facilities	One per 250 sq. ft.	None
(N) Veterinary clinic, without outdoor holding facilities	One per 250 sq. ft.	None
.120 Transportation uses		
(A) Private airport	Determined with special use permit	Determined with special use permit
(B) Public airport	One per 200 sq. ft. of terminal building floor area, plus parking required for associated uses outside of the terminal area	First one required at 10,000 sq. ft.
(C) Airport related uses	One per 200 sq. ft. of terminal building floor area	First one required at 10,000 sq. ft.
(D) Heliport	One per 200 sq. ft. of terminal building floor area, with a minimum of five spaces	First one required at 10,000 sq. ft.
(E) Helistop	Five spaces are required	None
(F) Park and ride facility	Determined with special use permit	Determined with special use permit
(G) Parking structure and parking lot (primary use)	Determined with special use permit	Determined with special use permit

(continued on next page)

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required**
.120 Transportation uses (cont.)		
(H) Terminal and passenger service facility	One per 250 sq. ft. of office area plus one per 1,000 sq. ft. of maintenance service area. NOTE: no vehicles related to the terminal's operations may park in customer or employee parking areas.	Determined with design review
.130 Utility and public service uses		
(A) Central office building of a telecommunication	Determined with design review	None
(B) Fire station	Determined with design review	None
(C) Major facility of a public or private utility	Determined with special use permit	None
(D) Public or quasi-public facility other than listed	Determined with special use permit	Determined with special use permit
(E) Public safety telecommunication facility	None	None
(F) Sewage or water transmission lines	None	None
(G) Sewage treatment facility	Determined with special use permit	None
(H) Telecommunications site	None	None
(I) Telecommunications facility	None	None
(J) Utility service facility	None	None
(K) Water reservoir	Determined with special use permit or design review	None
(L) Water tank, water treatment facility or sewer lift station	Determined with design review	Determined with design review
(M) Wind powered electric generator	Determined with design review	Determined with design review
(N) Treated effluent irrigation	None	None
.140 Warehouse uses		
(A) Personal storage facility	One per 20 units	None
(B) Warehouse and distribution center	One per 1,000 sq. ft.	First one required at 10,000 sq. ft.
.150 Accessory uses (See Section 20.660.150 for requirements)		
(A) Accessory agricultural retail sales	Minimum of 5 spaces	None

(continued on next page)

Use (as defined in chapter 20.660)	Parking Spaces Required*	Loading Spaces Required **
.150 Accessory uses (See Section 20.660.150 for requirements) (cont.)		
(B) Accessory dwelling	One in addition to that which is required for the main dwelling	None
(C) Accessory outside storage	See Subsection 20.660.150(C)	See Subsection 20.660.150(C)
(D) Accessory Structure	None	None
(E) Grading or stockpiling of more than 500 cubic yards	None	None
(F) Home occupation	None	None
(G) Household pets	None	None
(H) Non-commercial telecommunications site, one structure meeting district regulations	None	None
(I) Non-commercial telecommunications site, all others	None	None
(J) Solar energy system	None	None
(K) Stationary tank storage (above ground)	None	None
.160 Temporary uses		
(A) Emergency non-commercial telecommunications facility	Determined with temporary use permit	Determined with temporary use permit
(B) Temporary batch plant	Determined with temporary use permit	Determined with temporary use permit
(C) Temporary construction or sales office	Determined with temporary use permit	Determined with temporary use permit
(D) Temporary dwelling unit	None	None
(E) Seasonal sales lot	Determined with temporary use permit	Determined with temporary use permit

Notes:
* All square footage refers to floor area unless otherwise noted.
** Additional loading requirements by square footage may be found in Table 20.692.3.
(Ord. 1279, 2009; Ord. 1238, 2008; Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

20.692.020 Exemption.

No building as it exists at the time of the effective date of this chapter shall be deemed to be nonconforming solely by reason of the lack of off-street parking facilities. If any portion of the premises is being used for off-street parking in connection with any building, the parking shall not be reduced below the requirements of this chapter. (Ord. 763, 1996; Ord. 167, 1968)

20.692.030 Prohibited.

A. Except where specifically allowed, required parking spaces must not be in tandem. All parking spaces must have unobstructed access to a street, alley, aisle, or driveway connecting with a street or alley without requiring movement of another vehicle.

B. For auto repair shops or other similar uses, the racks and pump blocks shall not be considered in calculating required parking spaces.

C. Required parking spaces shall not be used or permitted to be used for the repair, servicing, storage of vehicles, or for the storage of material.

D. With the exception of instances where an alley is used for access, no use subject to design review may utilize a right-of-way for required backing area. (Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

20.692.040 Existing uses and change in uses.

The provision of parking space is not required for legal, existing uses as of the effective date of this ordinance, but shall be required for any change in use, or increase in floor area or in the number of employees or other unit of measurement specified to indicate the number of off-street parking spaces. (Ord. 763, 1996, Ord. 167, 1968)

20.692.050 Size and access.

A. Residential. Each off-street parking space for single-family structures in a residential zoning district shall have an area of not less than 180 square feet, exclusive of driveways or drive aisles. The interior width of each space shall not be less than 9 feet and the interior length of not less than 20 feet. Each space must be provided with adequate ingress and egress and the parking spaces are not be allowed within any required front yard or side of street yard building setback area. This restriction does not apply to property in the Residential Office (RO) overlay zoning district.

B. Commercial, industrial, institutional, and multi-family. Each off-street parking space for commercial, industrial, institutional, and multi-family residential uses must have adequate ingress and egress and must be properly striped to the following standards:

1. Each space must have an area of not less than 180 square feet, exclusive of driveways or drive aisles. The width of each space must be a minimum of nine feet and the length must be a minimum of 20 feet.

2. Up to 25 percent of the required off-street parking for multi-family and non-residential uses may be designated as small car or compact spaces. These spaces shall be nine feet wide by 18 feet long and must be identified as compact car spaces. Compact car spaces must be distributed evenly throughout the entire parking lot.

3. 50 percent of the available on-street parking spaces adjacent to the exterior boundaries of the property may be deducted from the required total off-street parking facilities.

4. Parallel parking spaces must have a minimum length of 22 feet and a

minimum width of 10 feet.

5. Parking spaces that are adjacent to a side wall of greater than three feet in height must provide a minimum width of 10 feet.

C. Access drive.

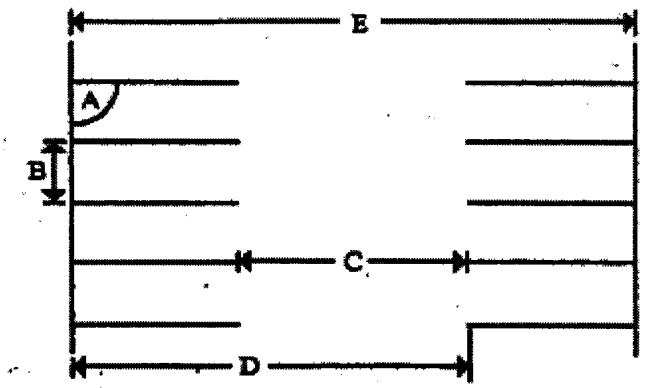
1. When access is from a paved public street, alley, or private easement, a paved driveway approach, a minimum of ten feet in length and 12 feet in width shall be provided to each residential property. The drive approach shall be paved with two inches of asphaltic concrete or other similar material and four inches of aggregate base material.

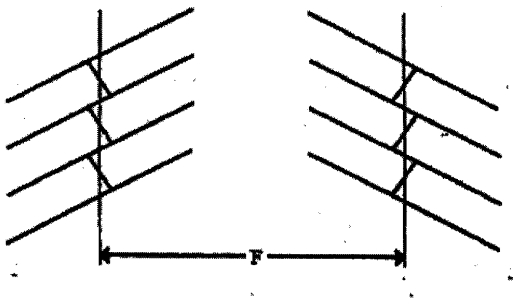
2. Where ingress and egress to an industrial, commercial, or institutional development is required from a paved public street, alley, or private easement, a 30 foot wide, measured curb to curb, ten foot long paved access drive shall be provided. The access drive shall be paved with a minimum of two inches of asphaltic concrete or other similar material and six inches of aggregate base material as per required by the county.

D. Parking lot design. Parking layout design must provide ample stall and aisle widths, and adequate turning radii for maneuvering. To ensure the safety in maneuvering of vehicles and trucks, all parking lots shall meet or exceed the parking stall dimensions noted in Table 20.692.2 below:

Table 20.692.2

Angle of Parking (degrees)	Distance Between Spaces (ft.)	Aisle Width (feet) (C)		Total Width of One-Way Parking Layout (feet)		
(A)	(B)	One-way	Two-way	One-sided (D)	Two-sided (E)	Herringbone (F)
30	20	12	22	30	48	40
45	14	14	22	34	54	47
60	12	18	24	39	60	56
90	9	25	25	45	65	–





Note: Parking stall widths are measured on-center with the stall striping. All stalls must be marked with a minimum four-inch-wide stripe. (Ord. 763, 1996, Ord. 641, 1994; Ord. 167, 1968)

20.692.060 Mixed occupancies.

In the case of mixed uses in a building or on a lot, the total requirements for off-street parking facilities is the sum of the requirements for the various uses computed separately. Off-street parking spaces for one use shall not be considered as providing required parking spaces for any other use except as specified for joint use facilities (see 20.692.070). (Ord. 763, 1996)

20.692.070 Joint use.

The director, or designee may, upon application by the owner or lessee of any property, authorize the joint use of parking facilities for the following uses or activities

upon the conditions specified in this chapter and subject to design review approval:

A. Common parking facilities, public or private, may be provided in lieu of the individual requirements contained in this chapter, but the facilities must be approved by the director for size, shape, relationship to business sites to be served provided the total of the off-street parking facilities when used together, must not be less than the sum of the various uses computed separately. The required parking must be located within 300 feet of the business use. Common parking facility use as outlined in this section shall be subject to the conditions in paragraph C.

B. Up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a daytime use may be provided by the parking facilities of use considered to be primarily a night-time use; up to 50 percent of the parking facilities required by this chapter for a use considered to be primarily a night-time use, may be provided by the parking facilities of a use considered to be primarily a daytime use, provided the reciprocal parking area shall be subject to the conditions in paragraph C.

1. Typical daytime uses include but are not limited to banks, business and real estate offices, medical offices (excludes urgent care), personal service shops, small retail shops, clothing or shoe repair, barber or beauty parlor, manufacturing or wholesale buildings and similar uses. Typical nighttime uses include but are not limited to cocktail lounges, bars, dance halls and similar places of entertainment, sports arenas, and auditoriums other than those incidental to a public or private school or church.

2. Up to 50 percent of the parking facilities required by this chapter for a weekend use (from 5 pm Friday until 12 midnight Sunday), may be provided by the parking facilities of a use considered to be primarily a weekday use, provided such reciprocal parking area shall be subject to the conditions set forth in paragraph C.

a. Typical weekend uses include but are not limited to bowling alleys, theaters, amusement park, and golf courses.

C. Conditions required for joint use.

1. The buildings or use for which application is being made for authority to use the existing off-street parking facilities provided by another building or use, shall be located within 300 feet of the parking facility.

2. The applicant shall show that there is no substantial conflict in the principal operating hours of the building or uses for which the joint use of off-street parking facilities is proposed.

3. Regardless of the owner of record of such properties considered for joint parking use, there shall be recorded in the office of the county recorder, a parking covenant by such owner or owners for the benefit of the county in the form first approved by the county that such owner or owners will continue to maintain the parking spaces so long as the building, structure, or improvement is maintained within the county. The covenant shall identify and describe the businesses, the hours of operation of such businesses, the number of parking spaces available, and be accompanied by a map depicting the joint parking areas. This agreement may be executed by the director on the county's behalf. (Ord. 763, 1996)

20.692.080 Parking lot - General requirements, access, design, and maintenance.

A. The following standards shall apply to all off-street parking areas:

1. All required off-street parking and loading areas, driveways, and parking aisles shall be graded, drained, paved, and permanently maintained.

2. All off-street parking areas shall be striped so that individual spaces and driving lanes are clearly indicated. Directional markers shall be painted on the driveway surface.

3. Any off street parking area, other than that provided for a single-family residential unit, shall comply with the parking lot landscape standards identified in paragraph C, below.

4. All parking areas shall provide accessible parking spaces in accordance with the American National Standards Institute, Inc. (ANSI).

5. Access drives within parking lots shall have a minimum width of 12 feet for a one-way drive aisle and a minimum width of 25 feet for two-way drive aisle.

6. On-site circulation shall be designed in such a manner that all parking spaces are useful for the intended purposes and the internal circulation pattern is safe and efficient for motorists and pedestrians.

7. All parking areas, including driveways associated with a single-family residence, shall be used solely for vehicle parking and maneuvering with no sales, storage of inoperable or unlicensed vehicles, repair work, dismantling or servicing of any kind.

8. Driveways or other areas required to move cars in or out of parking spaces shall not be considered in meeting off-street parking space requirements.

9. No truck, commercial trailer, recreational vehicle, house or camp trailer or other motor vehicular equipment of a commercial or industrial nature may be parked on a lot in any district except where permitted as a use in a commercial or industrial district where specifically provided for or as follows:

a. Parking of agricultural equipment is permitted without limitation where accessory to a permitted agricultural use.

b. Parking of pickup trucks or single-panel vans, when used for transportation, is permitted in any district.

c. Parking of recreational vehicles per section 20.660.150.C.4.d.

d. Parking of vehicles and trailers in accordance with chapter 20.616 with an approved home occupation permit.

10. A two foot vehicle overhang into a landscape area is permitted when the landscape area has a minimum eight foot width. Wheel stops are not permitted anywhere.

11. When parking is proposed to the rear of a building, public and pedestrian access must be provided to the front building entrances through the use of walk-thought, plazas, or open corridors.

12. Internal pedestrian walkways shall be provided through parking lot landscape areas and in all parking lots where pedestrian and vehicle conflicts may occur.

13. All grocery stores with over 20,000 square feet of gross floor area must provide adequate bays for returned shopping carts. These areas shall be separated from the parking stalls by piped fencing or other all-weather material and be striped and signed accordingly.

14. In commercial districts, parking lots with 50 or more parking spaces shall provide recreational vehicle (RV) parking spaces as follows:

a. 50 spaces or more require one RV space, 75 spaces or more require two RV spaces;

b. 100 or more spaces require 4 RV spaces.

These spaces shall be a minimum of 14 feet wide and 40 feet long, and be designated as RV parking spaces.

15. Parking aisle length shall not exceed 350 feet without a cross aisle for vehicle circulation.

16. Adequate clear throat distance shall be provided at all parking lot entrance and exit driveways.

17. The arrangement of parking spaces shall avoid backing of vehicles onto ring roads, perimeter roads, or major aisles.

18. Tangent or long radius sections of aisles along the perimeter of buildings shall be less than 400 feet.

19. Adequate driver sight distance shall be provided throughout all parking areas.

20. Each development shall contain at least one clearly designated route for pedestrians connecting the street, the parking area, and the main building entrance(s). Access for people with disabilities shall be provided in accordance with state and federal statutes, and shall provide a convenient and efficient circulation system for these individuals.

21. All parking lot areas used exclusively for parking and turnarounds shall be designed and improved with a grade not exceeding 5 percent.

22. All driveways within a parking lots used exclusively for ingress and egress or interior parking lot circulation shall be designed and improved with grades not to exceed a ten percent slope.

23. Parking areas, aisles, and access drives shall be graded and drained to dispose of surface water without damage to private or public properties, streets, or alleys. All parking and circulation areas shall be designed with an adequate drainage system and improvements shall meet county engineering design standards, and shall conform to all applicable stormwater treatment and discharge standards.

24. Open parking of cars accessory to a residential use are limited to those actually used by the residents, or for temporary parking of guests.

B. Parking lot lighting. All developments including outside parking and lighting shall conform to the following requirements:

1. Any exterior lighting (photometric) plan consisting of point-by-point foot candle layout (based on a ten-foot grid center) extending a minimum of 20 feet outside the property lines required by the director shall be prepared by an electrical engineer registered in the state.

2. Maximum overall height of fixtures shall be not more than 15 feet in or within 100 feet of a residential district, and not more than 25 feet in non-residential districts. Parking lot lighting shall be limited to pole-type fixtures.

3. Fixtures shall possess sharp cut-off qualities at property lines.

4. There shall be no illumination or glare from the exterior lighting system onto adjacent properties or streets.

5. Flashing lights are prohibited.

C. Pedestrian lighting. All developments that contain outside pedestrian walkways and lighting shall conform to the following requirements:

1. Where pedestrian lighting is proposed adjacent to or facing a residentially zoned area, an exterior lighting (photometric) plan consisting of point-by-point foot candle layout (based on a ten-foot grid center) extending a minimum of 20 feet outside the property lines may be required by the director. Where required, the lighting plan shall be prepared by an electrical engineer registered in the state.

2. Maximum overall height of fixtures shall be not more than 15 feet in or within 100 feet of a residential district, and not more than 25 feet in non-residential districts. Pedestrian lighting shall be limited to pole-type or bollard-type fixtures.

3. Fixtures shall possess sharp cut-off qualities at property lines.

4. There shall be no illumination or glare from the exterior lighting system onto adjacent properties or streets.

5. Flashing lights are prohibited.

D. Parking lot landscape standards. The objective of this section is to improve the appearance of certain setback and yard areas within off-street vehicular parking areas, and to protect and preserve the appearance, character, and value of surrounding neighborhoods and thereby promote the general welfare by providing for installation and maintenance of landscaping for screening and aesthetic qualities.

1. At least 15 percent of the total area devoted to parking and driveway areas must be offset by pervious areas of landscape material (new or preserving existing trees and shrubs). All landscaping must be provided with proper irrigation systems as approved by the department. All parking lot landscaping shall be maintained free of weeds and debris.

2. A minimum of one tree for every eight spaces shall be planted in all parking areas. All parking lot trees shall be of a deciduous variety, a minimum two-inch caliper with a five-foot spread at the time of planting, shall be of a type that can reach maturity within 15 years from the planting and shall shade 40 percent of the lot within 15 years. The landscape plan shall depict the required growth at the end of 15 years. Parking lot trees must follow the approved county tree species list.

3. All landscape areas abutting driveways, drive aisles, and parking stalls shall be protected by a six-inch by six-inch concrete curb. Where needed, wheelchair access

may be provided by using a rounded curb.

4. Planting areas for parking lot trees and landscape fingers shall have a minimum 25 square feet of protected planting space (five feet by five feet). This measurement shall be from inside of curb.

5. Landscape fingers a minimum six feet in width, shall be provided for every eight parking spaces.

6. Off-street parking areas, including drive-aisles, which abut residential properties shall be separated from such property by a minimum ten-foot-wide dense planting screen and a six-foot-high masonry block wall, or other alternative material, measured from the grade of the finished surface of the lot closest to the contiguous residential district, provided that along the required front yard of the residential district, the wall shall not exceed three feet in height. Off-street parking areas, which face residential properties, shall provide a ten-foot dense planting screen which includes beaming, low retaining walls, or a combination thereof to buffer the residential use. Off-street parking areas which abut non-residential properties shall follow standard design criteria.

E. Bicycle parking. Non-residential and multi-family developments containing 10 or more automobile parking spaces shall be required to provide bicycle parking facilities in conformance to this title.

1. Development containing over 10 parking spaces shall provide a minimum of two bicycle rack spaces for the first 50 parking spaces, and two additional bicycle rack spaces for each additional fifty parking spaces. Fractional requirements of 0.5 or greater shall be considered as a full bicycle rack space.

a. Multi-family residential projects shall provide one bike space for each five residential units.

2. Bicycle parking shall be located in such a manner as not to interfere with pedestrian or vehicular traffic.

3. Safe and convenient access shall be provided from the external circulation system to the bicycle parking facilities on site.

4. Bicycle parking racks must include components that lock the back wheel, frame, and front wheel, without the removal of the front wheel. (Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

20.692.090 Off-street loading and unloading.

A. For the purposes of this title, all loading and unloading shall take place on site and be of a size and number consistent with the loading demands encountered on an average business day under the intended use, but in no case shall be less than the minimum requirements established in this section.

1. For non-residential uses identified in this title, off-street loading and unloading spaces must be provided for in addition to the required off-street parking spaces. If a particular use requires off-street loading and unloading, the minimum requirement may be found in Table 20.692.1. Additional requirements based on square footage may be found in the following table:

Table 20.692.3
Additional Loading Spaces Required

Floor Area	Required Number of Loading Spaces*
Minimum requirement up to 25,000 square feet	1
25,001 to 50,000 square feet	1
Each additional 50,000 square feet, or major fraction thereof	1

Note:
* Pursuant to Chapter 20.606, the director may approve a limited reduction in the size and number of spaces based upon the applicant's presentation of information and justification of the request and further upon determining compliance with the other provision of this title.

2. Each off-street loading space must be at least 12 feet wide by 45 feet long and have a minimum height clearance of 14 feet. Driveways, drive aisles, or vehicle parking spaces cannot be considered as loading areas. Loading spaces are not permitted within the building setback areas as required by this title.

3. Backing onto the site from a public right of way for loading and unloading or maneuvering purposes is prohibited.

4. Each off-street loading space must be striped and signed for loading purposes and have adequate maneuvering areas for the type of deliveries associated with the land use. For purposes of this title, all driveways and drive aisle widths and turning radii must meet AASHTO requirements.

5. Off-street loading space must be located to the rear or the side of the site and must be suitably screened from any adjacent properties by a combination of landscaping, beaming, walls, or other screening measures acceptable by the department.

6. Loading doors shall not open toward public streets.

7. No off-street loading space shall be located closer than 30 feet to any residential property, unless wholly within a completely enclosed building, or unless properly screened with a minimum fifteen-foot-wide dense landscape buffer with beaming and a six-foot-high block wall, or enclosed on three sides by a solid wall or building not less than ten feet in height. (Ord. 1238, 2008; Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

20.692.100 Excess parking.

When parking spaces in excess of that required by this code for a building or use have been constructed, these excess parking spaces may be counted toward the required parking spaces of another building or use provided that the conditions for joint use identified in section 20.692.070 of this chapter are met. (Ord. 763, 1996; Ord. 641,

1994; Ord. 167, 1968)

20.692.110 Units of measurement.

A. For the purpose of this chapter, “floor area” in the case of offices, merchandising or service type uses, means the gross floor area used or intended to be used by tenants, or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sale of merchandise.

B. When units of measurement determining the number of required parking spaces result in requirements of a fractional space, any fraction less than one-half shall be disregarded, and fractions of one-half and above shall require one parking space. (Ord. 763, 1996; Ord. 641, 1994; Ord. 167, 1968)

20.692.120 Parking calculation of storage areas.

Notwithstanding other provisions of this code, required parking for dedicated storage areas not accessible to the general public may be calculated at one space per 1,000 square feet of gross floor area, as long as 20 percent or more of the total area of the building is dedicated to storage use. (Ord. 763, 1996)

Chapter 20.694

Landscape Standards

Sections:

20.694.010 Purpose.
20.694.020 Applicability.
20.694.030 Exemptions.
20.694.040 General.
20.694.050 Maintenance.
20.694.060 Landscape plans, required.
20.694.070 Landscape plans, submittal requirements.
20.694.080 Irrigation plans, submittal requirements.
20.694.090 Landscape materials.
20.694.100 Landscape design standards.
20.694.110 Screening
20.694.120 Site distance for landscaping adjacent to public rights-of-way and points of access.
20.694.130 Final inspection.

20.694.010 Purpose.

The purpose of this chapter is to establish minimum standards for the placement, amount, and type of landscape materials to be installed in order to enhance the aesthetics of the community, including the visual appearance of streets, to reduce noise, dust, and erosion, conserve water resources, provide groundwater recharge, preserve open space and wetlands, provide privacy from visual and physical intrusion, and to insulate from the effects of weather conditions. (Ord. 763, 1996)

20.694.020 Applicability.

A. Landscaping requirements shall apply to construction of the following projects unless specifically listed as an exemption or otherwise noted in this chapter:

1. Single-family subdivisions creating parcels of one-half acre or less (for street trees only).
2. Duplex or multi-family residential;
3. Industrial;
4. Commercial;
5. Institutional uses; and
6. Public uses. (Ord. 763, 1996)

20.694.030 Exemptions.

A. The following types of development are exempt from the landscape requirements in this chapter:

1. Development of a single-family detached dwelling not a part of a subdivision tentatively approved after adoption of this title, and accessory structures;

2. Previously approved development which conforms to all conditions of approval;

3. Additions to existing structures or accessory structures that are under ten percent of the total gross floor area or 5,000 square feet, whichever is less. (Ord. 763, 1996)

20.694.040 General.

A. All landscape materials shall be natural or living materials. Plastic, simulated or synthetic materials are not permitted except for the use as weed block and as irrigation materials.

B. All landscape areas must be irrigated with an underground irrigation system, adequate to service the landscape areas.

C. Final landscape and irrigation plans must be submitted at the time of building permit application.

D. Landscape materials shall follow the approved tree, shrub, and groundcover species list contained within the county design criteria and improvement standards manual to the extent possible. Exceptions to the list are at the sole discretion of the director.

E. Installation of landscaping and irrigation systems must follow the approved plans. Any plant substitutes can only be authorized by the person who develops the plan, with the director's approval. Approval must be obtained prior to plant installation. (Ord.763, 1996)

20.694.050 Maintenance.

The owner, or his agent, is responsible for the maintenance of all landscaping and irrigation systems, which shall be maintained in good condition, to present a healthy, neat, and orderly appearance and must be kept free from weeds, refuse, and debris. Maintenance includes the immediate replacement of all dead and diseased plant material. (Ord. 763, 1996)

20.694.060 Landscape plans, required.

A. A landscape plan must be filed with the department for the following:

1. Applications for a building permit or improvement plans which requires design review approval;

2. Any tentative map which includes common, improved open space areas, or required street trees.

B. The plan shall, at a minimum, identify all areas to be landscaped and include area and tree calculations and general types of landscaping proposed for the area.

C. A landscape plan must be approved by the director, prior to the issuance of a building permit or the approval of a final map including common area. The landscape plan must be approved for remodel permits for a change of use from residential to non-

residential or from single-family to multi-family.

D. The landscape plan must be prepared by one of the following:

1. A licensed landscape architect;
2. A licensed landscape contractor;
3. A licensed architect; or
4. A registered civil engineer. (Ord. 801, 1997, Ord. 763, 1996)

20.694.070 Landscape plans, submittal requirements.

A. Landscape and irrigation plans must be in the format as prescribed in this section and contain the following for the development and installation of all landscape areas.

B. The final landscape plan shall include the following:

1. Scale (one inch equals 20 feet (1”=20’) or one inch equals 30 feet(1”=30’)), north arrow, location of adjacent streets, property lines, easements, sidewalks, drives, paved areas, lighting, signs, buildings, all utilities and mechanical equipment within the landscape areas, existing trees and other natural or man-made site features influencing the use of the site, and surrounding types of landscaping;

2. Construction details for installation of the landscape in accordance with county standards, including topographical features and grading plans, soil type, method of soil preparation, fertilization added at time of planting, area to be excavated before planting and manner of root exposure, tree staking and guying;

3. A note or calculation sheet with all landscape calculations relevant to the application of this chapter, including site area, areas of required number of parking spaces, number of trees and shrubs, type and amount of living and non-living ground cover, type and amount, if any, of decorative paving material, and percentage of each to be used on the property;

4. A plant list utilizing a wide variety of native and drought tolerant trees, shrubs and plants, based upon the recommended list of species provided in this chapter. The plant list shall include the common and botanical names of plants to be used. This plant list must be arranged in legend form with a key number assigned to each plant. On the plan, each plant shall be identified by a key number. The size of the plant, its spacing and the quantity to be used shall follow in the legend, as the following example illustrates: (Ord. 763, 1996)

Typical Plant List

No.	Botanical Name	Common Name	Size	Space	Quantity
1	Acer genially	Amur Maple	2-inch caliper	30 feet o.c.*	10
2	Pyrus Coleraine	Flowering Pear	2-inch caliper	20 feet o.c.	12
3	Forsythia	Early Forsythia	1 gallon	3 feet o.c	25
4	Syringa	Late Lilac	5 gallons	5 feet o.c.	7
5	Vinca Minor	Dwarf Periwinkle	flat	12 inches o.c	68

* o.c. = "on center"
(Ord. 763, 1996)

20.694.080 Irrigation plans, submittal requirements.

A. Irrigation plans, and specifications which comply with the Uniform Plumbing Code, must be submitted with the landscape plan to insure adequate irrigation coverage. To increase water conservation, the system must be automatic drip, babbler, or sprinkler irrigation. Sprinkler irrigation is only allowed on lawn areas, except that some groundcover may use sprinkler irrigation with the approval by the director. All drip and babbler irrigation systems must be installed separately from turf irrigation systems. All irrigation plans must include the following:

1. Scale at the same scale as the landscape plan, north arrow, location of adjacent streets, property lines, easements, sidewalks, drives, paved areas, lighting, signs, buildings, all utilities and mechanical equipment within the landscape areas, existing trees and other natural or man-made site features influencing the use of the site;

2. Identification and description of automatic irrigation components to insure that vegetation is adequately irrigated. All irrigation plans shall incorporate water conserving principles, including multiple program controllers with percent scaling, low precipitation heads, drip irrigation, and check valves. Where applicable, irrigation details must include the method for the watering of required street trees. All valves and other devices are to be housed in a box of adequate size and design to protect the components.

3. Indication of the system point of connection and size, water pressure available, and maximum demand of the system in gallons per minute (GRM);

4. Irrigation equipment specified must be identified by manufacturer's name and equipment identification number;

5. Cross connection devices installed for all construction shall have a reduced

pressure backflow presented (R.P. device), except for single-family development;

6. All locations of irrigation valves, controllers, hose bibs, quick coupler valves, and backflow preventers. Sprinkler location on plans must include typical pattern of sprays (i.e., full circle, half circle), psi, radius of throw and gallons per minute;

7. Irrigation details must be used to clarify particular situations. Typical details must include backflow prevention devices, valves, irrigation heads, and irrigation controllers;

8. Sizes of irrigation lines. Schedule 40 P.V.C. is required for all pressure lines and under all paved areas. Piping must be installed a minimum of 12 inches underground for non pressure irrigation lines and 18 inches underground for constant pressure irrigation lines. (Ord. 763, 1996)

20.694.090 Landscape materials.

A. Landscape materials are limited to the following:

1. Living materials, including turf, ground covers, plants and shrubs, vines, hedges, and trees;

2. Non-living materials, including rocks, gravel, tile, bricks, wood, bark, and related materials, may be used as ground cover within the required landscape areas with the approval of the community development department. No more than 20 percent of the landscape material shall include rock or gravel, and at least 50 percent of the area devoted to groundcover and planter areas shall be living materials. A variety of living and non-living ground cover materials is required for all projects;

3. Existing trees and shrubs shall be preserved wherever possible and may be considered part of the required landscape material;

4. Existing trees with a trunk diameter of eight inches or more at a point 12 inches above ground level shall be preserved, unless its removal is authorized on the approved site plan or map;

5. Turf is not allowed in any space measuring less than four feet in width or length. Turf is not allowed in areas with a slope greater than 20 percent (1:5), only drought-tolerant native grasses, which decrease soil erosion and require less water consumption, are allowed on slopes in excess of 20 percent;

6. Plant material and ground cover must be distributed evenly throughout the parking lot or site area.

7. Xeriscape designs using drought tolerant, native plant species are encouraged. (Ord. 763, 1996)

20.694.100 Landscape design standards.

A. At least 15 percent of the total paved area devoted to parking and driveway areas must be offset by pervious areas of landscape material (e.g., xeriscaping, turf, and/or new or existing trees and shrubs). All landscaping must be irrigated with an irrigation system approved by the department.

B. Plant materials existing or proposed within public rights-of-way adjacent to a landscaping project shall be included on the landscape plan but will not be counted

toward the total required landscape area.

C. Where a perimeter fence or wall is proposed along a street frontage within a residential subdivision, a minimum five-foot landscape planter area shall be provided outside the fenced area adjacent to the sidewalk. This area shall include street trees and a variety of shrubs and plants to screen the fence and provide an aesthetically pleasing streetscape.

D. On multi-family developments, at least 50 percent of the required common open space areas must be landscaped in pervious material, such as xeriscaping, trees, shrubs, and/or turf.

E. New construction shall provide adequate shade trees in all paved areas and provide an appropriate balance of evergreen and deciduous plantings throughout the site.

F. The landscape plans shall show a minimum of one tree for every 400 square feet of required on-site landscaped area.

G. In addition to paragraph F above, street trees, with a minimum two-inch caliper and five-foot spread, are required for all new commercial, industrial, public, institutional, or residential subdivisions creating parcels of one-half net acre or less. One tree shall be planted, at a maximum, for each 40 lineal feet of street frontage, on average. Street trees must be planted by the developer and include proper irrigation prior to the issuance of a certificate of occupancy. In single-family residential subdivisions, installation of trees and irrigation system shall occur prior to issuance of a certificate of occupancy for each individual dwelling unit. Street trees must be set back a minimum of ten feet from water and sewer lines, 30 feet from an intersection, and ten feet from any driveway, hydrant, or street sign. Trees which grow to more than 20 feet in height may not be planted under overhead utility lines. Street trees within highway rights-of-way shall limit mature spread to 20 feet. Street trees shall follow the approved street tree list found in the Douglas County Design Criteria and Improvement Standards, Appendix B, “Plant List.”. Any exceptions to the list shall be at the discretion of the director.

H. All trees must be staked in accordance with the International Society of Arborists standards.

I. Street trees adjacent to sidewalks, parking lots, or streets must be free of fruit or other elements which litter the ground. All street trees must be heat and cold resistant, tolerant of the urban environment, and insect and disease resistant.

J. Shrubs and hedges must be a minimum five-gallon size. Hedges, where required, shall be planted and maintained to form a continuous, unbroken, solid, visual screen within three years after planting. Vines shall be a minimum of two feet in height at the time of planting and may be used only in conjunction with fences, screens, or walls to meet physical barrier requirements.

K. Wherever rock or bark are used as ground cover, the installation must prevent vegetation growth through the ground cover either through the use of herbicides or landscape fabric material. Fabric material must be properly pinned to the soil to avoid lifting.

L. All required street trees, parking lot trees, and trees required for screening purposes must be a minimum two-inch caliper and five-foot spread. All other landscaped trees may be one and one-half inch caliper for deciduous trees, and six-foot minimum height for evergreen trees. (Ord. 1209; 2007: Ord. 801, 1977; Ord. 763, 1996)

20.694.110 Screening.

Plant materials shall be used to screen irrigation equipment boxes, storage, refuse, public utilities, and other features which do not enhance the overall appearance of the site. Landscape screening shall achieve the desired effect within three years. (Ord. 763, 1996)

20.694.120 Site distance for landscaping adjacent to public rights-of-way and points of access.

When an access way or driveway intersects a public right-of-way or when the subject property abuts the intersection of two or more public rights-of-way, all landscaping within the traffic safety site area must provide unobstructed cross-visibility at a level between three feet and eight feet in height. Trees having limbs and foliage trimmed in a manner that no limbs or foliage extend into the cross-visibility area are allowed, provided their location does not create a traffic hazard. (Ord. 763, 1996)

20.694.130 Final inspection.

All landscaping must be properly installed and be according to approved plans prior to final inspection and certificate of occupancy by the department. An exception is allowed only when the landscaping cannot be completed due to weather related delays. In lieu of the installation of landscaping, financial security per chapter 20.720, shall be provided at 150 percent of the estimated cost of installation. The owner must guarantee installation as specified in the temporary certificate of occupancy agreement, and final inspection must be completed within six months of the issuance of a temporary certificate. The estimated cost of the landscaping is subject to verification by the department. (Ord. 763, 1996)

Chapter 20.696

Sign and Advertising Control

Sections:

20.696.010 Title.
20.696.030 Definitions.
20.696.100 Signs exempt from regulation.
20.696.110 Official signs and safety signs.
20.696.120 Directory signs.
20.696.130 On-premises signs in agricultural areas.
20.696.140 Trade construction signs.
20.696.150 Real property sales signs.
20.696.160 Subdivision sales signs.
20.696.170 Open house.
20.696.180 Pre-lease signs.
20.696.200 Prohibited signs.
20.696.210 Abandoned signs.
20.696.220 Advertising on vehicles.
20.696.230 Traffic hazards.
20.696.240 Utility lines.
20.696.250 Removal of political signs.
20.696.260 Owners consent required.
20.696.300 Freestanding sign area tables, maximum area.
20.696.305 Highway-oriented freestanding sign area tables, maximum area.
20.696.310 Wall, window and projecting signs.
20.696.312 Commercial or industrial center sign.
20.696.315 On-premise signs.
20.696.320 Temporary sign permits
20.696.325 Area identification signs, residential and institutional uses.
20.696.330 Area identification signs, non-residential uses.
20.696.335 Number of freestanding signs.
20.696.340 Height and setback of freestanding signs.
20.696.345 Roof-mounted signs.
20.696.350 Changeable copy (readerboard) signs.
20.696.355 Effect of exempt signs.
20.696.360 Construction and maintenance.
20.696.365 Projection limits.
20.696.370 Variance to sign area.
20.696.375 Master sign plan required.
20.696.380 Nonconforming sign.
20.696.385 Off premises public community facility signs.

20.696.010 Title.

This chapter shall be known and may be cited as the "Douglas County Sign and Advertising Control." (Ord. 763, 1996; Ord. 386. 1981)

20.696.030 Definitions.

For definition of terms under this chapter, see Appendix A of this title. (Ord. 763, 1996; Ord. 386, 1981)

20.696.100 Signs exempt from regulation.

A permit is not required for any of the following signs provided the signs are erected and maintained in accordance with the provisions of this chapter:

A. Professional occupation signs denoting only the name or firm name and profession of an occupant in a commercial building, public institutional building or dwelling house when the area of the sign does not exceed two square feet for each professional occupant and is placed on or against a building;

B. Memorial signs or tablets, names of buildings and dates of erection, when cut into any masonry surface or when constructed of bronze or other incombustible material and permanently affixed to the building or structure;

C. Identification nameplates or signs on apartment houses, rooming-houses and trailer parks, public telephones and similar uses not exceeding four square feet in area. The signs may be illuminated only by indirect light and only if the use is in a commercial zone;

D. Bulletin boards not over fifteen square feet in area for public, charitable and religious institutions when the bulletin boards are located on the premises of the institutions and not visible from the public right-of-way;

E. Composite structures for community directory signs subject to the following:

1. Before the installation of any structure, the location, size, height, width and general design must be approved by the director as being in conformance with the general purpose of this chapter through the design review process;

2. A maximum of two composite structures are permitted on each main entrance into Douglas County;

3. Additions or alterations of individual sections of the sign may be made without the approval of the director, provided that the additions or alterations do not exceed the total area and dimensions of the sign as approved under the design review;

F. Off-premises directional signs advertising places of public worship and assembly, hospitals, schools and charitable institutions subject to the following:

1. The signs must be in the form of a standard traffic regulation sign;

2. There must not be more than two signs advertising any one use unless authorized by the director;

G. The changing of advertising copy or message on a painted or printed sign and theater marquee and similar signs specifically designed for the use of replaceable copy;

H. On-premises "For Rent," "For Lease," "Open House," or "For Sale" signs

conforming to the provisions of this chapter;

I. On-premises “Open” or “Closed” signs, two square feet or less in area;

J. Political signs, signs designed for the purpose of advertising support of or opposition to a candidate or proposition at public election;

K. Traffic regulation signs on privately owned property, such as “Enter,” “Exit,” “Private Property,” “Parking Reserved,” provided they do not exceed two square feet in size and do not contain advertisement for the establishment;

L. “Vacancy,” “No Vacancy,” or for gas stations, “Full Serve,” “Self Serve” signs provided that they do not exceed two square feet in size;

M. One address sign for each street frontage not to exceed two square feet in size, or conforming to provisions of this chapter;

N. Historical marker signs, not to exceed four square feet in size;

O. Any temporary “Open House” sign. Only one sign is allowed on each street frontage of the property. The sign may be a single or double-faced and is limited to three square feet or less. The sign must not exceed four feet in height. A maximum of three off-site signs are allowed. A sign may be erected only while the building being shown is open to the public;

P. Any temporary sign warning of construction, excavation or similar hazards so long as the hazard exists;

Q. Any temporary sign located on a kiosk;

R. One identification sign for a residence of no more than one square foot. One identification sign for a ranch in an agricultural, forest and range, or rural residential zoning district, as defined in this title, of no more than ten square feet and located at the main entrance to the ranch house;

S. Holiday decorations;

T. Any sign that is part of the main structure of a coin-operated vending machine, gasoline pump or telephone booth, provided the sign identifies only the product contained or displays operating instructions. This exemption does not include changeable-copy signs or signs that are added on to the main structure;

U. Any sign that is part of a coin-operated news rack, provided the sign is within the main structure of the news rack;

V. Freestanding signs announcing the opening of a new business which in the aggregate, do not exceed 32 square feet in size. The signs may not be erected more than 30 days prior to the scheduled opening of the business and must be removed no later than 30 days after the opening of the business. The business owner or manager must provide proof of opening date upon request;

W. Signs specifically required by federal, state or county law;

X. Temporary window signs or indoor posters not exceeding 15 square feet or ten percent of the window area of each facade, whichever is greater, and which only provides information about a specific product, price, event or activity. An individual temporary window sign shall not be displayed for more than 90 consecutive calendar days;

Y. A sign, such as a menu, which is on display to the public and, 1) shows prices of

goods or services, 2) does not exceed 24 inches by 18 inches, and 3) is located on a wall or in a window;

Z. Temporary “Garage Sale” or other similar signs located only on the premises upon which the sale is occurring and during the time which the sale is occurring;

AA. “No Trespassing,” “Warning,” “Posted against Hunting or Fishing” and similar signs, not to exceed 16 square feet in size;

BB. Official flags, not exceeding 60 square feet in area, when flown on a flagpole, subject to the following: Each unit of operation is permitted a maximum of three flags, or one flag per 50 feet of linear primary building frontage, whichever is greater.

2. Freestanding flagpoles shall not exceed 20 feet within the required front, side and rear yard setback areas; freestanding flagpoles that meet the required setbacks of the applicable zoning district shall not exceed the maximum height permitted within the applicable zoning district.

3. A single flag of equal or smaller size with a business logo for the unit of operation may be used when flown with an official flag, provided that the total number of flags displayed does not exceed the total number permitted for the unit of operation.

4. An official flag must not be attached to a sign or sign structure.

CC. Community identification signs, placed by Douglas County, an unincorporated town or general improvement district formed pursuant to NRS Chapter 318 along or within public rights-of-way at the jurisdictional boundary, subject to the following:

1. Before the installation of any structure, the location, size, height, width and general design must be approved by the director as being in conformance with the general purpose of this chapter. Where applicable, an encroachment permit shall be obtained;

2. No more than one single or double face sign shall be erected at a jurisdictional boundary;

3. Total sign structure height not to exceed five-feet measured from the closest edge of right-of-way;

4. Maximum sign area of 25 square feet for each sign face;

DD. Hanging signs, not exceeding two square feet in area, provided such signs are located within covered walkways and are oriented to pedestrian users.

EE. Public hearing notice signs and other signs required by federal, state or local governmental agencies.

FF. One non-official flag per unit of operation per street frontage, placed on or hung from the main structure of the operation, not to exceed 12 square feet in total area. (Ord. 919, 2000; Ord. 801, 1997; Ord. 763, 1996; Ord. 386, 1981)

20.696.110 Official signs and safety signs.

Nothing contained in this chapter prevents the erection, construction and maintenance of official traffic, safety, fire and police signs, signals, devices and markings of the state highway department, the board, or other competent public authorities, nor the posting of notices required by law. Similarly, on-premise traffic regulation signs and signs necessary for the safety and convenience of those members

of the public using the premises, whether the signs are officially or privately erected, are not subject to the provisions of this chapter. (Ord. 763, 1996; Ord. 386, 1981)

20.696.120 Directory signs.

A single-faced directory sign may be permitted as a ground sign at the major entrance to residential, commercial, or industrial complexes or as a wall sign within a public mall area to identify occupants or addresses for the convenience of visitors and to facilitate emergency services. Directory signs are only permitted as an element of a master sign plan, must be located no less than 40-feet inside the property line, and must not be visible from the public right-of-way. Directory signs may not be used as advertising for land uses on the site and are not included in allowable sign area limit computations or when calculating the number of signs on a site. The name and address of the primary complex may be included as part of the directory sign not to exceed 20 percent of the total sign area. The maximum size of a directory sign is limited to 32 square feet and not more than four square feet for any single unit of operation or any single occupant. No more than eight units of operation may be displayed on the directory sign. (Ord. 763, 1996)

20.696.130 On-premise signs in agricultural areas.

In agricultural, forest and range, and rural residential zoning districts as defined in this title, the following types of freestanding and wall signs are permitted for either agricultural or non-agricultural related commercial uses with the exception of those signs listed under section 20.696.100:

A. One commercial sign is allowed for a business on an agricultural parcel. The total area for all signs identifying a business shall not exceed ten square feet for parcels of less than ten acres, 16 square feet for parcels of ten acres up to 40 acres and 32 square feet for parcels 40 acres or larger. All signs shall be located within the subject property and located at the entrance to the business site. (Ord. 763, 1996; Ord. 386, 1981)

20.696.140 Trade construction signs.

A. In nonresidential zoning districts, one sign advertising the various construction trades on any construction site is permitted. The sign must not exceed 32 square feet in area, must not be installed prior to the start of construction, and shall be removed prior to the issuance of a certificate of occupancy.

B. In agricultural and residential zones, as defined by this title, one sign is allowed advertising the various construction trades on any construction site. The sign must not exceed six square feet in area, and must not be installed prior to the start of construction and must be removed before a certificate of occupancy is issued. (Ord. 763, 1996; Ord. 386, 1981)

20.696.150 Real property sales signs.

Real property sales signs are exempt from the permit process if they comply with the following provisions:

A. Placement. Real property signs may be placed upon the property with the following restrictions:

1. The signs must not be affixed to trees or shrubs on the property;

2. The signs must not be placed closer than five feet to any property line;

3. The signs must not be placed so that any portion of it is more than seven feet above the average ground level;

4. The sign may not be placed in a site that interferes with the traffic safety site area.

B. Size and number. Real property sales signs must not exceed the following sign area and number:

1. For residential parcels of less than one acre, one real property sales sign not exceeding four square feet;

2. For residential parcels greater than one acre, but less than ten acres, one real property sign not exceeding six square feet;

3. For commercial and industrial parcels, one sign not exceeding 16 square feet on each street frontage;

4. For all parcels greater than ten acres, one real property sign not to exceed 16 square feet in size may be placed on each street frontage.

C. Construction, illumination, erection, and maintenance**.** Real property signs must conform to the following for type and style of construction:

1. The signs must be constructed of a permanent material which will not deteriorate from weather;

2. The signs must not be illuminated;

3. A real property sign may be placed upon the property either by the owner or by a person having the authority of the owner to do so;

4. All the signs shall be maintained in a state of good order and repair and be removed upon close of escrow or removal from the market. (Ord. 763, 1996; Ord. 641, Ord. 386, 1981)

20.696.160 Subdivisions sales signs.

Notwithstanding any other provisions of this chapter, signs and flags may be erected for each subdivision of land, subject to the following:

A. A single or double faced non-illuminated sign may be placed at each entry to the subdivision, subject to the following:

1. Each sign face shall not exceed 32 square feet in area, nor shall the sign and structure exceed 8 feet in total height;

2. Each sign shall be located outside the public right-of-way and traffic safety site area;

3. A maximum of three sign structures are permitted per subdivision, which shall be reduced by the number of signs erected on tribal lands within the county;

4. Each sign may contain the name of the subdivision and or graphic

representation, name of seller or sellers, seller or sellers phone number, indicate that model homes are on-site, and provide directions to model homes. No other riders, flags, or other additions may be included on the sign;

5.For the purposes of advertising subdivisions, a sign is considered on-site if the sign is located on contiguous property under the same ownership as the subdivision, exclusive of easements;

6. All signs shall be removed upon the close of escrow of the final lot or house being offered for sale by the subdivider or developer.

B. A single faced non-illuminated sign may be placed on the site of the subdivision sales office, provided:

1. The sign face shall not exceed 16 square feet nor shall the sign and structure exceed a height of 6 feet;

2. The sign shall be a minimum of 5 feet from the property line;

3. The sign may contain the name of the subdivision and/or model complex, name of seller, phone number of seller, and hours of operation. No other riders, flags, or other additions may be included on the sign;

4. All signs shall be removed upon the closure of the model home sales complex or the close of escrow of the final lot or house being offered for sale by the subdivider or developer, whichever is earlier.

C. Single faced directional kiosk signs may be placed within the subdivision to direct potential buyers to model home sales complexes, provided:

1. Each directional kiosk sign structure shall be a maximum eight feet in height and maximum four feet in width and indicate the name of the subdivision. Kiosk directional signs are to be uniform in structure, dimension and color throughout the subdivision;

2. Each builder shall be provided a total of eight square feet of sign area which may include only the name of the builder, model home complex name and directional arrow;

3. A maximum of ten directional signs may be constructed within the boundaries of the subdivision;

4. All directional kiosk signs shall be removed upon the closure of the model home sale complexes within the subdivision or the close of escrow of the final lot or house being offered for sale by the subdivider or developer, whichever is earlier.

D. Flags may be used to advertise a subdivision, subject to the following:

1. The flags may be located at the entry to the subdivision or at the model home complex and are to be located outside of the public right-of-way and commonly owned property;

2. All flags shall be affixed to a metal pole, not to exceed twenty-feet in height. No more than one, 3-foot by 5-foot maximum flag shall be affixed to a flag pole. All flags shall be maintained in good repair and be replaced or removed when torn or tattered;

3. A total of one flag per subdivision, plus one flag for every 20 lots may be erected;

4. All flags and poles shall be removed upon the close of escrow of the final lot or house being offered for sale by the subdivider or developer. (Ord. 777, 1997; Ord 763, 1996; Ord. 641, 1994; Ord. 386, 1981)

20.696.170 Open house.

A real estate sign designating an open house is allowed for an individual home for sale or lease, other than first-time sales of homes within new subdivisions; provided the signs:

A. Do not exceed an overall height of 36 inches from the ground and the face of the sign must not exceed a horizontal dimension of 24 inches and a vertical dimension of 18 inches;

B. Have no riders, with the exception of the agent's name; no additions, tags, signs, streamers, balloons or other appurtenances may be added to the standard real estate open house sign. Arrows may be incorporated into the design of the face of the sign but may not be added appurtenant to the sign;

C. Are displayed daily, provided the house is open to the public during the time of display;

D. Must not exceed one on-site open house sign and four off-site open house signs with an aggregate total of five signs per open house. The standard real estate for sale sign posted at the site is not included as part of the aggregate total of signs allowable per open house;

E. Must not be placed, used or maintained in any location upon public property, including rights-of-way;

F. Must not be placed within a five foot radius of a hydrant, fire call box or mail box;

G. Must not be placed on or within the median strip or center divider of a roadway or on or within any other roadway island or traffic safety site area. (Ord. 763, 1996; Ord. 386, 1981)

20.696.180 Pre-lease signs.

Pre-lease signs must comply with the following provisions:

A. Placement. Pre-lease signs may be placed upon the property with the following restrictions:

1. The signs must not be affixed to trees or shrubs on the property;

2. The signs must not be placed closer than five feet to any property line;

3. The signs must not be placed so that any portion of it is more than seven feet above the average ground level.

4. The sign may not be placed in a site that interferes with the traffic safety site area.

B. Size and number. Pre-lease signs must not exceed the following sign area and number:

1. One pre-lease sign per street frontage not to exceed two signs total on any development site;

2. No sign shall exceed 16 square feet in size.

C. Construction, illumination, erection, and maintenance. Pre-lease signs must conform to the following for type and style of construction:

1. The signs must be constructed of a permanent material which will not deteriorate from weather;

2. The signs must not be illuminated;

3. A pre-lease sign may be placed upon the property either by the owner or by a person having the authority of the owner to do so;

4. All the signs shall be maintained in a state of good order and repair and be removed within one year of the date of issue of permit. (Ord. 1176, 2006; Ord. 763, 1996)

20.696.200 Prohibited signs.

In addition to any sign not conforming to the provisions of this chapter, the following signs are prohibited:

A. Any sign which, by color, shape, working, or location, resembles or conflicts with any traffic control sign or device;

B. Signs attached or placed adjacent to any utility pole, traffic sign post, traffic signal, historical marker or any other official traffic control device;

C. Signs on trees or shrubs;

D. Signs erected on public or private property without the permission of the owner;

E. Off premise signs, including billboards and directional signs, with the exception of open house signs, placed in accordance with section 20.696.100.H, and community identification and directional signs approved by the board as part of an integrated community program, and public community facility signs, points of interest, and community entry signs approved by the board as part of an integrated community facility signage plan per section 20.696.385 and 20.696.390, below;

F. Signs on awnings or canopies except when placed on the valance;

G. Signs that create a hazard by obstructing clear views of pedestrians and vehicular traffic;

H. Pole signs;

I. Temporary signs, except as provided in section 20.696.320;

J. Portable freestanding sandwich or “A” type signs; with the exception of signs advertising “civic events” displayed during the time of the event, or as provided in section 20.696.320;

K. Banners and pennants or pinwheels are prohibited, except as provided for in sections 20.620.040 and 20.620.050;

L. Balloons and other inflatable devices except as provided for in sections 20.620.045 and 20.620.050

M. Bench signs;

N. Mobile signs or portable signs unless carried by a natural person or by a motor vehicle as provided in section 20.696.220 or for advertising a “civic event;”

O. Signs located within any stream, drainage facility or channel;

P. Signs that rotate, move, flash, blink or appear to do so are prohibited unless required by law or utilized by a proper governmental agency.

Q. The provisions of this chapter do not prohibit the following types of signs:

1. A sign changing to show time or temperature;

2. An on-premises barber pole of a height not to exceed 48 inches of traditional design, which is permitted to revolve during the time that a barbershop is open for business;

3. Signs otherwise permitted by this chapter. (Ord. 1137, 2005; Ord. 1009, 2002; Ord. 956, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 641, 1994; Ord. 386, 1981)

20.696.210 Abandoned signs.

Within 30 days after the discontinuance of a business in any zoning district, or before a new business occupies the premises, whichever occurs first, all abandoned signs must be removed by the owner of the property on which the sign is located. Permanent signs or sign structures applicable to a business temporarily suspended by reason of change of ownership or management of the business are not considered abandoned unless the property remains vacant for a period of three months. A sign structure that conforms with the provisions of this title in terms of size and type is not required to be removed. (Ord. 763, 1996; Ord. 386, 1981)

20.696.220 Advertising on vehicles.

No person shall park any vehicle on the street or in a location on private property which is visible from a street which has attached to or suspended from the vehicle any advertising sign except a sign painted directly upon or permanently affixed to the body, including a magnetic decoration, or other integral part of the vehicle for permanent decoration, identification or display indicating the name of the business, address, phone number, applicable trade license number and business logo. The provisions of this section are not applicable to signs affixed to vehicles of public carriers operating within the county. (Ord. 1137, 2005; Ord. 763, 1996; Ord. 386, 1981)

20.696.230 Traffic hazards.

A sign may not be erected or located to cause a hazard to the movement of vehicles or pedestrians upon public rights-of-way or obstruct or interfere with the traffic safety site area, signal or other safety device located upon a public right-of-way. The minimum height clearance for any sign is not less than eight feet above the ground where pedestrian traffic may travel beneath the sign or less than 13 feet-six inches above any driveway, alleyway or other way designed for vehicular traffic. (Ord. 763, 1996; Ord. 386, 1981)

20.696.240 Utility lines.

No permit for any sign shall be issued and no sign shall be constructed or

maintained which has less horizontal or vertical clearance from communication or energized electrical power lines than that prescribed by the laws of the state or rules and regulations of the appropriate agencies. (Ord. 763, 1996; Ord. 386, 1981).

20.696.250 Removal of political signs.

A. Every political sign, which has been erected, must be removed by the person, organization, candidate or sponsor responsible for the erection of the sign within seven calendar days after any election; provided, that any candidate successful in any primary election who is opposed in the general election is not required to remove his or her political signs until seven calendar days after the date of the general election.

B. Any person, organization, candidate or sponsor whose name appears on any political sign shall be presumed to be responsible for the removal of the sign under this chapter. (Ord. 763, 1996; Ord. 386, 1981)

20.696.260 Owners consent required.

It is unlawful for any person, except public officers or employees in the performance of a public duty, or a private person in giving legal notice, to paste, post, paint, print, nail, tack or otherwise fasten any card, banner, handbill, sign, poster, advertisement or notice of any kind upon any property without the consent of the owner, holder, lessee, or agent of trustee of the property. (Ord. 763, 1996; Ord. 386, 1981)

20.696.295 Number of free standing signs.

A. Except as provided in section 20.696.305, a person may not erect or maintain more than one freestanding accessory, on-premises sign on each parcel of property or legal access easement in a land use district in which a freestanding sign is permitted, provided that no signs are located within the traffic safety sight area of any intersection or within 75 feet from another freestanding sign located within the site or an abutting property and with the following exceptions:

B. Parcels with a frontage of 50 feet or more are allowed one freestanding double-faced sign per frontage. Where a parcel of property abuts two or more public streets, a freestanding sign is permitted on each frontage of the property.

C. Parcels with a legal access easement to a public road of 30 feet or more in width are allowed one freestanding double-faced sign in the easement frontage.

D. Parcels of record within a commercial or industrial subdivision without a frontage on a public street are allowed a single monument sign placed along the frontage of the parcel abutting an internal drive aisle, provided the total structure height does not exceed 5 feet and the sign area does not exceed the maximum provided under table 20.696.1.

E. A parcel within an approved commercial complex which is designated to contain a commercial complex sign, is allowed a single monument sign placed along the frontage of the parcel, provided the total structure height does not exceed 5 feet and the sign area does not exceed the maximum provided under table 20.696.1. (Ord.

1041, 2003; Ord. 1009, 2002; Ord. 879, 1998; Ord. 763, 1996; Ord. 386, 1981)

20.696.300 Freestanding sign area tables, maximum area.

Except as otherwise provided in sections 20.696.305 and 20.696.315, in commercial, industrial, and other zone districts allowing a freestanding sign, the maximum total sign area permitted each parcel for use in freestanding signs is the total sign area obtained by adding the amounts from tables 20.696.1 and 20.696.2 below.

A. The content of the sign shall be limited to the address, center name or major anchor and may contain a list of tenants.

B. The complex, center, or major anchor name and address are not included in allowable sign area computations provided their combined sign area does not exceed 10 square feet in area. (Ord. 1009, 2002; Ord. 870, 1998; Ord. 777, 1997; Ord. 763, 1996; Ord. 386, 1981)

Table 20.696.1

Parcel area (square feet)	Sign area (square feet)	Parcel area (square feet)	Sign area (square feet)
5,000 or less	20	40000	31
6000	23	50000	32
7000	24	70000	33
8000	25	90000	34
9000	26	110000	35
10000	27	140000	36
15000	28	170000	37
20000	29	200,000 or more	38
30000	30		

Table 20.696.2

Parcel frontage (feet)	Sign area (square feet)	Parcel frontage (feet)	Sign area (square feet)
50	10	160	18

60	11	180	19
70	12	200	20
80	13	240	21
90	14	280	22
100	15	320	23
120	16	400	24
140	17	500 or more	25

To calculate the maximum permissible sign area for a parcel, add the sign areas obtained from Tables 20.696.1 and 20.696.2. If the length of the footages falls between numerical categories, the smaller figures to be used. (Ord. 1009, 2002; Ord. 777, 1997; Ord. 763, 1996; Ord. 386, 1987, Ord. 167, 1968)

20.696.302 Height and setback of free standing signs.

Except as otherwise provided in sections 20.696.305, the maximum height of any freestanding sign is 20 feet. Freestanding signs must be monument type. A minimum five-foot setback from the property line is required for all signs constructed after the date of adoption of this chapter. Freestanding signs are not allowed in the traffic safety sight area. (Ord. 1009, 2002; Ord. 870, 1998; Ord. 801, 1997; Ord 763, 1996; Ord. 386, 1981)

20.696.305 Highway-oriented freestanding sign area tables, maximum area.

A. One additional double faced freestanding sign may be allowed for a parcel within a commercial or industrial complex or subdivision in addition to those freestanding signs permitted under 20.696.295, provided that no other highway-oriented sign is located within 300 feet, and the parcel can meet all of the following:

1. The parcel has frontage on U.S. Highways 50 or 395;
2. The parcel is part of a commercial or industrial complex and the sign serves the complex;
3. The property is zoned commercial;
4. The property or complex is a minimum of 5 acres in area, or part of an approved commercial or industrial subdivision having a total area of 5 acres or greater;
5. The posted speed limit on the major highway fronting the parcel is 45 mph or higher.

B. Except as modified by subsection C, the maximum height is 25 feet and the maximum total sign area permitted each parcel for use in highway-oriented freestanding signs is the amount obtained from table 20.696.3.

1. The complex, center name, or major anchor and the address are not

included in the allowable sign area computation, provided their combined sign area does not exceed 20 square feet in the area. The sign must include a listing of at least three tenants;

2. The sign is monument style and consistent with the architecture, color, and materials of the center; and

3. Placement of the sign is consistent with the provisions in sections 20.696.295 and 20.696.302.

C. The maximum sign height and sign area may be increased by the amount obtained from table 20.696.4, below, provided the corresponding posted speed limit exists.

Table 20.696.3

Parcel frontage (feet)	Sign area (square feet)*
200	55
250	60
300	65
350	70
400	75
450	80
500 to 999	85
1000 or more	95

* If the length of the parcel frontage falls between numerical categories, the smaller figure is to be used.

Table 20.696.4

Posted Speed Limit (mph)	Additional Sign height (feet)	Additional Sign Area (square feet)
45	0	0

50	2.5	10
55	5	20
60	7.5	30
65 or higher	10	40

(Ord. 1041, 2003; Ord. 1009, 2002; Ord. 870, 1999)

20.696.310 Wall, window and projecting signs.

A. Except as otherwise provided in section 20.696.315, the maximum sign area permitted a business or a unit of operation for its primary wall, window or projecting signs is the total area obtained by multiplying the width of the building or suite frontage with primary public access or the frontage facing the street by 1.25 (the ratio of 1.25 square feet of signage for each linear foot of building frontage).

B. If a business is located on two street frontages or a business with building or suite frontages facing a street, the secondary building frontage is permitted a single wall, window or projecting sign. The total sign area allowed is obtained by multiplying the width of the building or suite frontage facing the secondary street frontage by 0.75 (the ratio of 0.75 square feet of signage for each linear foot of building frontage).

C. If a business, with building or suite frontage faces a driveway or drive-aisle, the building frontage facing the driveway or drive-aisle is permitted a single wall, window or projecting sign. The total sign area allowed is obtained by multiplying the width of the building or suite frontage facing the driveway or drive-aisle by 0.50 (the ratio of 0.50 square feet of signage for each linear foot of building frontage).

D. A business, within an approved commercial complex and based on an approved master sign plan for the complex, may designate any building or suite frontage, as the primary, secondary, or an internal driveway frontage for purposes of determining where the allowed signs are placed.

E. A business subtenant contained in another business, and whose public access is only provided through that other business, is allowed one wall sign, calculated as if the subtenant had frontage, with the maximum sign area obtained by multiplying the width of the tenant space by 0.75 (the ratio of 0.75 square feet of sign for each linear foot in width). The sign must be approved in the master sign plan.

F. A business or a single unit of operation is limited to three signs for wall, window or projecting signs.

G. A business or a single unit of operation within an approved commercial or industrial subdivision or complex is limited to four signs for wall, window, or projecting signs. (Ord. 1041, 2003; Ord. 1009, 2002; Ord. 801, 1997; Ord. 763, 1996; Ord. 386, 1981)

20.696.312 Commercial or industrial center sign

A. A maximum of one (1) wall mounted sign only is permitted on the primary street frontage within a commercial or industrial zoning district. The maximum sign area permitted is the total obtained by multiplying the width of the building frontage facing the designated primary street frontage by 0.25 (the ratio of 0.25 of signage for each linear foot of building frontage facing the designated primary street frontage). In no event shall the wall sign exceed forty (40) square feet and must meet the following criteria:

1. The center must contain four (4) or more tenants.
2. The designated primary building frontage must be 100 feet or greater.
3. All lettering must be consistent in style, design and coloring with any existing sign lettering, and must be approved as part of a Master Sign Plan.
4. Content of the center sign shall be limited to the center identification name and the center address.
5. The style, architecture, and placement of the center sign shall be compatible with the existing structure. (Ord. 1040; 2003)

20.696.315 On-premise signs.

A. In commercial, industrial and other zones, as defined by the zoning title, the following restrictions apply:

1. In the RO (residential office) overlay district, signs are limited to a monument or wall sign of not more than six square feet to identify the building or business.
2. In the TC (tourist commercial) district, exterior signs (wall mounted and freestanding) are limited to not more than 500 square feet of surface area.
3. In the AP (airport) district, signs are limited to that contained within subsection 20.668.010.D.
4. In the PF (public facility) district, signs are limited to one freestanding sign (single or double-faced) with a maximum 50 square feet of sign area or one wall sign not to exceed 25 square feet.

B. In addition to the above requirements, on-premise signs for buildings two stories or greater in height are allowed subject to the following:

1. Two wall signs above the first floor not to exceed 20 square feet each.
2. Sign must be placed above the windows of the highest floor and below the eave line.
3. Sign copy is limited to one company name per building arranged in a single line.
4. Company logos may be used in combination with letters.
5. Signs shall be designed to be compatible with the architecture of the building. (Ord. 801, 1997; Ord. 763, 1996; Ord. 386, 1981; Ord. 167, 1968)

20.696.320 Temporary sign permits.

Temporary signs may be allowed if permitted pursuant to chapter 20.620,

temporary use permit. (Ord. 763, 1996)

20.696.325 Area identification signs, residential institutional uses.

A maximum of two single faces signs or one double faced sign may be permitted on-site at each entry point to a site containing an apartment house, rooming-house, trailer park, or residential development of more than five lots or for an institutional use in an agricultural or residential zone district. Size is computed on the basis of one-half (0.5) square foot for each living unit, lot or trailer space with a maximum of 25 square feet for each sign, or a maximum of 25 square feet for institutional uses. Illumination must be by indirect lighting only. The materials used for sign construction and sign support shall be relatively maintenance free. Signs may be freestanding or wall mounted. (Ord. 763, 1996; Ord. 386, 1981)

20.696.330 Area identification signs, non-residential uses.

A maximum of two single faced signs or one double faced sign may be permitted on-site at each entry point to a site containing a non-residential development of 10 acres or greater. Maximum sign area per sign face is 24 square feet. Illumination must be by indirect lighting only. Area identification signs for commercial or industrial areas must contain the name of the area and may contain a logo for up to three tenants, provided that the logo is no more than 20 percent of the total sign area. No advertising copy is allowed. Area identification signs for commercial or industrial areas are intended to assist patrons in locating businesses within the development. The materials used for sign construction and sign support shall be relatively maintenance free. (Ord. 1304, 2010; Ord. 870, 1998; Ord. 763, 1996; Ord. 386, 1981)

20.696.345 Roof-mounted sign.

Roof mounted sings are permitted by special use permit approval when the sign is part of an historic structure and which retains the historic character of the structure. Roof-mounted signs do not include signs which are mounted flush with the mansard. (Ord. 763, 1996)

20.696.350 Changeable copy (reader board) signs.

Changeable copy signs are limited to gaming, service stations (gasoline price signs only), theater marquees, recreational and public uses (includes public community facility signs), and institutional uses. Changeable copy signs include electronic message display signs which display words, symbols, figures, or images that can be electronically or mechanically changed by remote. The message change sequence can be accomplished immediately or by means of fade or dissolve modes. The maximum speed of a revolution, frame or motion of the electronic message display area may not exceed five cycles per minute. The electronic message display area must have automatic photocell dimming capabilities based on ambient outside light set at seventy-

five percent of full capacity for daytime (full sun) and forty percent for nighttime, or equivalent for other lighting technologies. Certification from the sign contractor that the sign's light intensity has been factory pre-set not to exceed the limits noted above is required. (Ord. 1304, 2010; Ord. 1176, 2006; Ord. 763, 1996)

20.696.355 Effect of exempt signs.

Signs exempted from a permit are not included in determining size or number of sings permitted upon a parcel of property. (Ord. 763, 1996; Ord. 386, 1981)

20.696.360 Construction and maintenance.

All signs erected within the county must:

A. Be maintained in good repair and must be neat in appearance. Any sign which is determined by the director, his designated representative, or the code enforcement officer to be unsafe or unsightly because of bent, broken or missing parts or poor maintenance generally may be declared a public nuisance;

B. Have all parts, portions, units and material comprising the same, together with the frame, background, supports or anchorage therefore, manufactured, fabricated, assembled, constructed and erected as specified for structures in the applicable building, electrical and fire prevention codes;

C. Have the area surrounding the sign maintained by the owner in a clean, sanitary and inoffensive condition, and free and clear of all obnoxious substances, rubbish and weeds. (Ord. 763, 19967; Ord. 641, 1994; Ord. 386, 1981)

20.696.365 Projection limits.

No projecting building sing, roof sign, or roof-mounted sign may project into a public right of way or easement without approval of an encroachment permit. However, in no event shall a sign be located closer than two feet from the curb line. (Ord. 763, 1996; Ord. 386, 1981)

20.696.370 Variance to sign area.

A. A variance to the sign regulations relating to the size of the wall mounted signs is permitted, subject to the following requirements:

1. The variance is necessary due to exceptional circumstances related to the type or location of the business, or in order to achieve a special design effect;

2. The size entitlement of the sign shall not be increased by more than 25 percent;

3. The sign will be integrated into the architecture of the building;

4. The sign will not be detrimental to surrounding uses or properties or the community in general;

5. The approval of such modification is consistent with the purposes of the master plan and this ordinance and the sign standards set forth in this title. (Ord. 763, 1996)

20.696.375 Master sign plan required.

A master sign plan is required for a commercial or industrial complex containing three or more units of operation. (Ord. 763, 1996)

20.696.380 Nonconforming signs.

A. Except as otherwise provided in this title, no later than seven years from the effective date of this title, nonconforming signs shall be brought into compliance with the requirements of this chapter.

B. If the posted speed limit on a major highway fronting the parcel as required by section 20.696.305 is reduced and the sign was approved and constructed according to this title, the sign shall be considered nonconforming. (Ord. 870, 1999; Ord. 763, 1996; Ord. 641, 1994; Ord. 386, 1981)

20.696.385 Off premise public community facility signs.

Notwithstanding any other provisions of this chapter, off-premises signs for public community facilities may be allowed subject to the following:

A. The signs are limited to the identification of a public community facility owned or leased by Douglas County and the site must be identified in an integrated community facility signing plan, approved by the board:

1. The sign shall be monument type and placed along or within a public right-of-way;

2. Before the installation of any sign structure, the location, size, height, width and general design must be approved by the county as being in conformance with the general purpose of this chapter. Where applicable, an encroachment permit shall be obtained;

3. No more than one single or double face monument sign shall be erected at an identification location;

4. The total sign structure height must not exceed eight feet measured from the adjacent natural grade;

5. The maximum sign area is 50 square feet for each sign face;

6. The copy of the sign is limited to the name and logo of the public facility;

7. The sign cannot be internally illuminated. (Ord. 956, 2001; Ord. 801, 1997; Ord. 763, 1996; Ord. 386, 1981)

20.696.390 Points of interest and community entry signs.

Notwithstanding any other provisions of this chapter, on and off-premise points of interest and community entry signs are subject to the following:

A. Signs identifying special points of interest and community entry points that are not owned or leased by Douglas County may also be approved as identified in the integrated community facility sign plan, as proposed or amended by the Carson Valley Chamber of Commerce and approved by the board. The Chamber of Commerce will be responsible for the placement and maintenance of all signs authorized by this section. The approval of the board is subject to the following:

1. Before the installation of any sign structure, the location, size, height, width and general design must be approved by the county as being in conformance with the general purpose of this chapter. Where applicable, an encroachment permit must be obtained.

2. No more than one single or double-faced sign may be erected at an identification location.

3. The maximum area for each community entry monument sign is 100 square feet for each sign face and the total sign structure height must not exceed 20 feet measured from the adjacent natural grade.

4. The maximum area for each point of interest sign, which may be pole mounted, is 12 square feet.

5. The signs must have proper access and maintenance easements. (Ord. 1009, 2002)

Chapter 20.698

Nonconforming Uses and Structures

Sections:

20.698.010 Purpose.
20.698.020 Nonconforming uses.
20.698.030 Nonconforming structures.
20.698.040 Termination of nonconforming uses and structures.
20.698.050 Nonconforming accessory uses and accessory structures.
20.698.060 Nonconforming lots.
20.698.070 Loss of legal nonconforming use status procedures.
20.698.080 Amortization of nonconforming uses and structures.

20.698.010 Purpose.

The purpose of this chapter is to regulate and limit the continued existence of uses and structures established prior to the enactment of this title, or any amendments, that do not conform to the provisions of this title. Nonconforming uses may continue, but the provisions of this division are designed to curtail substantial investment in nonconforming uses and structures and, when necessary in order to preserve the integrity of this title, to bring about their eventual elimination. (Ord. 763, 1996; Ord. 167, 1968; Ord. 103, 1955)

20.698.020 Nonconforming uses.

A. Continuation. Nonconforming uses may continue in accordance with the provisions of this chapter.

B. Maintenance and repair. Normal maintenance and repair to permit continuation of registered nonconforming uses may be performed.

C. Expansion. Nonconforming uses shall not be extended or enlarged except as provided by this chapter.

D. Change of use. A nonconforming use shall not be changed to any other use unless the new use conforms to the provisions of the zoning district in which it is located. (Ord. 763, 1996; Ord. 1676, 1968).

20.698.030 Nonconforming structures.

A. A nonconforming structure devoted to a use permitted in the land use district in which is it located may be continued in accordance with the provisions of this chapter.

B. Normal maintenance and repair of nonconforming structures may be performed.

C. Nonconforming structures which are used in a manner conforming to the provisions of this title may be enlarged or extended provided that the nonconformity is not further enlarged or expanded.

D. A nonconforming structure, other than an historic structure previously listed on the National Register of Historic Places or designated as historic by the board, shall not be moved unless it will conform to the regulations of the land use district in which it is located. (Ord. 763, 1996; Ord. 167, 1968; Ord. 103, 1955)

20.698.040 Termination of nonconforming uses and structures.

A. Where a nonconforming use of land or structure is discontinued or abandoned for six consecutive months, the use may not be reestablished or resumed, and any subsequent use must conform to the provisions of this title.

B. Damage or destructions.

1. If a structure in which a nonconforming use is located is damaged or destroyed enough to require substantial improvement, then the structure may be repaired or restored only for uses which conform to the provisions of the zoning district in which it is located. If the cost of improvement exceeds 50 percent of the assessed value of the structure, the improvement is a substantial improvement. Within the unincorporated Town of Genoa, such a structure may be repaired or restored, and the nonconforming use continued, regardless of the extent of such damage or destruction.

2. Any part of a structure, in which a nonconforming use is located, which is damaged or destroyed to the extent that less than 50 percent of the fair market value of the structure may be restored as of right, may be reconstructed if a building permit for reconstruction is issued within six months of the date of the damage and if the resulting structure conforms to the provisions of the land use district in which it is located. (Ord. 763, 1996; Ord. 167, 1968; Ord. 103, 1955)

20.698.050 Nonconforming accessory uses and accessory structures.

A nonconforming accessory use or accessory structure shall not continue after the principal structure or use is terminated unless the structure or use conforms to the provisions of the land use district in which it is located. (Ord. 763, 1996; Ord. 167, 1968; Ord. 103, 1955)

20.698.060 Nonconforming lots.

A. When an existing nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is smaller than the required minimum lot area applicable to the zoning district, the lot may be used as proposed.

B. When a use proposed for a nonconforming lot is one that is conforming in all other respects with the applicable setback requirements, the property owner may apply for a variance pursuant to chapter 20.606.

C. If an undeveloped nonconforming lot adjoins one or more other undeveloped nonconforming lots in common ownership, a variance shall not be granted if re-subdivision or lot merger to make both lots conforming can be reasonably accomplished. (Ord. 763, 1996; Ord. 167, 1968; Ord. 103, 1995)

20.698.070 Loss of legal nonconforming use status procedures.

A. The department shall be charged with the responsibility to ensure compliance with the provisions of this chapter. If at any time the department determines that the provisions of this chapter have been violated, so that a use or structure should no longer enjoy legal nonconforming status, the department shall prepare a report setting forth the reasons for the determination and a recommendation on the appropriate course of action. The report shall be submitted to the planning commission. Personal notice of such determination shall be given by first class mail, to the owner of the property or structure which is the subject of the determination, advising the owner that a hearing to consider the administrator's determination shall be held by the commission on a date certain, not less than 30 working days following the date the notice is mailed and specifying the time and place of the hearing.

B. The hearing before the commission shall be held in accordance with the provisions of chapter 20.24. The decision on whether the use or structure should be required to conform to the provisions of this title shall be rendered by the commission in accordance with the provisions of chapter 20.10. (Ord. 763, 1996; Ord. 167, 1968; Ord. 103. 1955)

20.698.080 Amortization of nonconforming uses and structures.

A. Upon a recommendation by the community development department that a type of nonconforming structure or use, or any specific nonconforming structure or use is detrimental to the public health, safety or general welfare, the board may adopt an amortization schedule under which a nonconforming use or structure, or type of nonconforming use or structure, may be gradually eliminated. The schedule shall establish a timetable by which the nonconforming uses or structures shall be eliminated or made conforming and be consistent with the following:

1. Following adoption of an amortization schedule covering a type of nonconforming use or structure, or a particular nonconforming use or structure, the department may initiate amortization proceedings with respect to specific uses or structures in the manner provided in section 20.698.080. Any nonconforming use or structure found to be detrimental to the public health, safety or general welfare, may be ordered to be removed or the use discontinued in accordance with the time frames established in the adopted amortization schedule.

2. Upon failure of the property owner to carry out the order, the county may take any steps necessary to remove such structure or discontinue the use and assess the cost thereof against the property owner. (Ord. 763, 1996)

Chapter 20.700

Applicability and Procedures

Sections:

20.700.010 Declaration.
20.700.020 Applicability to land areas.
20.700.030 Applicability of other regulations.
20.700.040 Historic structures.
20.700.050 Scenic corridors.

20.700.010 Declaration.

This division is known and may be cited in all proceedings as the "Tahoe Basin Regulations," consisting of chapters 20.700 through 20.702 of the Douglas County Development Code.
(Ord. 898, 2000)

20.700.020 Applicability to land areas.

The provisions of the Tahoe Basin Regulations apply to those lands within Douglas County that are subject to the Tahoe Regional Planning Compact. (Ord. 898, 2000; Pub. L. No. 96-551; 94 Nev. Stat. 3233)

20.700.030 Applicability of other regulations.

A. All development within the area subject to this division is required by federal and state law to comply with the provisions of the Tahoe Regional Planning Agency (TRPA).

B. Other chapters and sections of the Douglas County Development Code apply to the area subject to this division to the extent a provision meets the purpose and intent of this division, the County's primary role of performing design review and building inspection in the Basin, the County's derogation to TRPA's planning and zoning jurisdiction and enforcement authority under the Bi-State Compact, Regional Plan, Community Plans, and Plan area Statements.

C. All development within the area subject to this division must comply with the provisions of the Plan Area Statements or Community Plans unless specifically provided otherwise in this division.

D. In case of conflicts between the provisions of the Douglas County Development Code and TRPA regulations, the most restrictive provision applies, provided that the Douglas County Development Code provision applies only if it conforms to the Bi-State Compact, TRPA Regional Plan, Community Plans, and Plan Area Statements.

E. The terms used in the TRPA regulations, Plan Area Statements, and Community Plans are defined in chapter 2, 13, 18, and 21 of the TRPA Code of Ordinances. (Ord.

1006; 2002; Ord. 898, 2000)

20.700.040 Historic structures.

The construction, reconstruction, repair, maintenance, and demolition of designated historic structures shall conform to chapter 29 of the TRPA Code of Ordinances. (Ord. 898, 2000)

20.700.050 Scenic corridors.

All development within scenic highway corridors, as defined by section 30.13 of the TRPA Code of Ordinances, is subject to the provisions of that section. (Ord. 898, 2000)

Chapter 20.702

Zoning Districts and Standards

Sections:

20.702.010 Zoning districts and uses.
20.702.020 Designation of zoning districts.
20.702.030 Allowable uses.
20.702.040 Uses in community plan areas.
20.702.050 Uses in plan area statement areas.
20.702.060 Lot size and density standards.

20.702.010 Zoning districts and uses.

Chapters 20.650 through 20.658 inclusive, Zoning Districts and Standards, do not apply. Chapter 20.660 does not apply except as specifically provided in this section. The applicable zoning districts and the uses allowed are described below in sections 20.702.020 through 20.702.050. (Ord. 898, 2000)

20.702.020 Designation of zoning districts.

The zoning districts are identified by a three-part designator consisting of a prefix, an area identifier, and a suffix, to be separated in the district name by a slash (/).

A. The prefix consists of a letter that indicates the primary character of the zoning district. In addition, the letter may be followed by a number used to distinguish additional zones with the same primary use, but with different development standards or combinations of allowable uses. The following letter prefixes are used:

1. The letter **R** indicates a primarily residential character.
2. The letter **C** indicates a primarily commercial character.
3. The letter **T** indicates a primarily tourist accommodation character.
4. The letter **S** indicates a primarily sports-oriented or recreation character.
5. The letter **P** indicates a primarily public service character.
6. The letter **M** indicates a primarily managed resource character.

B. The area identifier consists of three numbers or three numbers followed by a letter, either of which indicate the TRPA Plan Area in which the parcel is located, or two letters that indicate the community plan area in which the parcel is located. The Round Hill Community Plan is identified by **RH**, the Kingsbury Community Plan is identified by **KB**, and the Stateline Community Plan is identified by **SL**.

C. The suffix, which is not used in the designation of all zoning districts, consists of a combination of letters and numbers used to designate sub-areas within the district. The following suffixes are used:

1. The letters **SA** followed by a number indicate that the parcel is in a special area as described in the applicable Plan Area Statement or Community Plan.
2. The letters **TD** followed by a number indicate that the parcel is subject to the

applicable TRPA shore zone regulations regarding uses. (Ord. 898, 2000)

20.702.030 Allowable uses.

A. The uses allowed in the zoning districts are prescribed by the tables in section 20.702.040 and section 20.702.050.

B. In case of conflicts between the list of uses in section 20.702.040 or section 20.702.050 and in the applicable Plan Area Statement or Community Plan, the rule to be applied is that the uses and levels of review shown in section 20.702.040 or section 20.702.050 cannot be less restrictive than the uses and levels of review shown in the Plan Area Statement or Community Plan. (Ord. 898, 2000)

20.702.040 Uses in community plan areas.

Table 20.702.1 designates the uses that are allowed, allowed subject to a special use permit, and prohibited in the areas subject to one of the three adopted community plans.

A. The definitions of the uses are contained in chapter 18 in the TRPA Code of Ordinances.

B. The table contained herein does not include the uses allowed or subject to special use provisions for shorezone tolerance districts (zoning districts with a **TD** suffix). The uses in these areas shall be determined by referring to chapter 51 in the TRPA Code of Ordinances.

C. The following notations apply for the table:

1. The letter **P** indicates that the use is permitted (TRPA review required);
2. The letter **D** indicates that the use is subject to TRPA review, and County design review is required;
3. The letter **S** indicates that the use is subject to issuance of a County special use permit, and County design review is required;
4. The letter **T** indicates that the use is subject to issuance of a TRPA special use permit, and County design review is required; and
5. A blank space indicates that the use is prohibited. (Ord. 898, 2000)

Table 20.702.1 (Community Plan use tables)

Primary Use	Zoning District						
Prefix-PAS Identifier >	C-071	C-071	C-076	C-076	S-076	C-076	C-089A
Community Plan >	RH	RH	KB	KB	KB	KB	SL
Suffix >	SA1	SA2	SA1	SA2	SA3	SA4	
I. RESIDENTIAL							
Domestic Animal Raising							
Employee Housing	T	T		P	T	T	T
Mobile Home Dwelling							
Multiple Family Dwelling	T	T		T	T	T	
Multi-Person Dwelling		T					
Nursing & Person Care	T	T		T			
Residential Care	T	T		T			
Single Family Dwelling		P		T			
Summer Home							
II. TOURIST ACCOMMODATION							
Bed & Breakfast Facilities	D	D	D	D			T
Hotel, Motel, & Other Transient Dwelling Units	T	T	D	T			P
Time Sharing (Hotel or Motel Design)	T	T	T	T			T
Time Sharing (Residential Design)	T	T	T	T			T
III. COMMERCIAL							
A. Retail							
Auto, Mobile Home & Vehicle Dealers				D		D	
Building Materials & Hardware	T	T		D		D	
Eating & Drinking Places	D	D	D	D		D	P
Food and Beverage Retail Sales	D	D	D	D		D	P
Furniture, Home Furnishings	D	D	T	D		D	
General Merchandise Stores	D	D	T	D		D	P
Mail Order and Vending	D	D	T	D		D	
Nursery	T	T		D		D	
Outdoor Retail Sales	T			D		D	T
Service Stations	D		T	D		D	T
B. Entertainment							
Amusements and Recreation Services	D	T	D	D		D	P
Gaming - Nonrestricted			D				P

(continued on next page)

Table 20.702.1 (Community Plan use tables)

Primary Use	Zoning District						
Prefix-PAS Identifier > **Community Plan >** **Suffix >**	**C-071** **RH** **SA1**	**C-071** **RH** **SA2**	**C-076** **KB** **SA1**	**C-076** **KB** **SA2**	**S-076** **KB** **SA3**	**C-076** **KB** **SA4**	**C-089A** **SL**
III. COMMERCIAL (cont.)							
B. Entertainment (cont.)							
Privately Owned Assembly & Entertainment	T	T	T	T		T	T
Outdoor Amusements	T		T	T		T	P
C. Services							
Animal Husbandry Services	T	T		D		D	
Auto Repair & Service	T					T	
Broadcasting Studios	D	D	D	D		D	P
Business Support Services	T	D		D		D	
Contract Construction Services				T		T	
Financial Services	D	D	D	D		D	P
Health Care Services	D	D	D	D		D	
Laundries and Dry Cleaning Plant						T	
Personal Services	D	D	D	D		D	T
Professional Offices	D	D	D	D		D	
Repair Services	T	T	T	T		D	
Sales Lots							
Schools - Business & Vocational	D	D	T	D		D	
Secondary Storage	T	D		T	T	T	T
D. Light Industrial							
Batch Plants							
Food and Kindred Products						T	
Fuel & Ice Dealers						T	
Industrial Services						T	
Printing & Publishing						T	
Recycling & Scrap							
Small Scale Manufacturing	T	T				D	

(continued on next page)

Table 20.702.1 (Community Plan use tables)

Primary Use	Zoning District						
Prefix-PAS Identifier >	C-071	C-071	C-076	C-076	S-076	C-076	C-089A
Community Plan >	RH	RH	KB	KB	KB	KB	SL
Suffix >	SA1	SA2	SA1	SA2	SA3	SA4	
III. COMMERCIAL (cont.)							
E. Wholesale; Storage							
Storage Yards						T	
Vehicle & Freight Terminals						T	
Vehicle Storage & Parking	T	T	T	T	T	T	P
Warehousing	T	T				D	
Wholesale & Distribution	T					D	
IV. PUBLIC SERVICES							
A. General							
Airfields, Landing Strips & Heliports (New non-emergency sites prohibited)							
Cemeteries				T			
Churches	D	D	D	D		D	T
Collection Stations	T	T	T	T	T	T	T
Cultural Facilities	D	D	D	D	D	D	P
Day Care Centers or Pre-schools	D	D	D	D	D	D	P
Government Offices	D	D	D	D	T	D	
Hospitals			T	T			
Local Assembly & Entertainment	T	T	T	D	T	D	P
Local Post Office	D	D	D	D	T	D	P
Local Public Health & Safety Facilities	D	T	D	D	T	D	P
Membership Organizations	D	D	T	D	T	D	
Power Generating							
Publicly Owned Assembly & Entertainment	T		T	T	T		T
Pubic Utility Centers						T	
Regional Public Health & Safety Facilities	T	T	T	T	T	T	T
Schools - Colleges	T			T			
Schools - Kindergarten through Secondary	T	T		T			
Social Service Organizations	D	D	T	D	T	D	

(continued on next page)

Table 20.702.1 (Community Plan use tables, continued)

Primary Use	Zoning District						
Prefix-PAS Identifier >	C-071	C-071	C-076	C-076	S-076	C-076	C-089A
Community Plan >	RH	RH	KB	KB	KB	KB	SL
Suffix >	SA1	SA2	SA1	SA2	SA3	SA4	
IV. PUBLIC SERVICES							
B. Linear Public Facilities							
Pipelines & Power Transmission	T	T	T	T	T	T	T
Transit Stations & Terminals	D	D	D	D	T	D	P
Transmission & Receiving Facilities	T	T	T	T	T	T	T
Transportation Routes	T	T	T	T	T	T	T
V. RECREATION							
Beach Recreation							
Boat Launching Facilities							
Cross Country Ski Courses	T	T	T	T	T		T
Day Use Areas	D	D	D	D	D	D	P
Developed Campgrounds					T		
Downhill Ski Facilities							
Golf Courses							
Group Facilities			T	T			
Marinas							
Off-road Vehicle Courses							
Outdoor Recreation Concessions	T	T	T	D	T	D	P
Participant Sports Facilities	T	T			D		P
Recreation Centers	T	T	T	D	D	D	T
Recreational Vehicle Parks		T	T		T		T
Riding and Hiking Trails	P	P	P	P	P	P	P
Rural Sports		T					T
Snowmobile Courses							T
Sport Assembly							T
Undeveloped Campgrounds							
Visitor Information Centers	D	D	D	D	D		P

(continued on next page)

Table 20.702.1 (Community Plan use tables, continued)

Primary Use	Zoning District						
Prefix-PAS Identifier >	C-071	C-071	C-076	C-076	S-076	C-076	C-089A
Community Plan >	RH	RH	KB	KB	KB	KB	SL
Suffix >	SA1	SA2	SA1	SA2	SA3	SA4	
VI. RESOURCE MANAGEMENT							
A. Timber Management							
Reforestation	P	P	P	P	P	P	P
Regeneration Harvest							
Sanitation Salvage Cut	P	P	P	P	P	P	P
Selection Cut							
Special Cut							
Thinning	P	P	P	P	P	P	P
Timber Stand Improvement	P	P	P	P	P	P	P
Tree Farms							
B. Wildlife and Fishes							
Early Successional Vegetation Management	P	P	P	P	P	P	P
Nonstructural Fish Habitat Management	P	P	P	P	P	P	P
Nonstructural Wildlife Habitat Management	P	P	P	P	P	P	P
Structural Fish Habitat Management	P	P	P	P	P	P	P
Structural Wildlife Habitat Management	P	P	P	P	P	P	P
C. Range							
Farm or Ranch Structures							
Grazing							
Range Pasture Management							
Range Improvement							
D. Open Space							
All	P	P	P	P	P	P	P
E. Vegetation Protection							
Fire Detection & Suppression	P	P	P	P	P	P	P
Fuels Treatment or Management	P	P	P	P	P	P	P
Insect & Disease Suppression	P	P	P	P	P	P	P
Prescribed Fire or Burning Management							

(continued on next page)

Table 20.702.1 (Community Plan use tables, continued)

Primary Use	Zoning District						
Prefix-PAS Identifier > **Community Plan >** **Suffix >**	**C-071** **RH** **SA1**	**C-071** **RH** **SA2**	**C-076** **KB** **SA1**	**C-076** **KB** **SA2**	**S-076** **KB** **SA3**	**C-076** **KB** **SA4**	**C-089A** **SL**
VI. RESOURCE MANAGEMENT (cont.)							
E. Vegetation Protection (cont.)							
Sensitive Plant Management	P	P	P	P	P	P	P
Uncommon Plant Community Management	P	P	P	P	P	P	P
F. Watershed Improvements							
Erosion Control	P	P	P	P	P	P	P
Runoff Control	P	P	P	P	P	P	P
Stream Environment Zone Restoration	P	P	P	P	P	P	P

(Ord. 1320, 2010)

20.702.050 Uses in plan area statement areas.

Table 20.702.2 designates the uses that are allowed and those that are prohibited in the areas subject to the plan area statements.

A. The definitions of the uses are contained in chapter 18 in the TRPA Code of Ordinances.

B. The table contained herein does not include the uses allowed or subject to special use provisions for shorezone tolerance districts (zoning districts with a **TD** suffix). The uses in these areas shall be determined by referring to the applicable Plan Area Statement.

C. The following notations apply for the table:

1. The letter **P** indicates that the use is permitted (TRPA review required);

2. The letter **D** indicates that the use is subject to TRPA review, and County design review is required;

3. The letter **S** indicates that the use is subject to issuance of a County special use permit, and County design review is required;

4. The letter **T** indicates that the use is subject to issuance of a TRPA special use permit, and County design review is required; and

5. A blank space indicates that the use is prohibited. (Ord. 898, 2000)

Table 20.702.2A (PAS 057-066, use tables)

Primary Uses	Zoning District												
Prefix >													
PAS Identifier >	S	R	R	M	R	R	R	R	R	C	R	R	C
Suffix >	057	058	059	060	060 SA1	061	061 SA1	062	063	063 SA1	064	065	066
I. RESIDENTIAL													
Domestic Animal Raising				T	T								T
Employee Housing	T	T											T
Mobile Home Dwelling									T	T			
Multiple Family Dwelling		T*											
Multi-Person Dwelling													
Nursing & Person Care													
Residential Care													
Single Family Dwelling		P	P	T	P	P	P	P	P	P	P	P	T
Summer Home				T									
	*Only on lots designated as eligible for multi-density on the approved subdivision map												
II. TOURIST ACCOMMODATION													
Bed & Breakfast Facilities													
Hotel, Motel, & Other Transient Dwelling Units													T
Time Sharing (Hotel or Motel Design)													
Time Sharing (Residential Design)													
III. COMMERCIAL													
A. Retail													
Auto, Mobile Home & Vehicle Dealers													
Building Materials & Hardware													
Eating & Drinking Places		T					T			D			T
Food and Beverage Retail Sales										D			T
Furniture, Home Furnishings													
General Merchandise Stores										T			T
Mail Order and Vending													
Nursery													
Outdoor Retail Sales													T
Service Stations										D			T
B. Entertainment													
Amusements and Recreation Services													T
Gaming - Nonrestricted													
Privately Owned Assembly & Entertainment													
Outdoor Amusements													

(continued on next page)

Table 20.702.2A (PAS 057-066, use tables, continued)

Primary Uses	Zoning District												
Prefix >	S	R	R	M	R	R	R	R	R	C	R	R	C
PAS Identifier >	057	058	059	060	060	061	061	062	063	063	064	065	066
Suffix >					SA1		SA1			SA1			
III. COMMERCIAL (cont.)													
C. Services													
Animal Husbandry Services													
Auto Repair & Service													
Broadcasting Studios													
Business Support Services													
Contract Construction Services													
Financial Services													
Health Care Services													
Laundries and Dry Cleaning Plant													
Personal Services													
Professional Offices		T								T			
Repair Services													
Sales Lots													
Schools - Business & Vocational													
Secondary Storage													T
D. Light Industrial													
Batch Plants													
Food and Kindred Products													
Fuel & Ice Dealers													
Industrial Services													
Printing & Publishing													
Recycling & Scrap													
Small Scale Manufacturing													
E. Wholesale, Storage													
Storage Yards													
Vehicle & Freight Terminals													
Vehicle Storage & Parking													
Warehousing													
Wholesale & Distribution													
IV. PUBLIC SERVICES													
A. General													
Airfields, Landing Strips & Heliports (New non-emergency sites prohibited)													
Cemeteries		S											T
Churches											T		T
Collection Stations													
Cultural Facilities	T												T

(continued on next page)

Table 20.702.2A (PAS 057-066, use tables, continued)

Primary Uses	Zoning District												
Prefix >	S	R	R	M	R	R	R	R	R	C	R	R	C
PAS Identifier >	057	058	059	060	060	061	061	062	063	063	064	065	066
Suffix >					SA1		SA1			SA1			
IV. PUBLIC SERVICES (cont.)													
A. General (cont.)													
Day Care Centers, Pre-schools												T	
Government Offices													T
Hospitals													
Local Assembly & Entertainment													
Local Post Office	T	T	D										
Local Public Health & Safety Facilities	T	T	T	T	T	T	T	T	T	T	T	T	T
Membership Organizations													T
Power Generating													
Publicly Owned Assembly & Entertainment													T
Public Utility Centers		T	T			T	T	T	T	T	T	T	T
Regional Public Health & Safety Facilities													
Schools - College													T
Schools - Kindergarten through Secondary													T
Social Service Organizations													
B. Linear Public Facilities													
Pipelines & Power Transmission	T	T	T	T	T	T	T	T	T	T	T	T	T
Transit Stations & Terminals	T	T	T			T	T	T	T	T	T	T	T
Transmission & Receiving Facilities	T	T	T	T	T	T	T	T	T	T	T	T	T
Transportation Routes	T	T	T	T	T	T	T	T	T	T	T	T	T
V. RECREATION													
Beach Recreation	P	P	P	P	P	P	P	P	P	P	P	P	P
Boat Launching Facilities	T			T	T				P	P			
Cross Country Ski Courses													
Day Use Areas	D	D	D	D	D		D	D	D	D	D	D	D
Developed Campgrounds	D												D
Downhill Ski Facilities													
Golf Courses		D											
Group Facilities	T												T
Marinas							T						T
Off-road Vehicle Courses	T			T	T								
Outdoor Recreation Concessions	D	T							T	T			D

(continued on next page

Table 20.702.2A (PAS 057-066, use tables, continued)

Primary Uses	Zoning District												
Prefix >	S	R	R	M	R	R	R	R	R	C	R	R	C
PAS Identifier >	057	058	059	060	060	061	061	062	063	063	064	065	066
Suffix >					SA1		SA1			SA1			
V. RECREATION (cont.)													
Participant Sports Facilities		T	T			T	T	T	T	T	T	T	T
Recreation Centers													D
Recreational Vehicle Parks													T
Riding and Hiking Trails	P	P	P	P	P	P	P	P	P	P	P		P
Rural Sports	T					T	T						T
Snowmobile Courses	T			T	T								T
Sport Assembly													
Undeveloped Campgrounds	D			D	D								D
Visitor Information Centers	T												
VI. RESOURCE MANAGEMENT													
A. Timber Management													
Reforestation	P	P	P	P	P	P	P	P	P	P	P	P	P
Regeneration Harvest													
Sanitation Salvage Cut	P	P	P	P	P	P	P	P	P	P	P	P	P
Selection Cut	T			P	P								P
Special Cut	P	P	P	T	T	P	P	P	P	P	P	P	P
Thinning	P	P	P	P	P	P	P	P	P	P	P	P	P
Timber Stand Improvement				P	P								P
Tree farms				T	T								
B. Wildlife and Fishes													
Early Successional Vegetation Management	P	P	P	P	P	P	P	P	P	P	P	P	P
Nonstructural Fish Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P
Nonstructural Wildlife Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P
Structural Fish Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P
Structural Wildlife Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P
C. Range													
Farm or Ranch Structures		P		T	T								T
Grazing		P		T	T								T
Range Pasture Management				T	T								T
Range Improvement				T	T								T
D. Open Space													
All	P	P	P	P	P	P	P	P	P	P	P	P	P

(continued on next page)

Table 20.702.2A (PAS 057-066, use tables, continued)

Primary Uses	Zoning District												
Prefix >	S	R	R	M	R	R	R	R	R	C	R	R	C
PAS Identifier >	057	058	059	060	060	061	061	062	063	063	064	065	066
Suffix >					SA1		SA1			SA1			
VI. RESOURCE MANAGEMENT (cont.)													
E. Vegetation Protection													
Fire Detection & Suppression	P	P	P	P	P	P	P	P	P	P	P	P	P
Fuels Treatment or Management	P	P	P	P	P	P	P	P	P	P	P	P	T
Insect & Disease Suppression	P	P	P	P	P	P	P	P	P	P	P	P	P
Prescribed Fire or Burning Management				P	P								P
Sensitive Plant Management	P	P	P	P	P	P	P	P	P	P	P	P	P
Uncommon Plant Community Management													
F. Watershed Improvements													
Erosion Control	P	P	P	P	P	P	P	P	P	P	P	P	P
Runoff Control	P	P	P	P	P	P	P	P	P	P	P	P	P
Stream Environment Zone Restoration	P	P	P	P	P	P	P	P	P	P	P	P	P

Table 20.702.2B (PAS 067-074, use tables)

Primary Uses	Zoning District											
Prefix >	R	C	T	S	R	R	C	S	R	R	R	R
PAS Identifier >	067	067	067	068	069	070A	070A	070	072	073	073	074
Suffix >		SA1	SA2				SA1	B			SA1	
I. RESIDENTIAL												
Domestic Animal Raising				T								
Employee Housing				T			T		T			
Mobile Home Dwelling												
Multiple Family Dwelling							T		T	S	D	T
Multi-Person Dwelling												
Nursing & Person Care												
Residential Care												
Single Family Dwelling	P	P	P	T	P	T		T	P	P	P	P
Summer Home				T								
	* Only on lots designated as eligible for multi-density on the approved subdivision map.											
II. TOURIST ACCOMMODATION												
Bed & Breakfast Facilities							D					
Hotel, Motel, & Other Transient Dwelling Units		T	T	T			D					
Time Sharing (Hotel or Motel Design)							T					
Time Sharing (Residential Design)							T		T			
III. COMMERCIAL												
A. Retail												
Auto, Mobile Home & Vehicle Dealers												
Building Materials & Hardware												
Eating & Drinking Places		D				T	D					
Food and Beverage Retail Sales		D					D					
Furniture, Home Furnishings												
General Merchandise Stores		T					D					
Mail Order and Vending												
Nursery												
Outdoor Retail Sales												
Service Stations												
B. Entertainment												
Amusements and Recreation Services							T					
Gaming - Nonrestricted												
Privately Owned Assembly & Entertainment			T				T					
Outdoor Amusements												

(continued on next page)

Table 20.702.2B (PAS 067-074, use tables, continued)

Primary Uses	Zoning District											
Prefix >	R	C	T	S	R	R	C	S	R	R	R	R
PAS Identifier >	067	067	067	068	069	070A	070A	070	072	073	073	074
Suffix >		SA1	SA2				SA1	B			SA1	
III. COMMERCIAL (cont.)												
C. Services												
Animal Husbandry Services												
Auto Repair & Service												
Broadcasting Studios												
Business Support Services												
Contract Construction Services												
Financial Services												
Health Care Services										T		
Laundries and Dry Cleaning Plant												
Personal Services		T										
Professional Offices		D								D		
Repair Services												
Sales Lots												
Schools - Business & Vocational												
D. Light Industrial												
Batch Plants												
Food and Kindred Products												
Fuel & Ice Dealers												
Industrial Services												
Printing & Publishing												
Recycling & Scrap												
Small Scale Manufacturing												
E. Wholesale, Storage												
Storage Yards												
Vehicle & Freight Terminals												
Vehicle Storage & Parking												
Warehousing												
Wholesale & Distribution												
IV. PUBLIC SERVICES												
A. General												
Airfields, Landing Strips & Heliports (New non-emergency sites prohibited)												
Cemeteries												
Churches				T					T			T
Collection stations												
Cultural Facilities							T	T				

(continued on next page)

Table 20.702.2B (PAS 067-074, use tables, continued)

Primary Uses	Zoning District											
Prefix >	R	C	T	S	R	R	C	S	R	R	R	R
PAS Identifier >	067	067	067	068	069	070A	070A	070	072	073	073	074
Suffix >		SA1	SA2				SA1	B			SA1	
IV. PUBLIC SERVICES (cont.)												
A. General (cont.)												
Day Care Centers, Pre-schools	T	T	T				T					T
Government Office			T									
Hospitals												
Local Assembly & Entertainment							T					
Local Post Office									T			
Local Public Health & Safety Facilities	T	T	T	T	T	T	T	T	T	T	T	T
Membership Organizations								T				
Power Generating												
Publicly Owned Assembly & Entertainment							T					
Public Utility Centers	T	T	T		T	T		T	T	T		T
Regional Public Health & Safety Facilities												
Schools - College												
Schools - Kindergarten through Secondary						T						
Social Service Organizations												
B. Linear Public Facilities												
Pipelines & Power Transmission	T	T	T	T	T	T	T	T	T	T	T	T
Transit Stations & Terminals	T	T	T	T	T	T	T	T	T	T	T	T
Transmission & Receiving Facilities	T	T	T		T	T			T	T	T	T
Transportation Routes	T	T	T	T	T	T	T	T	T	T	T	T
V. RECREATION												
Beach Recreation	P	P	P	P	P	P	P	P				
Boat Launching Facilities							P					
Cross Country Ski Courses				T		T	P	T	T			
Day Use Areas	D	D	D	D	D	D	D	D	D	D	D	D
Developed Campgrounds				D			T	D				
Downhill Ski Facilities												
(Golf Courses						D	D					
Group Facilities			T	T		T	D	T				
Marinas				T		T		T				
Off-road Vehicle Courses												
Outdoor Recreation Concessions			T	P		D	D	D				
Participant Sport Facilities	T	T	T		T	T	T	T	T	T		T

(continued on next page)

Table 20.702.2B (PAS 067-074, use tables, continued)

Primary Uses	Zoning District											
Prefix >	R	C	T	S	R	R	C	S	R	R	R	R
PAS Identifier >	067	067	067	068	069	070A	070A	070	072	073	073	074
Suffix >		SA1	SA2				SA1	B			SA1	
V. RECREATION (cont.)												
Recreation Centers							T					
Recreation Vehicle Parks Entertainment							T					
Riding and Hiking Trails	P	P	P	P	P		P	P	P	P	P	P
Rural Sports				T				T				
Snowmobile Courses						T		T				
Sport Assembly							T					
Undeveloped Campgrounds				P				P				
Visitor Information Centers							T	T				
VI. RESOURCE MANAGEMENT												
A. Timber Management												
Reforestation	P	P	P	P	P	P	P	P	P	P	P	P
Regeneration Harvest												
Sanitation Salvage Cut	P	P	P	P	P	P	P	P	P	P	P	P
Selection Cut						T	T	P				
Special Cut	P	P	P	P	P	T	T	P	P	P	P	P
Thinning	P	P	P	P	P	P	P	P	P	P		P
Tree Farms				P								
B. Wildlife and Fishes												
Early Successional Vegetation Management	P	P	P	P	P			P	P	P	P	P
Nonstructural Fish Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P
Nonstructural Wildlife Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P
Structural Fish Habitat Management	P	P	P	T	P	T	T	P	P	P	P	P
Structural Wildlife Habitat Management	P	P	P	T	P	T	T	P	P	P	P	P
C. Range												
Farm or Ranch Structures				T								
Grazing				T								
Range Pasture Management				T								
Range Improvement				T								
D. Open Space												
All	P	P	P	P	P	P	P	P	P	P	P	P

(continued on next page)

Table 20.702.2B (PAS 067-074, use tables, continued)

Primary Uses	Zoning District											
Prefix >	R	C	T	S	R	R	C	S	R	R	R	R
PAS Identifier >	067	067	067	068	069	070A	070A	070	072	073	073	074
Suffix >		SA1	SA2				SA1	B			SA1	
VI. RESOURCE MANAGEMENT (cont.)												
E. Vegetation Protection												
Fire Detection & Suppression	P	P	P	P	P	P	P	P	P	P	P	P
Fuels Treatment or Management	P	P	P	P	P	T	P	P	P	P	P	P
Insect & Disease Suppression	P	P	P	P	P	P	P	P	P			P
Prescribed Fire or Burning Management				P		P	P	P				
Sensitive Plant Management	P	P	P	P	P	P	P	P	P	P	P	P
Uncommon Plant Community Management	P	P	P	P	P	P	P	P	P	P	P	P
F. Watershed Improvements												
Erosion Control	P	P	P	P	P	P	P	P	P	P	P	P
Runoff Control	P	P	P	P	P	P	P	P	P	P	P	P
Stream Environment Zone Restoration	P	P	P	P	P	P	P	P	P	P	P	P

Table 20.702.2C (PAS 075-088, use tables)

Primary Uses	Zoning District													
Prefix >	P	R	R	M	R	R	R	R	R	C	R	R	C	R
PAS Identifier >	075	077	078	079	080	080	080	081	082	083	084	084	086	088
Suffix >						SA1	SA2					SA1		
I. RESIDENTIAL														
Domestic Animal Raising					T	T	T							
Employee Housing		T												
Mobile Home Dwelling		T	T							T				
Multiple Family Dwelling		D												T
Multi-Person Dwelling		T												
Nursing & Person Care														
Residential Care														
Single Family Dwelling		P	P	P	T	T	T	P	P	P	P	P		P
Summer Home						T	T	T						
II. TOURIST ACCOMMODATION														
Bed & Breakfast Facilities											T	T		
Hotel, Motel, & Other Transient Dwelling Units														
Time Sharing (Hotel or Motel Design)														
Time Sharing (Residential Design)														D
III. COMMERCIAL														
A. Retail														
Auto, Mobile Home & Vehicle Dealers														
Building Materials & Hardware														
Eating & Drinking Places												T		
Food and Beverage Retail Sales												T		
Furniture, Home Furnishings														
General Merchandise Stores												T		
Mail Order and Vending														
Nursery														
Outdoor Retail Sales														
Service Stations														
B. Entertainment														
Amusements and Recreation Services														
Gaming - Nonrestricted														
Privately Owned Assembly Entertainment														
Outdoor Amusements														

(continued on next page)

Table 20.702.2C (PAS 075-088, use tables, continued)

Primary Uses	Zoning District													
Prefix >	P	R	R	M	R	R	R	R	R	C	R	R	C	R
PAS Identifier >	075	077	078	079	080	080	080	081	082	083	084	084	086	088
Suffix >						SA1	SA2					SA1		
C. Services														
Animal Husbandry Services														
Auto Repair & Service														
Broadcasting Studios														
Business Support Services														
Contract Construction Services														
Financial Services														
Health Care Services														
Laundries and Dry Cleaning Plant														
Personal Services												T		
Professional Offices									T			T		
Repair Services														
Sales Lots														
Schools - Business & Vocational														
Secondary Storage														
D. Light Industrial														
Batch Plants														
Food and Kindred Products														
Fuel & Ice Dealers														
Industrial Services														
Printing & Publishing														
Recycling & Scrap														
Small Scale Manufacturing														
E. Wholesale, Storage														
Storage Yards						T	T							
Vehicle & Freight Terminals														
Vehicle Storage & Parking	T													
Warehousing														
Wholesale & Distribution														
IV. PUBLIC SERVICES														
A. General														
Airfields, Landing Strips & Heliports (New non-emergency sites prohibited)														
Cemeteries					T									
Churches			T											
Collection Stations	T													
Cultural Facilities	T													

(continued on next page)

Table 20.702.2C (PAS 075-088, use tables, continued)

Primary Uses	Zoning District													
Prefix >	P	R	R	M	R	R	R	R	R	C	R	R	C	R
PAS Identifier >	075	077	078	079	080	080	080	081	082	083	084	084	086	088
Suffix >						SA1	SA2					SA1		
IV. PUBLIC SERVICES (cont.)														
A. General (cont.)														
Day Care Centers or Pre-schools														
Cultural Facilities	T													
Day Care Centers or Pre-schools														
Government Offices	D													
Hospitals														
Local Assembly & Entertainment	T													
Local Post Office			T	T				T	T	T	T	T		
Local Public Health & Safety Facilities		T	T	T	T	T	T	T	T	T	T	T	T	T
Membership Organizations														
Power Generating													T	
Publicly Owned Assembly & Entertainment														
Public Utility Centers	D	T	T	T		T	T	T	T	T	T	T	T	T
Regional Public Health & Safety Facilities	D					T	T							
IV. PUBLIC SERVICES														
A. General (cont.)														
Schools - College														
Schools - Kindergarten through Secondary	D													
Social Service Organizations														
B. Linear Public Facilities														
Pipelines & Power Transmission	P	T	T	T	T			T	T	T	T	T	T	T
Transit Stations & Terminals	P	T	T	T				T	T	T	T	T	T	T
Transmission & Receiving Facilities	P	T	T	T	T			T	T	T	T	T	T	T
Transportation Routes	P	T	T	T	T			T	T	T	T	T	T	T
V. RECREATION														
Beach Recreation														
Boat Launching Facilities														
Cross Country Ski Courses	T				T	T	T						T	
Day Use Areas	D	D	D	D	T	T	T	D	D	D	D	D	D	D

(continued on next page)

Table 20.702.2C (PAS 075-088, use tables, continued)

Primary Uses	Zoning District													
Prefix > PAS Identifier > Suffix >	P 075	R 077	R 078	M 079	R 080	R 080 SA1	R 080 SA2	R 081	R 082	C 083	R 084	R 084 SA1	C 086	R 088
V. RECREATION (cont.)														
Developed Campgrounds					T	T	T							
Downhill Ski Facilities													D	
Golf Courses														
Group Facilities					T	T	T							
Marinas														
Off-road Vehicle Courses					T	T	T							
Outdoor Recreation Concessions	T												D	
Participant Sports Facilities	T	T	T	T				T	T	T	T	T	T	T
Recreation Centers														
Recreational Vehicle Parks					T	T	T							
Riding and Hiking Trails	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rural Sports					T	T	T							
Snowmobile Courses					T	T	T						T	
Sport Assembly	T													
Undeveloped Campgrounds					T	T	T							
Visitor Information Centers														
VI. RESOURCE MANAGEMENT														
A. Timber Management														
Reforestation	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Regeneration Harvest													P	
Sanitation Salvage Cut	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Selection Cut													P	
Special Cut		P	P	P	P	P	P	P	P	P	P	P	P	P
Thinning	P	P	P		P	P	P	P	P	P	P	P	P	P
Timber Stand Improvement	P				P	P	P						P	
Tree Farms	P				P	P	P						T	
B. Wildlife and Fishes														
Early Successional Vegetation Management	P	P	P	P	P	P	P	P	P	P	P	P	P	p
Nonstructural Fish Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nonstructural Wildlife Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Structural Fish Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Structural Wildlife Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Structural Fish Habitat Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P

(continued on next page)

Table 20.702.2C (PAS 075-088, use tables, continued)

Primary Uses	Zoning District													
Prefix > PAS Identifier > Suffix >	P 075	R 077	R 078	M 079	R 080	R 080 SA1	R 080 SA2	R 081	R 082	C 083	R 084	R 084 SA1	C 086	R 088
VI. RESOURCE MANAGEMENT (cont.)														
C. Range														
Farm or Ranch Structures					P	P	P						T	
Grazing					P	P	P						P	
Range Pasture Management					P	P	P						T	
Range Improvement					P	P	P						T	
D. Open Space														
All	P	P	P	P	P	P	P	P	P	P	P	P	P	
E. Vegetation Protection														
Fire Detection & Suppression	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fuels Treatment or Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Insect & Disease Suppression	P	P	P	P	P	P	P	P	P	P		P	P	P
Prescribed Fire or Burning Management					P	P	P						P	
Sensitive Plant Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Uncommon Plant Community Management	P	P	P	P	P	P	P	P	P	P	P	P	P	P
F. Watershed Improvements														
Erosion Control	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Runoff Control	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Stream Environment Zone Restoration	P	P	P	P	P	P	P	P	P	P	P	P	P	P

(Ord. 1320, 2010; Ord. 898, 2000)

20.702.060 Lot size and density standards.

A. The minimum size of any lot must comply with the following:

1. Zoning districts with a prefix of **R** have a minimum lot size of 8,000 square feet.

2. Zoning districts with a prefix of **C** have a minimum lot size of 10,000 square feet.

3. Zoning districts with a prefix of **T** have a minimum lot size of 10,000 square feet.

4. Zoning districts with a prefix of **S** have a minimum lot size of 20,000 square feet.

5. Zoning districts with a prefix of **P** have no minimum lot size requirements.

6. Zoning districts with a prefix of **M** have a minimum lot size of 40 gross acres.

B. The density of any building used for multi-family or multi-person residential purposes and for mobile home parks must not exceed the limits in chapter 21 of the TRPA Code of Ordinances. (Ord. 898, 2000)

20.702.070 Setback standards.

A. Except as provided by subsections E and F (scenic corridors and stream environment zone) of this section, and by chapters 1,2, and 3 of Appendix B, Design Standards and Guidelines to the Community Plans, setback standards for single-family dwellings apply as follows to all principal structures and to all accessory structures 15 feet or greater in height:

1. The front yard and street side-yard setback is a minimum of 20 feet measured from the edge of the pavement. This setback may be reduced up to 50 percent provided both of the following conditions are met:

a. The slope within the front or street side-yard and building footprint is 25 percent or greater; and

b. A minimum 20 feet of driveway exists between the garage and the edge of the pavement.

2. The rear yard setback is a minimum of 20 feet from the property line.

3. The side yard setback is a minimum of 7 feet from the property line to the foundation or wall. Where the roof is designed to convey runoff to the side yard and size of such roof runoff area exceeds 1,500 square feet, an additional setback of 1 foot for each additional 250 square feet of runoff area must be provided. This setback may be reduced, but not to less than 7 feet, upon an analysis provided by the applicant demonstrating that snow will not shed across the property line. Factors to be considered in this reduction include historical records of amount of snow, roof orientation, roof pitch, exposure of roof to sunlight, drifting patterns, and installation of properly engineered snow-slide restraint devices.

B. Except as provided by subsections E and F (scenic corridors and stream environment zones) of this section, and by chapters 1, 2, and 3 of Appendix B, Design Standards and Guidelines to the Community Plans, setback standards for multi-family dwellings and commercial uses apply as follows to all principal structures and to all accessory structures 15 feet or greater in height:

1. The front yard setback is a minimum of 10 feet from the property line.

2. The rear yard setback is a minimum of 10 feet from the property line where the parcel or lot is adjacent to a commercial or multi-family use and a minimum of 15 feet from the property line where the parcel or lot is adjacent to a single-family use.

3. The side yard setback is a minimum of 10 feet from the property line to the foundation or wall. If the structure exceeds two stories, an additional 1-foot setback for each 2 feet of height is required.

C. Setbacks for accessory structures must comply with section 20.664.020.

D. Projections, construction, or equipment are permitted within the required setbacks for all uses only as allowed in this section. Building code requirements may further restrict the distance required to be maintained from the property lines and other structures:

1. Roof overhangs and eaves, oriel and bay windows, porte cocheres, decks, stairway landings, fireplace chimneys, awnings, canopies, and unenclosed porches may encroach up to 50 percent into the required front yard and street-side yard setback. Access stairs may encroach into the required front yard and street side-yard setback a maximum of 5 feet on parcels with an average slope of 16 percent or greater. Elevated driveways and parking decks may be located within the required front yard or street side-yard setback provided they are no more than 30 inches above the highest adjacent grade.

2. Roof overhangs and eaves, pools, patio covers, tennis courts gazebos, awnings, oriel and bay windows, decks, access stairs and stairway landings, fireplace chimneys, canopies, and unenclosed porches may encroach up to 50 percent into the required rear yard setback.

3. Roof overhangs and eaves, oriel and bay windows, porches, fireplace chimneys, awnings, and canopies may encroach into the side yard a maximum of 30 inches provided that a minimum 54 inches of clearance is provided for access.

4. Setbacks between structures must conform to current Uniform Building Code provisions.

E. Buildings and structures must be set back 20 feet from the highway right-of-way line in accordance with the TRPA Scenic Threshold Roadways standards in chapter 16 of the TRPA Code of Ordinances for designated corridors except when superseded by chapters 1, 2 and 3 of Appendix B, Design Standards and Guidelines, to the Community Plans. Deviation from this standard is subject to the findings of section 30.5.D of the TRPA Code of Ordinances.

F. Buildings, structures and other land coverage or disturbance must be set back from stream environment zones (SEZ's) in accordance with chapter 37 of the TRPA Code of Ordinance. Deviation from this standard is only permissible as provided for in the TRPA Code of Ordinances.

G. Building setbacks from cuts and fills must be as set forth in chapter 20.690 and as illustrated in Appendix C. (Ord. 898, 2000)

20.702.080 Height standards.

A. Building heights must comply with chapter 22 of the TRPA Code of Ordinances.

B. Notwithstanding the provisions of subsection A, above, the height of structures must not exceed the height of existing forest cover in the vicinity of the structure, except as permitted under the Tahoe Compact for structures that house gaming.

20.702.090 Specific standards.

In addition to the general development standards in contained in section 20.702.100, certain uses are subject to the specific standards in chapters 20.662 through 20.668 inclusive, Specific Standards. The applicable specific standards are shown in Table 20.702.3. (Ord. 898, 2000)

Table 20.702.3 (Specific standards)

Title	Section	Applies
Accessory Dwelling Units	20.664.010	Applies in zoning districts with a prefix of **R** or **M**, except C (5) –size limitation, where the parcel size is greater than one acre.
Accessory Structure	20.664.020	Yes
Bed and Breakfast	20.664.030	Yes
Clustered Development	20.664.040	Applies in zoning districts with a prefix of **M**
Day Care Center	20.664.050	Yes
Golf Courses	20.664.080	Yes
Large Group Care or Group Home	20.664.090	Yes, except for subsection C.2
Manufactured Homes & Manufactured Housing	20.664.100	Yes
Manufactured Home Park Design Standards	20.664.110	Yes
Multi-family Housing	20.664.120	Yes
Recreational Vehicles	20.664.140	Yes
Recreational Vehicle Storage Facilities	20.664.150	Yes
Stationary Tank Storage	20.664.160	Yes
Accessory Dwelling Units	20.668.010	Applies in zoning districts with a prefix of **C**, **T**, **S**, or **P**
Bed & Breakfast	20.668.030	Yes
Campgrounds	20.668.040	Yes
Day Care Center	20.668.050	Yes
Large Group Care or Group Home	20.668.070	Yes
Multi-family Housing	20.668.080	Yes
Personal Storage Facility	20.668.100	Yes
Recreational Vehicles	20.668.110	Yes
Recycling Facilities	20.668.120	Yes
Service Stations	20.668.130	Yes
Service Station Conversions	20.668.140	Yes
Vehicle Sales	20.668.160	Yes
Stationary Tank Storage	20.668.170	Yes

(Ord. 898, 2000)

20.702.100 General property development standards.

A. The Property Development Standards at chapter 20.690 apply unless they conflict with this section or with the TRPA Code of Ordinances.

For purposes of interpreting Table 20.690, the term **Residential Districts** as used in the table refers to zoning districts with a prefix of **R** and the term **Agricultural Districts** refers to zoning districts with a prefix of **M**. (Ord. 898, 2000)

20.702.110 Access and circulation standards.

A. Access and circulation standards must comply with chapter 20.692 except when in conflict with the provisions of this section.

B. Driveways must not exceed 10 percent slope for single-family houses or secondary residences and 5 percent slope for all other uses unless the approving authority finds that a steeper driveway would minimize the amount of grading and site disturbance and not be a threat to public health and safety. A driveway may not exceed 14 percent for a residential use or 8 percent for all other uses.

C. Driveway widths must conform to the following standards:

1. Where a single-family residence includes a garage, the driveway must be at least as wide as the garage door for a distance of 10 feet and must taper to the appropriate width, but no less than that allowed in chapter 20.692. The access-drive requirements in chapter 20.692 for residential property also apply to accessory dwelling units located on the property.

2. As an alternative to a two-way driveway, driveways for uses other than single-family residences may use one-way driveways with each driveway having a minimum width of 10 feet and a maximum width of 15 feet. Minimum driveway widths may be reduced due to unique site conditions and approval by fire and emergency service providers.

D. Pedestrian circulation systems are required for Commercial, Tourist Accommodation, Public Service and Multi-family residential projects. Sidewalks must be a minimum 48 inches wide, with gradients less than five percent. Ramps for use by the handicapped must not exceed the maximum allowed by the Uniform Building Code, CABO/ANSI Codes, or other applicable codes. Sidewalk dimensional standards are applicable to public and right-of-way easement walkways only, and not to pedestrian facilities and structures within the private property, unless otherwise required by safety and fire codes.

E. Adequate provision must be made for the access and movement of emergency vehicles. (Ord. 898, 2000)

20.702.120 Parking standards.

A. Parking standards must comply with chapter 20.692 except when in conflict with the provisions of this section.

B. General.

1. A “parking facility” is defined as a clearly identifiable location for vehicular parking. A parking facility may be a parking area, parking lot, or parking structure.

2. A compliance program must apply to new or expansion of existing development that creates a demand for parking, including recreation and public service

projects. Projects not involving new or expanded development are required to comply with the standards set forth herein unless the approving authority finds the resultant situation would not otherwise cause or continue to cause significant adverse impacts on traffic, transportation, air quality, or water quality.

C. Parking requirements.

1. The number of required parking spaces is set forth in chapter 20.660, except as modified by Table 20.702.4.

2. In lieu of meeting the above requirements in subsection C.1, an applicant may prepare and submit a technically adequate parking analysis including a parking demand estimate, proposed alternatives to standards, and methods to ensure compliance with alternatives. This analysis must be approved concurrently with any other development permit or building permit under consideration.

Table 20.702.4 (Required parking)

Use	Parking Requirements
Broadcasting Studios	1 space per 300 s.f. of gross floor area
Business Support Services	1 space per 300 s.f. of gross floor area
Developed Campgrounds Recreational Vehicle Parks	1 space per campsite, cabin or RV site, and 1 space per full-time employee, and 1 space per 3 part-time employees, and 1 space per 10 campsites, cabins, or RV sites
Employee Housing	Same as Multi-family Dwelling
Gaming B Nonrestricted Only	1 space per 250 s.f. of casino floor area, and 1 space per 1.5 full-time employees, and 1 space per 3 part-time employees
Mail Order and Vending	1 space per 500 s.f. of non-storage area, and 1 space per 1,000 s.f. of storage area
Marinas	1 space per 3 moorings or slips, and 1 space per full-time employee
Outdoor Retail Sales	1 space per 500 s.f. gross sales area, and 1 space per employee
Timeshare Tourist Accommodation	1 space per bedroom, and 1 space per 15 units

(Ord. 898, 2000)

D. Joint use of parking facilities, in accordance with the provisions of section 20.692.070, are encouraged in order to limit ground coverage and reduce runoff.

E. Parking requirements for uses other than single-family dwellings may be reduced 20 percent if a traffic analysis indicates public transit service exists within 300 feet of the property and is a viable alternative for the parking reduction. For each space reduced, the project must contribute annual fees to the County.

F. Off-site parking is not considered in determining the adequacy of parking facilities except as follows:

1. Off-site parking may be permitted for a temporary use on the basis of an approved parking analysis.

2. Based upon an approved parking analysis, off-site parking may be allowed, provided an appropriate deed restriction is recorded which documents the relationship of the two parcels.

3. Off-site parking provided pursuant to an assessment district and a related parking analysis may be approved.

4. Off-site location may be approved if the approving authority finds that it will not violate other TRPA applicable standards. Such parking must be located within 300 feet of the facility it serves or must be directly connected by transit during the hours of operation. Off-site parking may occur on public roadways or on the shoulders of public roads, provided it does not interfere with snow removal or emergency services, or exceed 25 percent of the total required parking.

G. Except for single-family driveways all maneuvering must be accomplished on site. Backing out onto a street is not allowed.

H. Wheel stops must not be allowed in parking facilities in order not to interfere with snow removal.

I. Uncovered parking facilities and snow storage areas must be sloped on average at least 2 percent to prevent ponding and icing.

J. Commercial, tourist accommodation, public service, recreation and multi-residential projects must provide, within the project area, snow storage areas of a size adequate to store snow removed from parking, driveway and pedestrian access areas, or arranged by means of recorded easements or an equivalent to remove and store accumulated snow off-site. The minimum area required for snow storage is 25 percent of all uncovered parking and driveway areas. (Ord. 898, 2000)

20.702.130 Loading standards.

A. Loading requirements and standards must comply with chapter 20.692 except when in conflict with the provisions of this section or as determined as part of project review by a loading analysis.

B. The number of loading spaces is based upon the operating characteristics of the individual use, as anticipated for an average business day. Chapter 20.660 must be used as a guide in determining the number of spaces.

C. Parcels with uncovered loading spaces must provide snow storage areas of a size adequate to store snow removed from the loading areas, or arrange by means of recorded easements or an equivalent to remove and store accumulated snow off-site.

The minimum area required for snow storage is 25 percent of all uncovered loading areas. (Ord. 898, 2000)

20.702.140 Landscape standards.

A. Landscape standards must comply with chapter 20.694 except when in conflict with the provisions of this section, in which case these provisions apply.

B. Street trees are not required.

C. Plant species listed in the TRPA Recommended and Approved Native and Adapted Plants for the Tahoe Basin (Appendix E of this title) must be used for lawns and landscaping. Plant species not found on the TRPA recommended native and adapted plant list may only be used for landscaping as accent plantings. Such plants must be limited to borders, entryways, flowerbeds, and other similar locations to provide accents to the overall native or adapted landscape design.

D. For projects other than single-family home projects, a minimum of 5 percent of the disturbed area of an entire site and 15 percent of the parking and driveway area must be landscaped.

E. Required landscaping must meet the following requirements at the time of planting:

1. All container-grown stock must be grown in its container for at least six months prior to planting. At time of planting, container-grown stock must be in the following minimum container sizes:

a. Trees must be in minimum 15-gallon containers;

b. Shrubs must be in minimum 5-gallon containers; and

c. Ground covers must be in minimum 1-gallon containers or 4-inch pots.

2. Field grown or bare root native trees are acceptable if, in the judgment of a licensed landscape architect or certified arborist, they are suitable for specific site conditions and may adapt faster than container plants to challenging growing conditions.

F. An irrigation system is required in landscaped areas. Sections 20.694.070 and 20.694.080 apply.

G. Landscaping in parking lots must meet the following standards:

1. Planting beds must have a minimum width of 6 feet for perimeter beds and 4 feet for interior beds, with a minimum area of 25 square feet.

2. Each planting bed abutting traffic areas must be enclosed by concrete or masonry curbing a minimum 6 inches in width and 6 inches in height above the paving surface or other approved materials. Alternatives may be considered on a case-by-case basis.

3. Each planting bed must contain a minimum of one tree per 400 square feet of planting area.

H. In addition to other standards in this section, parking areas for commercial, tourist accommodation, public service and multi-residential projects must comply with the following:

1. Perimeter landscaping of parking areas should be provided to reduce the visual impact of large expanses of paved area and to provide shade. Planting should

include trees, shrubs, and ground covers. Shrub coverage from ground level to a height of 3 feet should be dense and opaque in order to screen the zone of most intense visual impact.

2. On-site parking areas must be provided with landscaped perimeters of a minimum of 6 feet in width. Where adjacent parking areas share a joint landscape perimeter, a minimum width of 10 feet is required.

3. On-site parking areas greater than 3 acres in size must be provided with landscaped islands designed in accordance with TRPA's Handbook of Best Management Practices.

4. Any off-street parking that abuts or faces a residential lot must provide a planting screen, landscaped fence or wall at least 4 feet in height along the side facing the residential lot.

5. Existing or proposed plant materials within public rights-of-way adjacent to a landscaping project must be included on the landscape plan but will not be counted toward the required landscape area.

6. Plant materials must be used to screen utility boxes, storage areas, refuse areas, trash receptacles, and irrigation control boxes that would not enhance the appearance of the site.

7. All landscape plantings must achieve the desired landscaping or buffering effect within five years.

I. No vegetation in excess of 2 feet high may be placed within a triangular area formed by the street and driveway at property line and a line connecting them at points 25 feet from their intersection, except that trees pruned high enough to permit driver visibility are acceptable. (Ord. 898, 2000)

20.702.150 Visual impact and screening.

A. All external mechanical equipment, including trash enclosures, electrical transformer pads and vaults, satellite receiving dishes, communication equipment, and utility hardware on roofs, buildings or the ground must be screened from public view from all directions through the architectural design elements of the project.

B. Service yards, maintenance yards, warehousing, outdoor storage, and trash and refuse collection areas which are visible to the public from view corridors and public thoroughfares must be screened by the use of walls, fencing, landscape plantings, berming, topographic screening, or combinations thereof. Screening must be effective in both winter and summer.

C. Service yards, maintenance yards, warehousing, and outdoor storage areas must be located in areas which are not highly visible from major transportation corridors, scenic turnouts, public recreation areas or the waters or lakes in the region.

D. Adequate refuse handling facilities must be provided to prevent the accumulation of trash and litter.

E. Roofs, including mechanical equipment and skylights, must be constructed of non-glare finishes that minimize reflectivity.

F. All metal flashings and mechanical equipment visible to the public from view corridors and public thoroughfares must be painted to match the exterior colors of the structure. (Ord. 898, 2000)

20.702.160 Lighting standards.

A. Exterior lighting must be deflected away from all adjacent properties, public streets and public rights-of-way. Any light source over 10 feet in height must incorporate a cut-off shield to prevent the light source from being directly visible from areas offsite. Exterior light sources must be directed downward to avoid sky lighting.

B. Exterior lighting must be stationary and not blink, flash, or change intensity.

C. String lights, building or roofline tube lighting, and reflective or luminescent wall surfaces are prohibited. Exterior lighting must not be attached to trees except for the Christmas season.

D. Fixture mounting height must be appropriate to the purpose, but not exceed 15 feet above ground level within 100 feet of residential properties and 25 feet above ground level elsewhere.

E. Exterior lighting must be used for purposes of illumination only and must not be designed for or used as an advertising display. Illumination for aesthetic or dramatic purposes of any building or surrounding landscape utilizing exterior light fixtures is authorized, provided the illuminated area does not exceed 25 feet above grade on a vertical wall and the light source is shielded from public view.

F. The commercial operation of searchlights for advertising or any other purpose is prohibited.

G. Seasonal lighting displays and lighting for special events which conflict with other provisions of this section may be permitted on a temporary basis pursuant to chapter 7 of the TRPA Code of Ordinances. (Ord. 898, 2000)

20.702.170 Grading and drainage standards.

Grading and drainage activities must comply with chapter 25 and chapters 61 through 65 of the TRPA Code of Ordinances. Grading and drainage activities must also comply with subsection K, Hillside Grading, of section 20.690.030 except as they conflict with the TRPA regulations and, to the extent practicable, those standards required in the Douglas County Design Criteria and Improvement Standards. (Ord. 898, 2000)

20.702.180 Noise standards.

A. Exterior noise levels must comply with the provisions in the Plan Area Statements, Community Plans, or subsection N of section 20.690.030, whichever is most restrictive.

B. Interior noise levels must comply with the provisions in subsection N of section 20.690.030. (Ord. 898, 2000)

20.702.190 Floodplain standards.

All development in floodplains that is allowed by section 28.3 of the TRPA Code of Ordinances must comply with the provisions of chapter 20.50. (Ord. 898, 2000)

20.702.200 Snow standards.

A. In addition to the setback requirements in section 20.702.070, snow shed impact areas must be provided as required to prevent snow from encroaching on adjacent

properties.

B. The roofs and eaves of all structures must be designed to avoid snow shedding onto entries, exits, public areas, driveways, parking areas, and walkways.

C. Standards set forth in chapter 8 of the TRPA Code of Ordinances for snow disposal requirements and road paving apply. (Ord. 898, 2000)

Chapter 20.704

General Provisions

Sections:

20.704.010 Declaration.
20.704.020 Policy.
20.704.030 Purpose.
20.704.040 Authority and jurisdiction.
20.704.050 Interpretation, conflict and separability.
20.704.060 Classification of division of land.
20.704.070 Variances.
20.704.100 Incorporation of standards by reference.
20.704.110 Maps within three miles of town boundary.
20.704.120 Review by other agencies.
20.704.130 Subdivision name.
20.704.140 Effect of recordation.
20.704.150 Prohibited activities.

20.704.010 Declaration.

This part shall be known and may be cited in all proceedings as the "Procedures for Division of Land," consisting of chapter 20.704 of the Douglas County Development Code. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.704.020 Policy.

A. It is declared to be the policy of the county to consider the division of land and the subsequent development of the divided land as subject to the control of the county pursuant to the master plan for the orderly, planned, efficient, and economical development of the county.

B. Land to be divided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, slope instability or other menace, and land shall not be divided until adequate public facilities and improvements exist and proper provision has been made for drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities, and improvements in accordance with the provisions of this code.

C. The existing and proposed public improvements shall conform to and be properly related to the proposals shown in the master plan and it is intended that these regulations shall supplement and facilitate the enforcement of the provisions and standards contained in building and housing codes, zoning ordinance, master plan, land use plan, and capital improvements plan and programs of the county. (Ord. 763, 1996; Ord. 641, 1994; Ord. 390, 1981; Ord. 158, 1967)

20.704.030 Purpose.

The general purpose of this chapter is to safeguard the public health, safety and general welfare by regulating the division of land and requiring certain necessary improvements as a consequence of the division of land. The specific purposes of this title are as follows:

A. To promote public health, safety, convenience and general welfare by ensuring development of land in a manner consistent with community objectives as set forth in the master plan and community plans;

B. To preserve and protect the natural environment, including the water and air; and to safeguard against excessive storm water run off, erosion, flooding, wildfire and the depletion or pollution of water resources;

C. To encourage conservation of natural resources, including but not limited to, water, land, streambeds, ridge lines, hillsides and scenic areas, and concurrently assuring that open space and trails are established within a coordinated system;

D. To facilitate, through orderly design and development, law enforcement, fire protection, and other services;

E. To safeguard the general welfare by limiting the division of land in areas where excessive costs and low efficiency services may result;

F. To ensure at the time of land division the provision of adequate water supply, storm drainage and sewer disposal, and other utilities, services and improvements needed as a consequence of any change or intensification of the land use;

G. To ensure that governmental maintenance costs are minimized by requiring the installation of improvements adequate in size and quality;

H. To provide streets of adequate capacity so as to give access to abutting property as well as to carry anticipated increased traffic;

I. To ensure that roadways are designed so as to minimize safety hazards to vehicles and their occupants as well as to cyclists, pedestrians and equestrians;

J. To encourage an organized pattern of urban development and efficient provision of utilities and public services;

K. To conserve agricultural resources;

L. To prevent the pollution of air, streams, and ponds; to safeguard the water table; and to encourage the wise use and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of the land;

M. To preserve the topography of the county and to insure appropriate development with regard to these natural features; and

N. To provide for open spaces through the most efficient design and layout of the land. (Ord. 763, 1996; Ord. 495, 1989; Ord. 390, 1981; Ord. 158, 1967)

20.704.040 Authority and jurisdiction.

A. Authority. The design, improvement, mapping and sale of subdivision lots, parcel map lots, or land division map lots, are regulated by Chapters 117, 278 and 278A of the NRS, and by the provisions of this code.

B. Jurisdiction. These procedures shall apply uniformly to all divisions of land within

the county. No land shall be divided or within the limits of the county after the effective date of these regulations until:

1. The owner or his agent submits a tentative map application to the county through the department;

2. The tentative and final maps are approved;

3. Subdivision improvements have been constructed as follows:

a. On and off-site water and sewer improvements are complete including all necessary improvements for fire flows;

b. Streets are complete or at minimum sub-base is in place and is adequate to support emergency access vehicles to the satisfaction of the fire department;

c. Street identification signs are in place; and

d. Drainage conveyance facilities and other improvements have been constructed and functional;

4. The approved map is recorded with the county recorder.

C. Except as provided in section 20.720.120, no building permit will be issued for any parcel or lot created after the effective date of these regulations until the conditions in subsections 1, 2, 3, and 4 above are met. (Ord. 763, 1996; Ord. 641, 1994; Ord. 390, 1981; Ord. 158, 1967)

20.704.050 Interpretation, conflict, and separability.

A. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.

B. Conflict with other law. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where any provision of these regulations impose restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher standards shall control. (Ord. 763, 1996; Ord. 641, 1994; Ord. 390, 1981)

20.704.060 Classification of division of land.

A. Whenever any division of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed division shall be granted, the owner, or his authorized agent, shall apply for and secure approval of such proposed division of land in accordance with the procedure indicated in this title. For the purposes of this title, land proposed to be divided shall be classed as follows:

1. Subdivision map, five or more parcels;

2. Commercial subdivision map;

3. Parcel map, four parcels or fewer;

4. Division of land into large parcels, parcels of 40 acres or more.

5. Division of land for agricultural purposes. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981)

20.704.070 Variances.

A. General. Where the final decision-maker finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations or the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to these regulations so that substantial justice may be done and the public interest secured, provided that such variances shall not have the effect of nullifying the intent and purpose of these regulations; and further provided the approving authority shall not approve variances unless it shall make findings based upon the evidence presented to it in each specific case that:

1. The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property;

2. The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable generally to other property;

3. Because of the physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out;

4. The variance will not in any manner vary the provisions of the zoning ordinance, or master plan;

5. The granting of the variance substantially conforms to adequate public facilities requirements of this code; and

6. The variance will not have the effect of preventing the orderly division of other land in the area in accordance with the provisions of this code.

B. Criteria for variances from development exactions. Where the final decision-maker finds that the imposition of any development exaction pursuant to these regulations exceeds that permitted by law, it may approve variances to such requirements, so the exaction is proportionate to the impact of the development. In considering such request, the final decision-maker also shall take into account the detriment to the public health, safety and welfare from not imposing the requirements.

C. Conditions. In approving variances, the final decision-maker may require conditions to substantially meet the objectives of the standards or requirements of this code in accordance with chapter 20.14.

D. Procedures. A petition for a variance shall be submitted in writing by the owner or authorized agent, together with the prescribed fee, in conjunction with the application for approval of a subdivision, parcel map or land division map. The petition shall state fully the grounds for the variance and all of the facts relied upon by the applicant. The petition shall be processed and a decision shall be rendered utilizing the standards contained in this chapter simultaneous with the decision-maker's action on the map. The decision on the variance is subject to the same rights of appeal as the decision-maker's action on the map application.

E. Planned developments. It is the intent of this chapter that the subdivision of land that is the subject of a planned development be processed concurrently with plan approval, pursuant to chapter 20.676. If the subdivision map is consistent with the planned development permit and tentative and final plan for the planned development

approved by the board, any variation in the standards or requirements otherwise made applicable to the map by these regulations, which is necessitated by the planned development permit may be approved without regard to the standards and procedures for variances required by this chapter; provided that the board may impose such conditions as are necessary to assure that the purposes of this Part III are met. (Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 390 1981)

20.704.100 Incorporation of standards by reference.

The standards to be applied for approving divisions of land relating to adequate public facilities, improvement and design standards, environmental performance standards and other substantive criteria established elsewhere in the land development code are incorporated by reference. (Ord. 801, 1998; Ord. 763, 1996)

20.704.110 Maps within three miles of town boundary.

Whenever any owner proposes to divide any land within three miles of the exterior boundary of an unincorporated town within the county, the county shall cause to be filed a copy of the tentative map application with the town board or other governing body, as may be authorized to review land divisions within town boundaries. The commission and board shall take into consideration the report of the town concerning the tentative map application, provided such report is received in time for the hearing. (Ord. 763, 1996)

20.704.120 Review by other agencies.

Tentative map applications will be submitted to other agencies for review, comment, and approval, as prescribed by NRS, or as otherwise provided by law. (Ord. 763, 1996; Ord. 390, 1981)

20.704.130 Subdivision name.

The name of any proposed subdivision shall not duplicate, or closely approximate the name of any other subdivision in the area covered by these regulations. The county will be responsible for assigning a unique map reference number to each tentative map filed. (Ord. 763, 1996)

20.704.140 Effect of recordation.

The title of any property dedicated to the county by the owner shall pass to the county when the approved map is recorded. If, at the time of final map approval, any properties or improvements are rejected, offers of dedication shall remain open and the board may, by resolution, at any later date and without further action by the land divider, rescind its action and accept improvements for public use, which shall be recorded in the official county records. (Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 500, 1989; Ord. 390, 1981; Ord. 158, 1956)

20.704.150 Prohibited activities.

A. No owner, or agent of the owner, of any parcel of land located in a proposed subdivision of land shall transfer or sell any such parcel before a map of such division

has been approved by the county, and recorded by the county recorder.

B. The division of any lot or any parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease with the intent of evading these regulations, shall not be permitted.

C. No building permit shall be issued for the construction of any building or structure located on a lot or parcel divided or sold in violation of the provisions of these regulations, except as otherwise provided in this title. (Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 390, 1981; Ord. 329, 1980; Ord. 167, 1968)

Chapter 20.708

Subdivision Application Procedure and Approval Process

Sections:

20.708.010 General requirements.
20.708.020 Tentative subdivision map procedures.
20.708.030 Tentative subdivision map findings.
20.708.040 Conditions and phasing of maps.
20.708.050 Duration, extension, and amendment of tentative subdivision map.
20.708.060 Procedures for final subdivision map.
20.708.070 Effect of approval.
20.708.080 Signing and recordation of final subdivision map.
20.708.090 Reversion of final subdivision map.
20.708.100 Procedures for planned development application.

20.708.010 General requirements.

A. General procedures. All subdivision applications shall be processed in two stages:

1. Application for tentative map approval; and
2. Application for final map approval.

The director shall be the designated official. The board shall be the final decision maker for purposes of tentative subdivision maps; the director shall be the final decision maker for purposes of final subdivision maps, except as otherwise provided.

B. Preapplication conference. Before preparing the tentative subdivision map, the subdivider may file a preliminary review application with the department to discuss the procedure for approval of a tentative subdivision map and the requirements as to the general layout of streets and for reservations of land, street improvements, drainage, sewerage, fire protection, and similar matters, as well as the availability of existing services, including schools.

C. Applicability. All owners of land or their authorized representatives who propose to divide any land or portion thereof, vacant or unimproved, for transfer or development into five or more lots, parcels, sites, units or plots, or to create a commercial subdivision, pursuant to NRS 278.325, shall file an application for approval of a tentative subdivision map.

Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the provisions of this part shall not apply to:

1. A division of land into large parcels which creates lots, parcels, sites, units or

plots of land, each of which comprises 40 nominal acres or more of land including roads and roadway easements, and is subject to chapter 20.716, below;

2. Any division of land which is ordered by any court in this state or created by operation of law;

3. A lien, mortgage, deed or trust or any other security instrument, provided, however, that creation or foreclosure of such an instrument on a portion of a larger parcel shall not result in the division of the larger parcel;

4. A security or unit of interest in any investment trust regulated under the laws of the state or any other interest in an investment entity;

5. Cemetery lots; or

6. An interest in oil, gas, minerals or building materials which are now or hereafter severed from the surface ownership of the real property. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.708.020 Tentative subdivision map procedures.

A. Application. The landowner or his authorized representative shall tender a complete tentative map application with the department in accordance with the established and published submittal schedule. The application shall contain the following items:

1. A description of all contiguous holdings of the owner, including land in the same ownership with indication of the portion of the property which is to be subdivided;

2. The number of copies of the tentative subdivision map, with contents as prescribed in the application form;

3. A certificate from the county treasurer stating that no taxes or assessments are delinquent;

4. A statement as to whether the subdivision is to be developed in phases;

5. Written evidence indicating that all applicable fees and application materials have been submitted to the Nevada Division of Environmental Protection, Water Quality Division;

6. Copies of all applicable “will serve” letters;

7. Copies of all applicable special studies and reports;

8. Other information necessary for review of the tentative subdivision map required by administrative regulations or this code.

B. Contents of tentative subdivision map. Every tentative subdivision map shall show, at minimum, the following data and information:

1. List of the names, addresses and telephone numbers of the owners of record, subdivider and the engineer or surveyor preparing the map;

2. List of the names, addresses and telephone numbers of public utility companies which will serve the subject property, including water supply and method of sewage disposal;

3. A north point, scale, date, boundary line and dimensions of the project. The direction of the north arrow should be shown pointing towards the top or right hand side of the map;

4. Show the entire assessor’s parcel, identify any remainder portion, and any contiguous properties under common ownership (whole or partial ownership);

5. Legal description of the land included within the tentative subdivision map sufficient to define the boundaries of the map. Note: A portion of a section is not sufficient. If the boundary is by metes and bounds, that description shall be on the tentative map;

6. The parcel layout, the approximate dimensions of each lot, where pads are proposed for building sites, the approximate pad elevation, the elevations of all adjacent parcels, the top and toe of cut and fill slopes to scale, preliminary design and approximate finish of all grading, and a number for each parcel on consecutive numbers. Any portion of property in common contiguous ownership not included in the map shall be labeled as a remainder parcel;

7. In tabular form, indicate the approximate acreage, the number of lots, proposed density, existing and proposed zoning and master plan designations, proposed use of lots, number of lineal feet of new streets, and acreage of any remainder parcels;

8. Zoning and master plan designations and land uses of adjoining properties, including across any rights-of-way. Indicate distance from property line to any off-site structures that are within 25 feet of property line;

9. Note and dimensions of all existing structures, indicating the use of each structure and whether structure is to remain or to be removed. In addition, show all parking facilities and driveways;

10. The street, approximate gradient or centerline profile for each proposed highway, street easement and drainage improvement shown of the tentative subdivision map;

11. Note the width and approximate locations of all existing and proposed easements or rights-of-way, including any proposed to be abandoned as part of the subdivision map whether for public or private roads, drainage, sewers, or flood control purposes, shown by dashed lines. Overhead utility lines on peripheral streets shall also be indicated. Existing easements shall show the name of the easement holder, purpose of easement, and legal reference (official records) for the easement. If an easement is blanket or intermittent in nature, a note to this effect shall be placed on the tentative map;

12. Note of the approximate radius of all centerline curves on highways, streets or ways;

13. The locations of all areas subject to inundation or flood hazard and the locations, width, and directions of flow of all watercourses and flood control areas within and adjacent to the property involved. Include community panel number, date of the Flood Insurance Rate Map (FIRM) index map, and the method for handling storm water;

14. Locate, by distance from existing and proposed property lines and other above ground structures, the placement on the property of all existing structures and other manmade features including buildings, utility poles, fences, driveways, signs, existing wells, sewers, septic systems (including leach lines), culverts, bridges, drain pipes, fire hydrants and sand, gravel or other excavations within the subdivision. Indicate which existing structures will remain and which will be removed;

15. The tentative subdivision map must show contour of land at intervals of not

more than two feet if the general slope of the land is less than the 10 percent and five feet for all other areas. This shall include an area of not less than 100 feet surrounding the tentative subdivision map. Indicate contour interval and the source and date the contours were compiled;

16. Vicinity map of the area showing the proposed subdivision map in relation to any established roads or other landmarks so that the site can be easily located. Indicate the proposed access route to the site from the nearest public maintained road;

17. On a subdivision map consisting of a condominium project or a planned development, the tentative subdivision map shall show, by dashed lines, the approximate location from all existing and proposed property lines and building envelopes and other structures to be erected;

18. The claimant number under the Alpine Decree or any other court decree, identity and location of any existing or proposed drainage conveyance ditches, or other irrigation water conveyance structure within or adjacent to the proposed subdivision. The subdivision map shall also provide dimensioned typical channel cross sections with centerline, average slope through the property, arrows indicating direction of irrigation flow, and design flow capacity of conveyance structures. If the proposed subdivision includes water impoundment there must be identification of the source of water and documentation of the state engineer's approval for the water rights.

C. Processing by director. The director or his designee will distribute copies of the tentative subdivision map and accompanying materials to all agencies charged by statute. The director will determine within 3 working days whether the application for a tentative subdivision map is complete, and notify the applicant, in writing, of his finding. If complete, and applicable fees are tendered and collected, the director will file his report with the commission and schedule the application for public hearing.

D. Hearing notice and procedure. Notice of the hearings before the commission and the board shall be provided in accordance with chapter 20.20. In addition to the notice otherwise required, notice shall be given to any conveyance ditch users adjacent to or downstream of the proposed map. The ditch users to be notified shall be determined from the list of water right owners compiled by the Federal Water Master's Office, or for those conveyance facilities not covered by the Alpine Decree from the list of water right owners maintained by the state engineer. Hearings shall be held in accordance with the procedures established in chapter 20.24.

E. Planning commission recommendation. Within 60 days after the official filing date, the commission shall hear the application and recommend to the board approval, conditional approval or disapproval of the tentative subdivision map in accordance with the procedures established in chapter 20.10, unless the time period is extended by mutual consent of the applicant and the commission. The commission shall set forth findings and reasons for its decision in accordance with the criteria identified in chapter 20.708.030.

F. Decision by board. Within 30 days after receipt of the commission's recommendation, unless the time is extended by mutual consent of the applicant and the board, the board shall conduct a public hearing, and approve, conditionally approve or disapprove the tentative subdivision map. The review and decision of the board shall conform to the provisions of chapter 20.12 and include findings and reasons for its

decision in accordance with the criteria identified in chapter 20.708.030. (Ord. 1292, 2009; Ord. 1241, 2008; Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 606, 1993; Ord. 539, 1991; Ord. 495, 1989; Ord. 390, 1981; Ord. 158, 1967)

20.708.030 Tentative subdivision map findings.

A. The commission in making its recommendation and the board in rendering a decision on the tentative subdivision map shall base its decision on the requirements of NRS and make affirmative findings on the following factors, taking into account the recommendations of reviewing agencies:

1. The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this code;

2. If planned development is proposed, the tentative subdivision map conforms to the density requirements, lot dimension standards and other regulations applicable to planned developments;

3. The tentative subdivision map conforms to public facilities and improvement standards contained in the development code;

4. The tentative subdivision map conforms to the improvement and design standards contained in the development code and adopted design criteria and improvement standards;

5. If applicable, that a phasing plan has been submitted and is deemed acceptable;

6. The approval contains terms that plan for the possibility of abandonment or termination of the project;

7. There are no delinquent taxes or assessments on the land to be subdivided, as certified by the county treasurer;

8. The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981)

20.708.040 Conditions and phasing of maps.

In addition to all other conditions that may be recommended by the commission and required by the board pursuant to chapter 20.14 in reviewing a tentative subdivision map, the following actions may be taken:

A. Except as otherwise provided, as a condition of tentative subdivision map approval, the commission may recommend and the board may require that the subdivider install and dedicate to the county all public improvements, whether on-site or off-site, prior to the signing of the final subdivision map by the chairman of the commission. In lieu of such requirement, the board shall require that the subdivider provide adequate assurances for completion and maintenance of improvements.

B. The commission may recommend and the board may require as a condition of

tentative subdivision map approval that the subdivider divide the subdivision into two or more phases, provided as follows:

1. Each phase must be designed to meet the public facilities and improvement standards independently and as part of the overall design.

2. The final map must be approved and recorded for the initial phase within four years of tentative subdivision map approval, and the final map for each subsequent phase must be approved and recorded within two years following recording of the final map for the previous phase. The board may grant a single extension of two years for final map approval for each phase.

3. All phases must be completed, and all final maps approved and recorded, within ten years of the date of initial subdivision map approval by the board.

4. Amendment of the approval to permit development beyond the initial ten year period will require submission and approval of a new tentative subdivision map application, and the approval may be conditioned on compliance with statutes, codes, design standards, fees and capital improvements plans current at the time of application for such amendment.

5. The board and the applicant may enter and adopt a development agreement, pursuant to chapter 20.400, to implement the provisions of this chapter.

C. Where a commercial subdivision is proposed pursuant to NRS, and the subdivider desires to record a single final map without the completion or securing of improvements, the Board may approve the map and allow recording of the final map subject to the following:

1. A conceptual development phase plan is submitted concurrently with the tentative map indicating the proposed development phasing, including a general description of improvements, on-site and off-site to be constructed with each development phase.

2. Improvement plans are to be submitted and approved for the entire project site. The improvement plans shall be subject to modification, based on changes to title 20 or the county design criteria and improvement standards as they relate to public health and safety.

3. A security agreement shall be prepared and approved subsequent to the filing of the final map, consistent with title 20. In addition to the standard provisions, the plan must provide a detailed description of on-site and off-site improvements to be provided prior to the issuance of a building permit within a given development phase.

4. No building permit will be issued on the site until any and all required improvements are constructed or secured, and provided that those improvements required for fire protection and emergency access are in place. (Ord. 1345, 2011; Ord. 801, 1998; Ord. 763, 1996; Ord. 516, 1990; Ord. 390, 1981)

20.708.050 Duration, extension, and amendment of tentative subdivision map.

A. The subdivider shall present to the director a final subdivision map, prepared in accordance with the tentative subdivision map. The map shall cover the entire area for which the tentative subdivision map was approved, or one of a series of final subdivision maps, each covering one or more phases of the approved tentative

subdivision map. Unless a longer time is provided in a development agreement or an agreement pursuant to NRS 278.350, the final map covering the entire subdivision or the first of a series of final maps covering a portion of the approved tentative map shall be recorded within four years after the date of approval of tentative subdivision map by the board, or if the subdivider elects to present a successive map in a series of final maps, the subdivider shall present, on or before the second anniversary of the date on which the subdivider presented to community development the first in the series of final maps, the next final map covering a potion or the entire area of the approved tentative map.

B. The board may extend the period for presentation of final successive subdivision map covering a portion of the approved tentative map for not more than two years after the expiration of the two-year period for presenting the successive final subdivision map. If the subdivider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirements other than those imposed on each of the final maps in the series may be placed on the map when an extension of time is granted unless the requirement is directly attributable to a change in applicable laws which affect the public health, safety or welfare. Extension applications must be accompanied by the applicable fee and written statement of justification and must be filed 45 days prior to the expiration of the final map.

C. At any time after tentative subdivision map approval, and before the time required for presentation of a final subdivision map, the subdivider may request amendment to the approval or conditional approval of the tentative subdivision map. The director may approve minor tentative subdivision map amendments in accordance with section 20.768.020, subject to appeal to the commission, in accordance with chapter 20.28. Major amendments shall be determined in accordance with the procedures for original approval of the tentative subdivision map under this chapter. Additional conditions may be attached to approval of the tentative subdivision map amendment which are reasonably related to the proposed amendment. A subdivider who is unwilling to accept conditions attached to the proposed amendment may withdraw the amendment. Action on the application for amendment of the tentative subdivision map shall not stay the period for presenting the final subdivision map, unless a request for extension pursuant to paragraph B is approved. (Ord. 1345, 2011; Ord. 1292, 2009; Ord 973, 2001; Ord. 801, 1998; Ord. 763, 1996; Ord. 615, 1993; Ord. 598, 1993; Ord. 499, 1989; Ord. 390, 1981)

20.708.060 Procedures for final subdivision map.

A. **Application requirements**. Following approval of the tentative subdivision map, a subdivider who wishes to proceed with the subdivision shall file with the director an application for final approval and recordation of the final subdivision map, prepared on standardized forms available at the office of the department. The application shall contain the following information:

1. The original signed linen and at least five blue line copies of the final subdivision map in the form required by paragraphs B and C, containing all required certificates and acknowledgments required by paragraph D;

2. A certificate from the county treasurer stating that taxes and assessments

are paid in full;

3. Improvement plans approved by the county engineer, and other agencies required to approve the construction plan along with either a signed executed improvement agreement or a certificate of satisfactory completion issued by the county engineer;

4. Written documentation that all conditions of the tentative map have been met;

5. Other items listed on the application form.

B. **Form of final subdivision map**. The entire final subdivision map shall be clearly and legibly drawn or stamped in black waterproof India ink upon good tracing linen or mylar. Each sheet shall be 24 inches by 32 inches in size; a marginal line shall be drawn completely around each sheet leaving an entirely black margin of one inch at the bottom, top and right edge and two inches at the left edge on the 24-inch dimension. The exterior boundary of land included within the subdivision shall be indicated by a colored border.

C. **Final subdivision map contents**. Every final subdivision map shall show all data required for the tentative subdivision map except contour lines, position of buildings, relationship to streets and highways beyond areas shown on the map and the proposed use of building sites and shall contain in addition the following data:

1. The map shall show all details clearly with the necessary information for intelligent interpretation of the items and location of points, lines and areas shown. All streets, drives, walks, alleys, parks, easements, etc., must be designated as such and be definitely established with bearings and distances. The subdivision shall show bearings and lengths of all lines and the radius, central angle, length of curve and tangent length for all curved lines. The calculated closure shall be mathematically exact to the nearest one-hundredth foot and to one-second of angle. The scale and basis of bearing shall be shown. Ties shall be made to the USCG Control Points or Nevada State Coordinate System Points by the State Highway Department or other engineers, whenever these controls are available. The map scale should not be smaller than 100 feet to one inch;

2. The location and description of monuments or other evidence bound upon the ground and using the terrain the boundaries of subdivisions. The exterior boundaries of subdivisions shall be indicated by a colored border and any land included within said boundary which is not a part of the subdivision or any adjoining subdivision shall be sufficiently identified in order to locate precise limits of the proposed subdivision;

3. Each town boundary and government land survey line crossing adjoining the subdivision with adequate ties to monuments set or boundary within same. No lot shall be cut by a town or a county boundary line;

4. The title of the final subdivision map shall be the same of the subdivision map as it appears on the approved tentative subdivision map, with all conditions satisfied, and shall be shown together with the scale used on each sheet of the final subdivision map and the number of the sheets totaled;

5. If any portion of the land within the boundaries of the final subdivision map

is subject to inundation, storm flow conditions, geologic hazard or other hazard, the land so affected shall be clearly marked by prominent note on each sheet;

6. A reference to any private covenants, conditions and records to be recorded with the map;

7. A signed statement indicating a petition of annexation into any special taxing district, if the subject property is so located.

8. Other items listed on the application or required by conditions of approval.

D. **Final subdivision map certificates**. The following certificates and acknowledgments shall appear on the final subdivision map and shall be combined when appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and recordation of the map;

2. A certificate signed and acknowledged as above, offering for dedication for certain specified public uses those certain parcels of land which the parties desire so dedicated;

3. A certificate of title indicating:

a. That each person signing the final subdivision map owns a record of interest in the land and that all the owners of record of the land have signed the final subdivision map;

b. Listing of any lien or mortgage holders of record, if any. If there are no lien or mortgage holders of record, the fact that there are none shall be stated in the certificate;

c. The certificate of title shall be signed and dated by an officer of the title company responsible for the statements contained within said title certificate;

4. A certificate by the surveyor responsible for the survey and final subdivision map as prescribed by state law;

5. A certificate by the county engineer stating that he has examined the final subdivision map, that he is satisfied that the map is technically correct, and that subdivider has complied with one of the following alternatives:

a. All the improvements have been installed in accordance with the requirements of these regulations; or

b. Adequate assurances have been provided that improvements will be completed and maintained in accordance with chapter 20.720;

6. A certificate by the health division of the department of human resources indicating that the final subdivision map is approved concerning sewage disposal, water pollution, water quality and water supply facilities;

7. A certificate by the division of water resources of the state department of conservation and natural resources showing that the final subdivision map is approved concerning water quality and any other matters in its jurisdiction;

8. A certificate of the district that the map conforms to the approved tentative subdivision map and all conditions imposed upon such approval have been satisfied;

9. A certificate for execution by the county clerk stating that the county has approved the map and accepted (or deferred) on behalf of the public the parcels of land offered for dedication for public use in conformity with the terms of the offer of

dedication;

10. A certificate by the appropriate public utilities accepting the designated easements;

11. Proper certificates of a notary public as required;

12. A certificate for execution by the county recorder concerning the appropriate recording data required by NRS § 278.460.

13. If the property includes, impacts, or is adjacent to a conveyance ditch, a letter to the chief planning official by the water conveyance advisory committee stating that all irrigation water conveyance facilities and associated access and maintenance easements or rights-of-way are depicted on the map;

14. A certificate granting rights-of-way for water conveyance and maintenance. The grant of the right-of-way shall run to the benefit of all persons entitled to the use of the conveyance ditch under the Alpine Decree or other court decree and their successors in interest or to any ditch company or similar entity having an interest in or responsibility for the water conveyance ditch and associated structures;

15. Other certificates as may be required.

E. **Director's decision**.

1. Prior to its expiration or within 35 working days following the determination that the final map application is complete, the director shall render his or her decision on the application for final subdivision map approval.

2. The director shall approve the map only if he or she finds that:

a. The map conforms in every respect with the approved tentative subdivision map, as amended;

b. All conditions established upon approval of the tentative subdivision map, as amended, have been satisfied;

c. The final subdivision map conforms with all county ordinances applicable at the time of the decision on the final subdivision map;

d. All required improvements have been installed as certified by the county engineer, or sufficient assurances for completion and maintenance of improvements have been made pursuant to this development code;

e. All necessary certificates required by state law or by the development code have been presented with the application of approval of the final subdivision map;

3. The director may defer a decision on the final map to the planning commission, and the decision of the director may be appealed to the planning commission pursuant to section 20.28.020.

F. The director may, at the time of approval of the final subdivision map, shall reject any or all offers of dedication. Acceptance shall be made in accordance with adopted board policy. (Ord. 801, 1998; Ord. 763, 1996; Ord. 615, 1993; Ord. 539, 1991; Ord. 500, 1989; Ord. 394, 1981; Ord. 390, 1981; Ord. 158, 1967)

20.708.070 Effect of approval.

No vested right shall accrue to the owner, subdivider or developer of any subdivision by reason of tentative or final subdivision map approval until the actual signing of the final subdivision map by all parties required to sign the map. All

requirements, conditions, or regulations adopted by the county applicable to the subdivision or on all subdivisions generally shall be deemed a condition for any subdivision prior to the time of signing of the final subdivision map by the county engineer. Where the county has required the installation of improvements prior to signing of the final subdivision map, and improvements have, in fact, been completed, the subdivider may be required to comply with the local laws and regulations in effect at the time when the final subdivision map is considered for approval only if the commission makes a finding on the record that such compliance is necessary to prevent a substantial risk of injury to the public health, safety and general welfare. (Ord. 801, 1998; Ord. 763, 1996; Ord. 500, 1989; Ord. 390, 1981)

20.708.080 Signing and recordation of final subdivision map.

A. Signing of map.

1. When an improvement agreement and security are required, the county engineer shall endorse approval of the map only after security has been provided and all conditions of the map have been satisfied.

2. When installation of improvements is required, the county engineer shall endorse approval on the map only after all conditions of the map have been satisfied and upon issuance of a notice of completion.

3. The county engineer shall sign the map only after determination in cooperation with any utility providing water service to the subdivision or accepting improvements for maintenance that the map is in compliance with the county code relating to the dedication of facilities, water rights and rights-of-way.

B. Recording of the map. It shall be the responsibility of the department to file the original map with the county clerk for signing and submission to the county recorder within 15 working days of the date of approval of the final subdivision map by the commission. Simultaneously with the filing of the map the department shall cause to be recorded such other legal documents as may be required to be recorded by the county. (Ord. 763, 1996; Ord. 500, 1989; Ord. 390, 1981; Ord. 158, 1967)

20.708.090 Reversion of final subdivision map.

A final subdivision map which has been recorded may be revoked pursuant to chapter 20.32, and the subdivision reverted to acreage, pursuant to sections 20.768.030 and 20.768.040, where applicable, in the event that the subdivider or his successor in interest fails to complete improvements as required by the subdivision improvement agreement, development agreement or as otherwise provided by law. The proceeding may be initiated by either the owner or the county. At the initiation of proceedings to revoke or revert to acreage, the county shall record a document with the county clerk and recorder's office giving notice thereof. If final subdivision approval is revoked or the property reverted to acreage, the board order to that effect will be recorded with the county clerk and recorder's offices, the subdivision will no longer be valid and further sale or development of lots or parcels within the revoked subdivision shall be prohibited without approved division of land pursuant to this development code. (Ord. 1311, 2010; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.708.100 Procedures for planned development applications.

Whenever an application for planned development proposes the division of land into five or more parts, the applicant shall include with such application a tentative subdivision map, to be processed in accordance with the provisions of chapter 20.676 and this chapter. Consideration of the tentative subdivision map shall be reviewed in conjunction with the application for planned development approval, and approval of the tentative subdivision map shall be conditioned upon final approval of the planned development. (Ord. 763, 1996; Ord. 167, 1968)

Chapter 20.712

Parcel Maps

Sections:

20.712.010 General requirements
20.712.020 Application for tentative parcel map.
20.712.030 Procedure for tentative parcel maps.
20.712.040 Waiver requests.
20.712.050 Procedure for referral and processing as subdivision.
20.712.060 Findings for tentative parcel maps.
20.712.070 Amendment of parcel map approval.
20.712.080 Procedures for final parcel map.
20.712.090 Effect of final parcel map approval.
20.712.100 Reversion of final parcel map.
20.712.110 Signing and recording of final parcel map.

20.712.010 General requirements.

A. The director shall be the designated official and the final decision-maker for purposes of applications for parcel maps, subject to appeal to the commission. If the commission denies the appeal, the applicant may appeal the denial of the commission to the board. Appeals to the commission and board shall be in accordance with chapter 20.28.

B. All owners of land or their authorized representatives who propose to divide any land for transfer or development into four or fewer lots shall file an application for tentative approval of a parcel map.

C. Unless a method of dividing land is adopted for the purpose or would have the effect of evading this chapter, no parcel map shall be required when the division of land is for the express purpose of the following:

1. The creation or realignment of a public right-of-way by a public agency;

2. The creation or realignment of an easement;

3. An adjustment of the boundary line or the transfer of land between two owners of adjacent property which does not result in the creation of any additional parcels;

4. The purchase, transfer or development of space within an apartment building or an industrial or commercial building;

5. Carrying out any order of any court or dividing land as a result of the operation of law;

6. The following transactions involving land:

a. The creation of a lien, mortgage, deed of trust or other security instrument, provided, however, that foreclosure of an interest in a portion of a parcel will not result in the lawful division of the parcel;

b. The creation of a security or a unit of interest in any investment trust

regulated pursuant to the laws of the state of Nevada or any other interest in an investment entity;

c. The conveyance of an interest in oil, gas, minerals or building materials, which are severed from the surface ownership of the real property;

d. The conveyance of an interest in land acquired by the Department of Transportation pursuant to chapter 408 of NRS;

e. The filing of a certificate of amendment pursuant to NRS 278.473;

7. A division of land into large parcels, pursuant to chapter 20.716.

8. A lien, mortgage deed or trust or any other security instrument provided that the creation of foreclosure of such an instrument on a portion of a larger parcel shall not result in the division of the larger parcel.

D. When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this chapter and NRS 278.468, 278.590 and 278.630. When the lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of this chapter until further divided. (Ord. 801, 1998; Ord. 763, 1996)

20.712.020 Application for tentative parcel map.

A. Contents of application. Prior to dividing land by parcel map, the landowner or his authorized representative, shall file an application for approval of a tentative parcel map with the director, together with any request for waivers pursuant to section 20.712.040. The application shall be made on forms supplied by the department and shall contain the following information:

1. List of the names, addresses and telephone numbers of the owner of record, applicant and the engineer or surveyor preparing the map;

2. List of the names, addresses and telephone numbers of public utility companies which will serve the subject property, including water supply and method of sewage disposal;

3. A north point, scale, date, boundary line and dimensions of the project. The direction of the north arrow should be shown pointing towards the top or right hand side of the map;

4. The entire assessor's parcel, identify any remainder portion, and any contiguous properties under common ownership (whole or partial ownership);

5. Legal description of the land included within the tentative parcel map sufficient to define the boundaries of the map. Note: A portion of a section is not sufficient. If the boundary is by metes and bounds, that description shall be on the tentative parcel map;

6. The parcel layout, the approximate dimensions of each parcel (ditto marks not acceptable) where pads are proposed for building sites, the approximate pad elevation, the elevations of all adjacent parcels, the top and toe of cut and fill slopes to scale, preliminary design and approximate finish of all grading, and a number for each parcel in consecutive numbers. Any portion of property in common contiguous ownership not included in the map shall be labeled as a remainder parcel;

7. In tabular form, indicate the approximate acreage, the number of parcels, proposed density, existing and proposed zoning and master plan designations,

proposed use of parcels, number of lineal feet of new streets, and acreage of any remainder parcel;

8. Zoning and master plan designations and land uses of adjoining property, including across any rights-of-way. Indicate distance from property line to any off-site structures that are within 25 feet of property line;

9. Note and dimension all existing structures, indicating the use of each structure and whether structure is to remain or to be removed. In addition, show all parking facilities and driveways;

10. The street approximate gradient or centerline profile for each proposed highway, street casement and drainage improvement shown on the tentative parcel map;

11. Note the width and approximate locations of all existing and proposed easements or rights-of-way whether for public or private roads, drainage, sewers, or flood control purposes, shown by dashed lines. Overhead utility lines on peripheral streets shall also be indicated. Existing easements shall show the name of the easement holder, purpose of easement, and legal reference (official records) for the easement. If an easement is blanket or intermittent in nature, a note to this effect shall be placed on the tentative map;

12. Note the approximate radius of all centerline curves on highways, streets or ways;

13. The locations of all areas subject to inundation or flood hazard and the locations, width, and directions of flow of all watercourses and flood control areas within and adjacent to the property involved. Include community panel number, date of most recent revision per Flood Insurance Rate Map (FIRM), and the method for handling storm water;

14. Locate, by distance from existing and proposed property lines and other above ground structures, the placement on the property of all existing structures and other manmade features including buildings, utility poles, fences, driveways, signs, existing wells, sewers, septic systems (including leach lines), culverts, bridges, drain pipes, fire hydrants and sand, gravel or other excavations within the subdivision. Indicate which existing structures will remain and which will be removed;

15. The contour of land at intervals of not more than two feet if the general slope of the land is less than the ten percent, and five feet for all other areas. This shall include an area of not less than 100 feet surrounding the tentative parcel map. Please indicate contour interval and the source and date the contours were compiled;

16. Vicinity map of the area showing the proposed parcel map in relation to any established roads and other landmarks so that the site can be easily located. Indicate the proposed access route to the site from the nearest public right-of-way;

17. On a parcel map consisting of a condominium project or a planned development, the tentative parcel map shall show, by dashed lines, the approximate location from all existing and proposed property lines and building envelopes and other structures to be erected.

18. The number of copies of the tentative parcel map, with contents as prescribed in the application form;

19. A certificate from the county treasurer stating that no taxes or assessments

are delinquent;

20. Written evidence indicating that all applicable fees and application materials have been submitted to the Nevada division of environmental protection, water quality division.

21. Copies of all applicable “will serve” letters.

22. Copies of all applicable special studies and reports.

23. Such other information necessary for review of the tentative subdivision map as shall be required in accordance with administrative regulations or this code.

24. The claimant number under the Alpine Decree or any other court decree, identity and location of any existing or proposed drainage conveyance ditches, or other irrigation water conveyance structure within or adjacent to the proposed parcel map. The parcel map shall also provide typical channel centerline, right-of-way and ditch width of the conveyance ditch through the property, and arrows indicating direction of irrigation flow. The committee may, when necessary for its review, require additional information documenting existing and proposed conveyance ditch capacity. If the proposed parceling includes water impoundment there must be identification of the source of water and documentation of the state engineer’s approval.

B. Certification. If a survey is not required for the preparation of a parcel map, the map shall be prepared by a registered land surveyor, and contain a certificate which includes substantially the following: “This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copies of any such prior document.” (Ord. 801, 1998; Ord. 763, 1996; Ord. 539, 1991; Ord. 495, 1989; Ord. 494, 1989; Ord. 390, 1981)

20.712.030 Procedure for tentative parcel maps.

A. Action by director. The director shall process the application for tentative parcel map approval pursuant to chapter 20.04. Using the standards for approval in section 20.712.060, the director, or his designee, shall approve, conditionally approve, or deny the application for tentative parcel map in accordance with chapter 20.06

B. Appeal and decision. An applicant aggrieved by a decision of the director may appeal in writing to the commission in the manner provided in chapter 20.28.

C. Duration of approval.

1. Unless the time is extended in the manner set forth in paragraph D, the applicant shall present a final parcel map which conforms to all conditions of approval to the director for processing and recording, except as provided in subsection 2, within one year from the date of the final decision on the tentative parcel map application. If the applicant fails to submit a conforming map within the above time limits, all proceedings concerning the parcel map are terminated. If the final parcel map is submitted within one year and conforms to all conditions of approval and with the provisions of chapter 20.712.020, it shall be approved by the director.

2. Unless the time is extended in the manner set forth in paragraph D, the applicant shall present a final parcel map which includes a conservation easement totaling 50 acres or greater and which conforms to all the conditions of approval to the director for processing and recording within three years from the date of the final decision on the

tentative parcel map application. If the applicant fails to submit a conforming map within the above time limits, all proceedings concerning the parcel map are terminated. If the final parcel map is submitted within three years and conforms to all conditions of approval and with the provisions of chapter 20.712.020, it shall be approved by the director.

a. As used in this subsection, “conservation easement” means an easement that permanently preserves or protects open space, a floodplain or agricultural land from being parceled, subdivided or otherwise developed in a manner incompatible with the preservation or protection of the open space, floodplain or agricultural land.

D. Extension. For good cause shown, the director may extend the period for presentation of a conforming final parcel map for not more than one year after the expiration of the initial one-year period for presenting the map or initial three year period for presenting the map with a conservation easement of 50 acres or greater. The extension shall be consistent with any applicable policies of the master plan and may include conditions requiring compliance with current provisions of the development code. (Ord. 1345, 2011; Ord. 910, 2000; Ord. 763, 1996; Ord. 669, 1994; Ord. 495; 1989; Ord. 494, 1989; Ord. 390, 1981)

20.712.040 Waiver requests.

A. A person proposing to divide land subject to these parcel map regulations may request in writing a waiver from the requirement of a survey or a waiver of adequate public facility standards for roads.

B. The request for waiver shall be submitted with the application for tentative parcel map approval. The decision on the request is made by the director in accordance with chapter 20.06 under the standards set forth in section 20.712.060. Reasonable conditions may be placed on any waiver granted under this subsection, in the manner provided in chapter 20.14.

C. Before the director waives the survey requirement, he must obtain a written finding from the county surveyor or other professional land surveyor that a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

D. Waiver of adequacy standards for roads may be made in the areas of off-site access requirements, street alignment, surfacing and width, only if the applicant demonstrates that:

1. The proposed parcel map, if approved, does not result in the creation of any parcels less than five acres in size;

2. The land lies outside the boundaries of urban service areas designated in the adopted master plan;

3. The waiver of one or more adequate facilities standards for roads does not result in road improvements which are inconsistent with any existing use of land zoned for similar use which lies within 660 feet of any proposed parcel.

If the waiver request is denied, the tentative parcel map application must meet all requirements for a land survey and adequate public facilities standards for roads.
(Ord. 801, 1998; Ord. 763, 1996)

20.712.050 Procedure for referral and processing as subdivision.

If the tentative parcel map application or applications constitute a scheme for avoiding the rules governing the subdivision of land within the meaning of this title, or constitutes the second division of a tract or portion of a tract of land under the same ownership, the application may be deemed incomplete and the director shall notify the applicant or applicants that the proposed division of land must be processed and evaluated as a subdivision pursuant to chapter 20.708. (Ord. 763, 1996)

20.712.060 Findings for tentative parcel maps.

The director or his designee in rendering a decision on the application for tentative parcel map approval and the commission on appeal shall base the decision on the requirements of NRS and make affirmative findings on the following factors, taking into account the recommendations of reviewing agencies:

A. The property to be divided is zoned for the intended uses and the density and design of the division conforms to the requirements of the zoning regulations contained in the development code;

B. The proposed parcel map conforms to public facilities and improvement standards of this land development code;

C. The proposed parcel map conforms to the improvement and design standards contained in this title;

D. There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer;

E. The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981)

20.712.070 Amendment of parcel map approval.

At any time before the recording of the final parcel map, the owner may apply to the director to amend the tentative parcel map approval in accordance with section 20.768.020. Minor amendments may be approved in the context of final parcel map approval. For any proposed major amendment to the map or terms of approval, the director may require resubmission of a tentative parcel map application. The owner may appeal any decision on amendments to the commission. (Ord. 763, 1996)

20.712.080 Procedures for final parcel map.

A. **Application requirements**. Following approval of the tentative parcel map, an owner who wishes to proceed with the parcel map shall file with the director an application for final approval and recordation of the final parcel map, prepared on standardized forms available at the office of the department. The application shall contain the following information:

1. The original signed linen and at least five blue line copies of the final parcel map in the form required by paragraphs B and C, containing all required certificates and

acknowledgments required by paragraph D;

2. A certificate from the county treasurer stating that taxes and assessments are paid in full;

3. Improvement plans approved by the county engineer, and other agencies required to approve the construction plan along with an approved and executed improvement agreement and required security or a certificate of satisfactory completion issued by the county engineer;

4. Written documentation that all conditions of the tentative map have been met;

5. Other items listed on the application form.

B. **Form of final parcel map**. The parcel map shall be drawn in black waterproof India Ink on tracing cloth or produced by the use or other materials of a permanent nature generally used for such purposes in the engineering profession, the size and border of which shall conform to the requirements of this title, and shall, in addition, include the following:

1. If a survey is required:

a. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto;

b. Bearing or witness monuments, bases of bearings, bearings and length of lines and scale of map;

c. Name and legal designation of tract or grant in which the survey is located and ties to adjoining tracts;

d. Memorandum of oaths;

e. Signature of surveyor;

f. Date of survey;

g. Signature of the owner or owners of the land to be divided, witnessed by a notary;

h. Any easement granted or dedications made;

i. The exterior boundary of the land to be divided shall be indicated by a graphic border;

j. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and areas shown.

2. If a survey is not required:

a. The tract to be divided and the resulting lot, by appropriate reference to the existing information on which it is based;

b. The means of access to the severed lot;

c. The signature of the owner or owners of the land to be divided, witnessed by a notary;

d. Any easements granted or dedications made;

e. Any other data necessary for intelligent interpretation of the division and access.

C. **Signing of map**. The director shall assure that the following signatures and certificates appear on or accompany the approved final parcel map prior to recordation:

1. When financial security is required, the county engineer shall endorse approval of the map after the security has been provided and all the conditions of the

map have been satisfied. Security must comply with chapter 20.720.

2. When installation of improvements is required, the county engineer shall endorse approval of the map after all conditions of the map have been satisfied and all improvements satisfactorily completed. There shall be written evidence that the required public facilities have been installed in a manner satisfactory to the county shown by a certificate signed by the county engineer.

3. The county engineer shall sign the map only after determining in cooperation with any utility providing water service to the parcel that the map is in accordance with section 20.100.040, water rights dedication.

4. The following certificates and acknowledgments must accompany the final parcel map:

a. A certificate signed and acknowledged by all parties having any record or title of interest in the land subdivided, consenting the preparation and recordation of the map;

b. A certificate signed and acknowledged as above, offering for dedication for certain specified public uses those certain parcels of land which the parties desire so to dedicate;

c. A certificate of title indicating:

i. That each person signing the final parcel map owns a record of interest in the land and that all the owners of record of land have signed the final parcel map;

ii. Listing of any lien or mortgage holders of record, if any. If there are no lien or mortgage holders of record, the fact that there are none shall be stated in the certificate;

iii. The certificate of title required by this title shall be signed and dated by an officer of the title company responsible for these statements contained within the title certificate;

d. A certificate by the surveyor responsible for the survey and parcel as may be prescribed by Nevada state law;

e. A certificate by the county engineer stating that he has examined the parcel map, that the map is technically correct, and that the applicant has complied with each of the following alternatives:

i. All the improvements have been installed in accordance with the requirements of these regulations; or

ii. Security in conformance with chapter 20.720 has been posted with the board in an amount sufficient to assure completion of all required improvements;

f. A certificate by the director stating that he has examined the final parcel map and that he is satisfied that the map is in conformance with all applicable provisions of state and local law;

g. A certificate for execution by the county clerk stating that the county has approved the map and accepted (or deferred) on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication;

h. Certificates from the division of water resources of the state department of conservation and from the health division of the state department of human

resources, where required by the adequate public facilities policies in chapter 20.100;

i. A certificate by the appropriate public utilities accepting the designated easements;

j. Proper certificates of a notary public as required;

k. A certificate for execution by the county recorder concerning the appropriate recording data required by law;

l. If the property includes, impacts, or is adjacent to a conveyance ditch, a letter to the chief planning official by the water conveyance advisory committee stating that all irrigation water conveyance facilities and associated access and maintenance easements or rights-of-way are depicted on the map;

m. A certificate granting rights-of-way for water conveyance and maintenance. The grant of the right-of-way shall run to the benefit of all persons entitled to the use of the conveyance ditch under the Alpine Decree or other court decree and their successors in interest or to any ditch company or similar entity having an interest in or responsibility for the water conveyance ditch and associated structures.

D. It shall be the responsibility of the director to file the original map with the county clerk for signing and submission to the county recorder within 15 days of the date of presentation of the conformity map to the department. Simultaneously with the filing of the map, the department shall record any other legal documents required to be recorded by the county. (Ord. 801, 1998; Ord. 763, 1996; Ord. 539, 1991; Ord. 495, 1989; Ord. 394, 1981; Ord. 390, 1981)

20.712.090 Effect of final parcel map approval.

No vested right shall accrue to the owner or developer of any parcel map by reason of map approval until the actual signing of the conforming final parcel map by all parties required to sign the map. All requirements, conditions, or regulations adopted by the county applicable to parcel maps shall be deemed a condition for any parcel map prior to the time of signing of the map by the county engineer. Where the county has required the installation of improvements prior to signing of the final parcel map, and improvements have, in fact, been completed, the developer may be required to comply with the local laws and regulations in effect at the time when the parcel map is presented for signing only if the director determines that such compliance is necessary to prevent a substantial risk of injury to the public health, safety and general welfare. (Ord. 801, 1998; Ord. 763, 1996; Ord. 500, 1989; Ord.390, 1981)

20.712.100 Reversion of final parcel map.

A final parcel map which has been recorded may be revoked pursuant to sections 20.768.030 and 20.768.040, where applicable, and the parcel map reverted to acreage, pursuant to chapter 20.768, in the event that the owner or his successor in interest fails to complete improvements as required by the parcel map and any improvement agreement, development agreement or as otherwise provided by law. The proceeding may be initiated by either the owner or the county. At the initiation of proceedings to revoke or revert to acreage, the county shall record a document with the county clerk and recorder's office giving notice thereof. If final parcel approval is revoked or the property reverted to acreage, the board order to that effect will be recorded with the

county clerk and recorder's offices, the parcel map will no longer be valid and further sale or development of lots or parcels within the revoked parcel shall be prohibited without approved division of land pursuant to this development code. (Ord. 1311, 2010; Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981)

20.712.110 Signing and recording of final parcel map.

A. Signing of the map.

1. When an improvement agreement and security are required, the county engineer shall endorse approval of the map only after security has been provided and all conditions of the map have been satisfied.

2. When installation of improvements is required, the county engineer shall endorse approval on the map only after all conditions of the map have been satisfied and upon issuance of a notice of completion.

3. The county engineer shall sign the map only after determination, in cooperation with any utility providing water service to the subdivision or accepting improvements for maintenance that the map is in compliance with the county code relating to the dedication of facilities, water rights and rights-of-way.

B. Recording of the map. It shall be the responsibility of the department to file the original map with the county clerk for signing and submission to the county recorder within 15 working days of the date of approval of the final subdivision map by the commission. Simultaneously with the filing of the map the department shall cause to be recorded such other legal documents as may be required to be recorded by the county. (Ord. 763, 1996; Ord. 495, 1989; Ord. 494, 1989; Ord. 390, 1981)

Chapter 20.714

Division of Agricultural Land for Conservation Purposes

Sections:

20.714.010 Purpose.
20.714.020 Clustered development.
20.714.030 Ranch heritage parcels.
20.714.040 Agricultural 2-acre parcels.
20.714.050 Procedures.

20.714.010 Purpose.

This general purpose of this chapter is to provide means for owners of agricultural and forest and range lands to engage in limited property development to assist in the conservation of these lands, allowing for the continuation of agricultural uses and the preservation of open space. The specific purposes of this chapter are as follows:

A. To promote the continuation of agriculture and agri-business as a major part of the heritage of Douglas County;

B. To protect floodplains from development, thereby maintaining a passive flood control, drainage, and ground water recharge system;

C. To preserve the open spaces which currently define the landscape;

D. To retain groundwater, surface water, and water rights to Douglas County; and

E. To promote compact development patterns that place housing in areas suited for housing and retain open space in areas not suitable for housing. (Ord. 1224; 2008)

20.714.020 Clustered development.

Clustered development occurs when a parcel or contiguous or non-contiguous parcels under the same ownership are developed to cluster lots for residential use. The purpose of the clustered development is to provide a mechanism to preserve agricultural lands and open space, locate housing in areas which can readily be served by emergency services, utilities, etc., and to provide the agricultural community an alternative to transfer of development rights or large parcelization. Clustered housing may be used when it furthers the development purposes of this chapter and meets the following requirements:

A. For parcels four acres or greater, the applicant must have water rights recorded to the clustered lots.

B. The area developed may not exceed 30 percent of the total project area, and the area to be conserved must be at least 70 percent of the total project area. The total project area is the total acreage involved in the proposed development, including non-contiguous parcels.

C. Except as provided in paragraph H herein, the number of clustered lots created cannot exceed the density requirement for the base zoning district for the parcel, plus any density bonuses, as provided herein.

D. The remainder parcels with density removed are restricted to ranching, farming, recreational, or agricultural open space use as designated, and cannot be developed for

any other use. The remainder parcels shall be further restricted by including Douglas County in a deed restriction on the land owned in common by the owners or developer of the clustered parcels, or an open space easement in favor of the county, another governmental entity, or a non-profit conservation entity.

E. Clustered lots shall not be located in a special flood hazard area, but density units from a special flood hazard area may be used for clustered lots outside a special flood hazard area.

F. Clustered development may only be used one time. Neither the clustered lots nor the remainder parcel may be further subdivided. A note must be placed on the map indicating that no further subdivision of the land will occur. The note on the map shall describe the land affected and the terms of the restriction.

G. Clustered lots can only be located in areas that will support the installation and use of an individual sewage disposal system or connection with an existing sewer system. Clustered lots are prohibited in any other areas.

H. An owner that permanently restricts the use of the water rights used to support the requisite agricultural, recreational or open space use on all of the remainder parcels is entitled to two and one half (2.5) units of density for each unit of density allowed by the zone on which water rights are restricted. This additional density is allowed only when the water rights appurtenant to the reserved area are permanently restricted to that agricultural, recreational or open space use by way of a covenant running with the land to the county or a non-profit conservation entity and to be enforced by the county or a non-profit conservation entity. (Ord. 1224, 2008; Ord. 763, 1996; Ord. 641, 1994; Ord. 619, 1994; Ord. 612, 1993; Ord. 569, 1992; Ord. 167, 1968).

20.714.030 Ranch heritage parcels.

Ranch heritage parcels are smaller-than-19-acre parcels that are allowed to be created on a one-time-only basis through parcel maps or subdivision maps in the A-19 and the FR-19 zoning districts. The creation of these parcels is designed to allow owners who create conservation easements preserving 100 or more acres of irrigated agricultural land a means to keep their existing primary residences on small parcels and provide for a limited number of additional small parcels in order to retain the remainder or their holdings in agricultural use.

A. When a landowner creates a conservation easement preserving 100 or more acres of irrigated agricultural land, the landowner may create smaller-than-19-acre parcels, even if they are in the primary flood zone, on a one-time-only basis.

B. This provision may only be used one time. Neither the smaller-than-19-acre parcels nor the parcel or parcels subject to the conservation easement may be further subdivided. A note must be placed on the map indicating that no further subdivision of the land will occur. The note on the map shall describe the land affected and the terms of the restriction. The smaller-than-19-acre parcels may be created only to support existing primary residence(s) and two additional parcels. (Ord. 1224, 2008)

20.714.040 Agricultural 2-acre parcels.

Agricultural 2-acre parcels are allowed to be created once every five years through parcel maps in the A-19 and the FR-19 zoning districts. The creation of these parcels is

designed to allow owners of more than 100 acres of irrigated agricultural land a means to dispose of small portions of their property, rather than portions at least 19 acres in size, in order to retain the remainder or their holdings in agricultural use.

A. Landowners with holdings of over 100 acres of irrigated agricultural land may create a 2-acre parcel every five years until said holdings are reduced to 100 acres of irrigated agricultural land. These holdings must have been held by the same owner for the previous five years.

1. The creation of a 2-acre parcel may not result in the creation of a non-conforming remainder parcel.

2. If the landowner's holdings are in the primary flood zone, the landowner may create a 2-acre parcel every five years until said holdings are reduced to 100 acres of irrigated agricultural land or the total number of units of development equals one unit per 19 acres, whichever comes first.

3. If the maximum number of 2-acre parcels has been created, either due to the holdings of irrigated agricultural land being reduced to 100 acres or the total number of development units equaling one unit per 19 acres, then the undeveloped remainder may still qualify for non-contiguous clustered development. The units of density allowed in the non-contiguous clustering project will be reduced by the number of 2-acre parcels already created. (Ord.1224, 2008)

20.714.050 Procedures.

Parcels created under the provisions of this chapter are required to be created through the approval of tentative and final subdivision or parcel maps. (Ord. 1224, 2008)

Chapter 20.716

Division of Land into Large Parcels

Sections:

20.716.010 General procedures.
20.716.020 Applicability.
20.716.030 Tentative land division map procedure.
20.716.040 Findings for tentative map.
20.716.050 Duration, extension, and amendment of tentative map of division into large parcels.
20.716.060 Final land division map procedure.
20.716.070 Effect of approval.
20.716.080 Recording.

20.716.010 General procedures.

Except as provided in section 20.716.030, all land division applications shall be processed in two stages:

1. Application for tentative map of division into large parcels; and
2. Application for final map of division into large parcels.

The director shall be the designated official. The board shall be the final decision-maker for purposes of final maps of division of land into large parcels. (Ord. 763, 1996)

20.716.020 Applicability.

All owners of land or their authorized representatives who propose to divide any land or portion thereof, vacant or improved, for transfer or development into lots or parcels, each of which is at least: 1) one-sixteenth (1/16) of a section as described by government land office survey; or 2) 40 acres in area, including roads and easements, shall file an application for approval of a tentative map of division into large parcels; provided that, the provisions of this chapter shall not apply to the proposed division of land where each lot is at least one section or 640 acres. (Ord. 763, 1996; Ord. 390, 1981)

20.716.030 Tentative land division map procedure.

A. Application. Prior to dividing land pursuant to the provisions of this chapter, the owner of the land, or his authorized representative, shall tender a completed application for a tentative map of division into large parcels with the department in accordance with the established and published submittal schedule. The application shall be made on forms supplied by the department and shall contain the following information:

1. A description of all contiguous holdings of the owner, including land in the same ownership as defined herein, with indication of the portion of the property which

is to be subdivided;

2. The number of copies of the tentative land division map, with contents as prescribed in the application form;

3. A certificate from the county treasurer stating that no taxes or assessments are delinquent;

4. Such other information necessary for review of the tentative land division map as shall be required in accordance with administrative regulations or this code;

5. The claimant number under the Alpine Decree or any other court decree, identity and location of any existing or proposed drainage conveyance ditches, or other irrigation water conveyance structure within or adjacent to the proposed land division map. The land division map must also provide typical channel centerline, right-of-way and ditch width of the conveyance ditch through the property, and arrows indicating direction of irrigation flow. The committee may, when necessary for its review, require additional information documenting existing and proposed conveyance ditch capacity. If the proposed parceling includes water impoundment there must be identification of the source of water and documentation of the state engineer's approval;

6. Any other information necessary for review of the tentative map established by the director.

B. Form and contents of tentative map of division into large parcels. Every tentative map shall be entitled: "Tentative Map of Division into Large Parcels" and be prepared and certified by a professional land surveyor, and shall show the following data and information:

1. The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided;

2. All roads or easements of access which exist are proposed in the applicable master plan or are proposed by the person who intends to divide the land;

3. Any easements for public utilities which exist or which are proposed;

4. Any existing easements for irrigation or drainage, and any normally continuous flowing watercourses and the claimant number under the Alpine Decree or any other court decree, identity and location of any conveyance ditches or other irrigation water conveyance structure within the proposed land division map. The land division map must also provide typical channel centerline, right-of-way and ditch width of the conveyance ditch through the property, and arrows indicating direction of irrigation flow. The water conveyance advisory committee may, when necessary for its review, require additional information documenting existing and proposed conveyance ditch capacity. If the proposed division of land includes water impoundment there must be identification of the source of water and documentation of the state engineer's approval;

5. An indication of any existing road or easement which the owner does not intend to dedicate; and

6. The name and address of the owner(s) of the land.

C. Processing by director. The director shall process the application for tentative map approval pursuant to chapter 20.04. Pursuant to chapter 20.24, the director shall

schedule the application for public hearing before the commission.

D. Hearing notice and procedure. Notice of the hearing before the commission shall be provided in accordance with chapter 20.20. Hearings shall be held in accordance with the procedures established in chapter 20.24.

E. Planning commission action. Within 45 days after the official filing date, unless the time is extended by mutual consent of the applicant and the commission, the commission shall, following a public hearing, approve, conditionally approve or disapprove the tentative map of division into large parcels by a majority vote of the members present. The review and decision of the commission shall conform to the provisions of chapter 20.10. The commission shall set forth findings and reasons for its decisions in accordance with the criteria identified in section 20.716.040. Appeals from the decision of the commission shall be processed in accordance with chapter 20.28. (Ord. 801, 1998; Ord. 763, 1996; Ord. 539, 1991; Ord. 390, 1981)

20.716.040 Findings for tentative map.

A. The commission, in rendering its decision on the tentative map, shall base approval on finding in the affirmative the following:

1. The tentative map meets the formal requirements of this chapter and NRS;

2. The tentative map secures adequate access for subsequent purchasers;

3. Where applicable, the tentative map secures the ability to irrigate and drain each parcel, consistent with the water rights appurtenant, and that the rights of downstream users are secured and not impaired;

4. The location and width of easements for roads and public utilities are adequate for the area to be divided;

5. The location and width of easements for drainage and irrigation purposes are adequate for the area to be divided; and

6. There are no delinquent taxes or assessments on the land to be divided, as certified by the county treasurer. (Ord. 763, 1996; Ord. 539, 1991; Ord. 390, 1981)

20.716.050 Duration, extension, and amendment of a tentative map of division into large parcels.

A. Time for submission of final map. Unless the time is extended by the commission in the manner set forth in paragraph B, the applicant shall present a final map of division into large parcels, prepared in accordance with the tentative map, to the board. The final map shall include the entire area for which a tentative map has been approved. The final map shall be filed within one year from the date of approval of the tentative map by the commission or the date that the requirement of its filing was waived pursuant to chapter 20.716.030.

B. Extension of tentative map. The commission may extend the period for presentation of any final map of division into large parcels for not more than one year after the expiration of the initial one-year period for presenting the final map, upon application to the department. The extension shall be consistent with any applicable policies of the master plan and may include conditions requiring compliance with the

current provisions of the land development code. Extension requests shall be filed within the time provided in chapter 20.30. If a party is aggrieved by the decision of the commission concerning an application for extension, the party may appeal such determination in accordance with the provisions of chapter 20.28.

C. Amendment of tentative map. At any time after tentative map approval, and before the time required for presentation of a final map, the applicant may request amendment to the approval or conditional approval of the tentative map. The director may approve minor tentative map amendments, subject to appeal to the commission in accordance with chapter 20.28. Major amendments shall be determined in accordance with the procedure for original approval of the tentative map under this chapter. Additional conditions which are reasonably related to the proposed amendment may be attached to approval of the tentative map amendment. An applicant who is unwilling to accept conditions attached to the proposed amendment may withdraw the amendment. Action on the application for amendment of the tentative map shall not stay the period for presenting a final map, unless a request for extension pursuant to paragraph B is approved. (Ord. 763, 1996; Ord. 390, 1981)

20.716.060 Final land division map procedure.

A. **Application requirements**. Following approval of the tentative map, the applicant, if he wishes to proceed with the land division, shall file with the board through the department an application for final approval and recordation of the final map, prepared on standardized forms available at the department. The application shall be filed in accordance with the published submittal schedule. The application shall contain the following information:

1. The original linen and at least five blue line copies of the final map in the form required by paragraph B, containing the information and the certificates of acknowledgment required by paragraphs C and D;

2. The fee for final map approval set by resolution of the board;

3. A certificate from the county treasurer stating that no taxes or assessments are delinquent; and

4. Other items listed on the application form.

B. **Form of final map**. The final map shall:

1. Be clearly and legibly drawn or stamped in black waterproof India ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purposes in the engineering profession;

2. Be entitled, "Map of Division into Large Parcels";

3. Be 24 inches by 32 inches in size, a with a marginal line drawn completely around each sheet leaving an entirely black margin of one inch at the bottom, top and right edges and two inches at the left edge along the 24-inch dimension;

4. Be of a scale large enough to show clearly all details;

5. Be prepared by a registered land surveyor;

6. Be based upon an actual survey by the preparer which shows the date of the survey, or based upon the most recent government survey;

7. Show the date of approval of the government survey and contain a certificate by the preparer that the parcels contain the number of acres shown for each parcel; and

8. Clearly state the particular number of the sheet and the total of sheets comprising the final map on each of the sheets, and its relationship to each adjoining sheet.

C. **Contents of final map**. Every final map shall include all data required for the tentative map and all changes required as conditions of tentative map approval, and in addition shall contain the following:

1. All lots by number and actual acreage of each lot;

2. All roads or easements of access which exist and which the owner intends to offer for dedication, all roads or easements or access which are shown on the applicable master plan, and all roads or easements of access which are specifically required by the commission or governing body;

3. Any easements for public utilities which exist or are proposed;

4. Any existing easements for irrigation or drainage, and any normally continuously flowing watercourses and the claimant number under the Alpine Decree or any other court decree, identity and location of any conveyance ditches or other irrigation water structure within the proposed land division map. The land division map must also provided typical channel cross sections with dimensions, centerline, average slope through the property and designed flow capacity of conveyance structures and arrows indicating direction of irrigation flow. If the proposed division of land includes water impoundment there must be identification of the source of water and documentation of the state engineer s approval; and

5. An offer or offers to dedicate the utility and right-of-way easements.

D. **Final map certificates**. The following certificates shall appear on the final map and shall be combined when appropriate:

1. A certificate signed and acknowledged by the owner of land consenting to the dedication of the roads and granting of the easements;

2. A certificate signed by the clerk of the governing body that the map was approved, or the affidavit of the person presenting the map for filing, that the time limited by section 20.716.050 for action by the governing body has not expired;

3. If the property includes, impacts, or is adjacent to a conveyance ditch, a letter to the director by the water conveyance advisory committee stating that all irrigation conveyance facilities and associated access and maintenance easements or rights-of-way are depicted on the map;

4. A certificate granting rights-of-way for water conveyance and maintenance. The grant of the right-of-way must run to the benefit of all persons entitled to the use of the conveyance ditch under the Alpine Decree or other court decree and their successors in interest or to any ditch company or similar entity having an interest in or responsibility for the water conveyance ditch and associated structures.

E. **Action by board**.

1. Unless the time period is extended by a mutual consent of the developer and

the board, the board shall approve, conditionally approve or disapprove the final map by the majority vote of the members present within 45 days of the official filing date.

2. If the board does not approve, approve with conditions or disapprove the final map within 45 days, the final map shall be deemed approved unconditionally.

3. The board shall approve the map only if it finds as follows:

a. The final map conforms in every respect with the approved tentative map;

b. All conditions established upon approval of the tentative map have been satisfied;

c. The final map conforms with all county ordinances applicable at the time of the hearing on the final map;

d. All necessary certificates required by state law or by the land development code have been presented with the application for approval of the final map.

4. The review and decision of the board shall conform to the provisions of chapter 20.12. The board shall set forth findings and reasons for its decision in accordance with the criteria established in section 20.716.040. If the map is disapproved, the board shall also provide the applicant with a written statement of what changes would be necessary to render the map acceptable.

5. The board shall, at the time of approval of the final map, accept or reject any or all offers of dedication. The decision to accept or reject offers of dedication shall be made in accordance with adopted board policy. (Ord. 763, 1996; Ord. 539, 1991; Ord. 390, 1981)

20.716.070 Effect of approval.

No vested rights shall accrue to the owner or developer of any division of land into large parcels by reason of the approval of a tentative or final map for division into large parcels approval until the actual signing of the final map by all parties required to sign the map. All requirements, conditions or regulations adopted by the county applicable to the division of land shall be deemed a condition for any division prior to the time of signing of the final map by the county engineer. Where the county has required the installation of improvements prior to signing of the final map, and improvements have, in fact, been completed, the applicant may be required to comply with the local laws and regulations in effect at the time when the final map is considered for approval only if the commission makes a finding on the record that such compliance is necessary to prevent a substantial risk of injury to the public health, safety and general welfare. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981)

20.716.080 Recording.

A. Recording of the map. Upon approval, it shall be the responsibility of the director or his designee to file the official final map with the county recorder within 15 working days of the date of board approval. Simultaneously with the filing of the final map, the department shall cause to be recorded such other legal documents required to

be recorded by the county.

B. Effect of recording. Filing with the county recorder operates as a continuing:

1. Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the governing body may accept in whole or in part at any time or from time to time.

2. Offer to grant the easements shown for public utilities, which any public utility may similarly accept without excluding any other public utility whose presence is physically compatible.

C. Conveyances. After a map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981)

Chapter 20.718

Division of Land for Agricultural Purposes

Sections:

20.718.010 Application
20.718.020 Requirements.
20.718.030 Building regulations.
20.718.040 Prohibited acts.
20.718.050 Reversion of non-conforming parcels.

20.718.010 Application.

If real property is divided for agricultural purposes, pursuant to NRS 278.320, section 4, into parcels of more than ten acres, then such division shall not be effective to avoid application of this development code or to increase the number of single family residences permitted by the base zoning district. The use of such resulting parcels is limited to agricultural uses pursuant to section 20.660.010. (Ord. 763, 1996)

20.718.020 Requirements.

The map presented for filing must:

A. Be entitled “A Map to Divide Real Property for Agricultural Purposes”;

B. Contain a certificate signed and acknowledged by each person who is an owner of the land consenting to the preparation and recording of the map;

C. Contain a written statement signed by the treasurer of the county indicating that all property taxes on the land for the fiscal year have been paid;

D. Be prepared and certified by a registered land surveyor;

E. Contain a notice that no permit may be issued for the construction of a single family dwelling or other non-agricultural use on a parcel created by the map; and

F. Not involve a street, road, or highway opening or widening or easement of any kind. (Ord. 763, 1996)

20.718.030 Building regulations.

No building permit may be issued for the construction of a single family dwelling or other non-agricultural use on a parcel created by the division of land for agricultural purposes pursuant to NRS 278.320, section 4. (Ord. 763, 1996)

20.718.040 Prohibited acts.

Use or subsequent development of such property for residential, commercial, industrial, recreational, public or other non-agricultural uses without compliance with the provisions of this development code and the applicable provisions of NRS is prohibited. (Ord. 763, 1996)

20.718.050 Reversion of non-conforming parcels.

A map to divide real property for agricultural purposes, pursuant to NRS 278.320, section 4, may be reverted to acreage as provided by section 20.768.040. The owner of a parcel or parcels created by such a map may obtain a permit to construct a single family residence or other non-agricultural use on the property only by first applying for and receiving approval for subdivision, parcel map or division of land into large parcels as applicable, and as provided in the development code and NRS, as if the agricultural map had not been recorded. (Ord. 763, 1996)

Chapter 20.720

Assurance for Completion and Maintenance of Improvements

Sections:

20.720.010 Required improvement and agreement to complete.
20.720.020 Improvement agreement.
20.720.030 Security.
20.720.040 Site improvement permits.
20.720.050 Security for temporary improvements.
20.720.060 Remedies.
20.720.070 Acceptance of dedication offers.
20.720.080 Inspection and certification of improvements.
20.720.085 Warranty.
20.720.090 Reduction of escrowed funds and security.
20.720.100 Security for warranty of improvements.
20.720.110 Issuance of building permits and certificates of occupancy.
20.720.120 Issuance of building permits for model homes.

20.720.010 Required improvements and agreement to complete.

A. Applicability. The requirements of this chapter shall apply in all instances where improvements are required to be constructed in conjunction with the division of land pursuant to this title and where improvements are proposed in conjunction with other development permits.

B. Completion of improvements. Before a final map, parcel map or final division of land into large parcels is signed by the county engineer and any easements offered for dedication to the public are accepted by the county, or before a final certificate of occupancy is issued for a new structure, all developers shall be required to complete, in accordance with the applicable development approval and to the satisfaction of the county engineer, all project improvements, system improvements and lot improvements on the individual lots, as required in this code and as specified in the conditions of approval of the applicable map, and to dedicate those public improvements to the county, free and clear of all liens and encumbrances on the dedicated property and public improvements. The developer also shall construct at his sole cost all temporary improvements required as a condition of approval of the applicable map or development and shall maintain those temporary improvements for the period specified in such approval.

C. Deferral of required improvements. As an alternative to completion of improvements prior to final map approval, or issuance of a permanent certificate of occupancy, the board, commission, or official authorized to approve the applicable map or development may permit the developer to enter into an improvement agreement

prepared in conformance with section 20.720.020 and secured pursuant to 20.720.030, by which the developer covenants to complete all required improvements.

D. Failure to complete improvements. For divisions of land and other development projects for which no improvement agreement has been executed and no security has been posted pursuant to this chapter, if the required improvements are not completed within the period specified in the applicable approval conditions, or within two years following the date of recordation of a final map or issuance of a building permit, the applicable map or development approval shall be deemed to have expired. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981; Ord. 158, 1967)

20.720.020 Improvement agreement.

A. Agreement. The developer shall agree to construct and complete all required improvements no later than two years following the date of recordation of a final map or issuance of a building permit. The developer also shall agree to warrant that all required public improvements shall be free from defect in design, workmanship and materials for a period of at least one year following acceptance of the offer of dedication of the last completed public improvement by the appropriate authority. The improvement agreement shall include, but may not be limited to, the following:

1. A detailed reference to the improvements requiring completion, including an engineer's cost estimate;

2. A specific date for completion of all improvements, fixed by the county engineer, which date shall not be longer than two years from the date on which the county engineer signs the map;

3. A requirement for a certificate from the developer's engineer stating that all work has been completed in accordance with the improvement drawings and specifications;

4. A requirement that a notice of completion issued by the county engineer be submitted indicating that all improvements comply with the applicable map approval requirements and this code;

5. A requirement for written acceptance of all public improvements by the board or governing body of the agency or political subdivision having jurisdiction of the same upon their completion;

6. An explanation that the financial security may be withdrawn upon final completion of the improvements only after the written approval of the board or following reduction of such security as provided in this chapter;

7. A provision that the applicant shall repair, at his sole cost and expense, any hidden defects in design, workmanship and materials which appear in the work within one year following acceptance by the county;

8. A provision requiring financial security for the warranty obligation for specified improvements which shall be submitted to the board prior to withdrawal of the original financial security;

9. The agreement may include a provision requiring the developer to maintain each required public improvement for a period of one year following acceptance of the

dedication of that completed public improvement; and

10. Where temporary improvements are required, a provision agreeing to maintain such improvements.

B. Covenants to run. The improvement agreement shall provide that the covenants contained in the improvement agreement shall run with the land and bind all successors, heirs and assigns of the developer. The agreement will be adopted by the board and shall be recorded with the county recorder. (Ord. 801, 1998; Ord. 763, 1996; Ord. 516, 1990; Ord. 390, 1981; Ord. 158, 1967)

20.720.030 Security.

A. Whenever the county permits a developer to enter into an improvement agreement, the developer shall provide a letter of credit, cash escrow, or certificate of deposit as security for the improvement completion and warranty and maintenance promises contained in the improvement agreement, including those pertaining to temporary improvements. A developer who wishes to secure for improvements totaling in excess of $250,000 shall provide security in the form of a letter of credit, cash escrow or certificate of deposit. A developer who wishes to secure for improvements totaling $250,000 or less may provide security in the form of a performance bond. Whichever form of security chosen shall be an amount equal to 150 percent of the approved engineer's cost estimate, including lot improvements. The security shall name Douglas County exclusively as the beneficiary of the security. The issuer of the letter of credit or certificate of deposit or the escrow agent, as applicable, shall be acceptable to the county. Where a performance bond is utilized, each insurance company's rating as shown in the latest Best's Key rating guide shall be fully disclosed and entered on the required certificate of insurance. The adequacy of the insurance supplied by the developer, including the rating and financial health of each insurance company providing coverage, is subject to the approval of the county.

1. **Letter of Credit**. If the developer posts a letter of credit as security for his improvement agreement, the letter of credit shall (1) be irrevocable; (2) be for a term sufficient to cover the completion and warranty periods in subsection 20.720.010 B(1); (3) require only that the government present the letter of credit with a sight draft and an affidavit signed by the director or district attorney attesting to the county's right to draw funds under the credit; and (4) be through a Nevada federally insured lending or banking institution.

2. **Cash**. If the developer posts cash as security for its promises contained in the improvement agreement, the developer shall have no right to return of any of the funds except that as provided in subsection 20.720.030.C. and the funds shall be held in noninterest bearing account.

3. **Certificate of deposit**. If the developer posts certificates of deposit as security for the improvement agreement, the certificates of deposit shall (1) be irrevocable; (2) be for the deposit time stated in the executed improvement agreement; and (3) provide that all interest shall inure to the benefit of the developer or his successor in interest.

4. **Performance bond**. If the developer posts a performance bond as security for his improvement agreement, the performance bond shall (1) be irrevocable; (2) be for a term sufficient to comply with the completion and warranty periods in subsection 20.720.010(B); and (3) be issued through an insurance company.

The insurance company must rate the contractor for the amount required to be bonded.

B. Governmental units. Other governmental units to which these improvement agreement and security provisions apply may file, in lieu of the improvement agreement and security, a certified resolution or ordinance from officers or agencies authorized to act in their behalf, agreeing to comply with the provisions of this chapter. (Ord. 801, 1998; Ord. 763, 1996; Ord. 516, 1990; Ord. 390, 1981; Ord. 158, 1967)

20.720.040 Site improvement permits.

A. Prior to the commencement of any work on improvements, the developer shall obtain a site improvement permit from the county engineer, accompanied by a fee, as set by resolution of the board. All costs for inspection services provided by personnel not employed by the county engineering department shall be contracted for and paid by the developer.

B. The developer's engineer shall provide as-built construction drawings to the county engineer and other applicable utility. (Ord. 801, 1998; Ord. 763, 1996; Ord. 516, 1990; Ord. 390, 1981; Ord. 158, 1967)

20.720.050 Security for temporary improvements.

In the event that the developer has not entered into an improvement agreement addressing temporary improvements pursuant to section 20.720.020, prior to construction of a temporary facility or improvement, the developer shall file with the county a separate improvement agreement and a letter of credit, certificate of deposit or cash in the amount appropriate for temporary facilities, which agreement and credit or escrow shall ensure that the temporary facilities will be properly constructed, maintained and removed. (Ord. 763, 1996)

20.720.060 Remedies.

In those cases where an improvement agreement has been executed and securities have been posted and required public improvements have not been installed within the terms of the agreement, the county may then:

A. Declare the agreement to be in default and require that all the improvements be installed regardless to the extent of the building development at the time the agreement is declared to be in default;

B. Suspend map approval until the improvements are completed and record a document to that effect for the purpose of public notice;

C. Obtain funds under the security and complete improvements itself or through a third party;

D. Assign its right to receive funds under security to any third party, including a

subsequent owner of the land to be divided for which improvements were not constructed, in whole or in part, in exchange for that subsequent owner's promise to complete the required improvements; or

E. Exercise any other rights available under the law. (Ord. 763, 1996)

20.720.070 Acceptance of dedication offers.

Acceptance of formal offers of dedication of streets, utilities, public areas, easements, and parks shall be made in accordance with adopted board policy, by the board, commission or official authorized by this title to approve the applicable map. The approval of any map authorizing the division of land, or approval of a site improvement or building permit shall not be deemed to constitute or imply the acceptance by the county or other entity of any public improvement on the map. The county engineer may require a final map to be endorsed with the appropriate notes to this effect. (Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 500, 1989)

20.720.080 Inspection and certification of improvements.

A. General procedure and fees. The county engineer or building official, where applicable, shall provide for inspection of required improvements during construction and ensure their satisfactory completion. Prior to the commencement of any work, the developer shall obtain a site improvement permit or building permit, where applicable, and provide a fee set by resolution of the board. All costs for inspection services provided by personnel not employed by the county engineering division shall be contracted for and paid for by the developer. Where the improvements are completed prior to approval of the applicable map, such map shall not be signed by the county engineer unless the inspection fee has been paid at the time of application. No building permits or certificates of occupancy shall be issued until all fees are paid. If the county engineer finds upon inspection that any one or more of the required improvements have not been constructed in accordance with the county's construction standards, design criteria and improvement standards and specifications, the applicant shall be responsible for properly completing the improvements.

B. Notice of completion. The dedication of required improvements will not be accepted, nor the amount of any remaining security posted by the developer be reduced until the county engineer or other utility has submitted a notice of completion stating that all required improvements have been satisfactorily completed and until:

1. The applicant's engineer or surveyor has certified to the county engineer and other utility, through submission of a detailed "as-built" survey, indicating location, dimensions, materials and other information required by the county engineer, that the layout of the line and grade of all public improvements is in accordance with the construction plans;

2. A title insurance policy has been furnished to and approved by the county district attorney indicating that the improvements have been completed, are ready for dedication to the county and are free and clear of any and all liens and encumbrances. Upon such approval and recommendation by the county engineer and district attorney,

the board, commission or official authorized by this code to approve the applicable map shall thereafter accept the improvements for dedication in accordance with the established procedure.

3. A warranty bond or other form of security in conformity with the provisions of sections 20.720.090 and 20.720.100 is posted for the warranty period. (Ord. 801, 1998; Ord. 763, 1996)

20.720.085 Warranty.

A. The developer shall warrant all improvements for a period of one year, commencing on acceptance of the last of the public improvements, and without delay or cost to the county replace or reconstruct any defective or otherwise unsatisfactory part or parts of the improvements.

B. A warranty bond or other form of security acceptable to the county shall be posted for the warranty period for wastewater lines and facilities, water lines and facilities, traffic signals and other electrical facilities. The amount of the warranty bond shall be equal to an amount established by an approved engineer's estimate for the cost of replacement of the improvements. (Ord. 801, 1998)

20.720.090 Reduction of escrowed funds and security.

A. If the security posted by the developer was a cash escrow, the amount of that escrow shall be reduced upon actual acceptance as completed, of public improvements and then only to the ratio that the costs of public improvements for which dedication was accepted bears to the total cost of public improvements for the land division. In no event shall a cash escrow be reduced to less than 10 percent of the original amount unless and until a warranty bond or other form of security established in the improvement agreement, if required, is posted for the warranty period.

B. If the security provided by the developer was a letter of credit, or a certificate of deposit the county shall execute waivers of the county's right to draw funds under the credit upon actual acceptance of the dedication of public improvements and then only to the ratio that the cost of the public improvements for which dedication was accepted bears to the total cost of public improvements for the land division. No waivers may be executed that would reduce the security below 10 percent of its original amount unless a warranty bond or other form of security established in the improvement agreement is posted for the warranty period. (Ord. 801, 1998; Ord. 763, 1996)

20.720.100 Security for warranty of improvements.

In the event that the developer has not entered into an improvement agreement pursuant to Section 20.720.020, he shall provide a warranty bond or other acceptable form of security if required. The amount of the warranty bond shall be equal to an amount established by an approved engineer's estimate for cost of replacement of improvements. The issuer of the security, as applicable, shall be acceptable to the county. (Ord. 801, 1998; Ord. 763, 1996)

20.720.110 Issuance of building permits and certificates of occupancy.

A. Except as otherwise provided in section 20.720.120 below, when an improvement agreement and security has been required by this chapter, no certificate of occupancy for any structure or facility built on the project covered by such agreement shall be issued prior to the completion of the required public improvements and the acceptance and dedication of the required improvements.

B. No building permits shall be issued for the final 10 percent of lots in a land division, or if 10 percent be less than two, for the final two lots of the land division, until all required improvements have been fully completed and the developer's offer(s) to dedicate the improvements have been accepted, by the appropriate authority. (Ord. 801, 1998; Ord. 763, 1996; Ord. 625, 1994)

20.720.120 Issuance of building permits for model homes.

A. Building permits for up to four model homes may be issued within an approved tentative subdivision map prior to the recording of the final map in accordance with the following:

1. No more than four model homes may be located within a subdivision, regardless of phasing or ownership. If a final map is recorded for the tentative subdivision or phase within which they are located, certificates of occupancy are issued and the homes sold, then the subdivider may apply for issuance of a temporary use permit for the construction of model homes in a subsequent phase.

2. Adequate fire flows and emergency access to the site or sites must be provided.

3. The applicant shall obtain a temporary use permit for the model homes, and the department may impose reasonable conditions on the issuance of such permit.

4. No certificates of occupancy shall be issued until the final map or phase within which the model homes are located is recorded and all subdivision improvements are complete and accepted. (Ord. 801, 1998; Ord. 763, 1996; Ord. 625, 1994)

Chapter 20.768

Land Readjustment

Sections:

20.768.010 Amending maps.
20.768.020 Modifications to approved tentative maps.
20.768.030 Reversion of maps and lot consolidations or reversion of division of land to acreage.
20.768.040 Merger and resubdivision of land without reversion to acreage.
20.768.050 Vacation or abandonment of street or easement.
20.768.060 Administrative vacation or abandonment of public utility easements owned or controlled by Douglas County.

20.768.010 Amending maps.

A. Certificate of amendment. If an error or omission is found in any subdivision map, record of survey, parcel map, map of division into large parcels, or reversionary map, and the correction does not change or purport to change the physical location of any survey monument, property line or boundary line, the error or omission may be corrected by the filing and recordation of a certificate of amendment authorized by the board. The certificate of amendment shall contain the items required by NRS 278.473(2).

B. Amending map. If an error or omission is found in any recorded subdivision map, record of survey, parcel map, map of division into large parcels, or reversionary map, and the correction changes or purports to change the physical location of any survey monument, property line or boundary line, the correction may be effected by the filing of an amended map pursuant to the procedures of this section. This procedure may be utilized only to correct errors or omissions which do not result in a change of the number of lots, result in significant changes to the area of any lot or the amount of land reserved or dedicated for public use and improvements, or result in the removal of any covenants or restrictions attached to the final approved or recorded map.

C. Procedures for amending map. The same procedures and requirements shall be applied to the application for an amended map as to the original land division, except, in the case of subdivisions, only those procedures for the approval and filing of a final subdivision map shall apply. The amending map shall be in the format and shall contain the certificates required by NRS 278.477(2). (Ord. 763, 1996)

20.768.020 Modifications to approved tentative maps

A. Applicability. Whenever the owners of land or their representatives desire to modify an approved tentative map or conditions of approval, an application shall be filed with the department. Those requests resulting in no net change or reduction in the number of parcels, the re-design of the map involving less than ten percent of the total

number of parcels or land area, minor clarification of a condition resulting in no impact to public health or safety, or changes to map design resulting from the mapping of environmental constraints or historic sites, an application for a minor amendment may be filed. All other requests shall constitute a major amendment.

B. Procedures for processing a minor amendment. An application for a minor amendment shall be filed with the department, on the form provided, with the applicable fees. The director is the designated authority for minor amendments. The applicant shall be notified in writing of the decision regarding the request within 30 working days of the official filing date. The decision of the director may be appealed.

C. Procedures for processing a major amendment. Major amendments shall be processed in the same manner as the original application for division of land. With the consent of the department, the applicant may incorporate the previous applications and procedures by reference, to the extent that the amendment makes no material changes on the matters addressed therein. (Ord. 763, 1996)

20.768.030 Reversion of maps and lot consolidations or reversion of division of land to acreage.

A. All applications for a reversion of map and lot consolidation or reversion of division of land to acreage must be filed with the community development department on the appropriate forms and meet all applicable submittal requirements. The director of the community development department, or his designee, shall be the final decision maker regarding reversion of maps and lot consolidations or reversion of land to acreage.

B. The applicant shall pay a fee as set by the board.

C. All applications for reversion of maps and lot consolidations or reversion of division of land to acreage must comply with NRS 278.490.

D. Easements. Reversion of maps and lot consolidations or reversion of division of land to acreage does not automatically eliminate any public utility, irrigation, or other private easement that may exist along a lot line. It is the responsibility of the property owner(s) to resolve any and all interest of record.

E. All applications for reversion of maps and lot consolidation or reversion of division of land to acreage must include a reversion to acreage map which contains the same survey dimension as the previous recorded map.

F. Appeal. A decision of the director made under this section may be appealed in the manner provided for in chapter 20.28.

(Ord. 1311, 2010; Ord. 801, 1998; Ord. 763, 1996; Ord. 641, 1994; Ord. 390, 1981)

20.768.040 Merger and resubdivision of land without reversion to acreage.

A. An owner or governing body that owns two or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage pursuant to NRS 278.490.

B. Streets and easements will remain in effect after the merger and resubdivison of land, unless abandoned in accordance with the provision of this code and NRS.

C. All applications for a merger and resubdivision of land must be filed with the community development department on the appropriate forms meeting all applicable submittal requirements.

D. The applicant shall pay a fee as set by the board.

E. All applications for merger and resubdivision of land must comply with NRS 278.4925, 278.4955, 278.496 and 278.4965.

(Ord. 1311, 2010; Ord. 763, 1996; Ord. 390, 1981)

20.768.050 Vacation or abandonment of street or easement.

Any abutting property owner desiring the vacation or abandonment of any street or easement or portion thereof shall file a petition in writing with the department. The petition for vacation or abandonment of the street or easement shall be processed in accordance with the procedures set forth in NRS 278.480. A vacation or abandonment of a street or easement may be approved in conjunction with the approval of a tentative map pursuant to NRS 278.349. The board may initiate the vacation or abandonment of a street or easement by resolution. (Ord. 1311, 2010; Ord. 801, 1998; Ord.763, 1996; Ord. 390, 1981)

20.768.060 Administrative vacation or abandonment of public utility easements owned or controlled by Douglas County.

A. Purpose. For the purposes of this section, a public utility easement is an easement owned or controlled by Douglas County and which runs in favor of the County. Pursuant to NRS 278.480(11) and through the use of the procedure contained in this section, the director of the community development department, or his designee, is authorized to take final action on the vacation or abandonment of a public utility easement owned or controlled by Douglas County.

B. General procedure. The owner of property who seeks abandonment of a public utility easement involving his property shall file an application with the community development department on the forms provided by the department. The applicant shall pay a fee as set by the board. The applicant shall provide written verification that all public utility or video service providers have approved the application. The application shall also include a legal description and exhibit prepared and signed by a surveyor licensed in the State of Nevada, unless the county engineer waives the requirements of retaining a state licensed surveyor for the preparation of the documents. The director shall provide all conditions of approval to the applicant in writing within 45 days of receiving an application.

C. Decision. The director of the community development department, or his designee, may issue a written order abandoning a public utility easement after:

1. Receiving a complete application;
2. Providing notice to each owner of the property abutting the easement to be

abandoned. Such notice must be provided by mail pursuant to a method that provides confirmation of delivery and does not require the signature of the recipient. Property owners shall be given 10 days to respond;

3. Obtaining written approval from all public utility or video service providers indicating that they no longer request the reservation of the easement(s);

4. Verification that the applicant has fulfilled all prescribed conditions; and

5. A determination that the subject public utility easement is no longer necessary or useful to Douglas County and that the public will not be materially injured by the proposed vacation.

D. Other easements. The abandonment of a public utility easement pursuant to this section does not affect an easement held by a private utility company even if such private utility easement was created by the same instrument or it has the same legal description, and also does not affect an easement held by the public as distinguished from an easement held by Douglas County or a public utility owned or controlled by Douglas County.

E. Appeal. A decision of the director made under this section may be appealed in the manner provide for in chapter 20.28.

(Ord. 1311, 2010)

Chapter 20.770

Boundary Line Adjustment

Sections:

20.770.010 Applicability.
20.770.020 Exclusions.
20.770.030 Standards for approval.

20.770.010 Applicability.

This chapter applies to an adjustment of the boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels. (Ord. 801, 1998; Ord. 763, 1996)

20.770.020 Exclusions.

A. An adjustment of the boundary line between abutting parcels or the transfer of land between two owners of abutting parcels may not be approved if it reduces the size of a non-conforming parcel or results in the creation of a non-conforming parcel.

B. An adjustment of the boundary line between abutting parcels or the transfer of land between two owners of abutting parcels may be disapproved if it does not contain adequate access, utility, water conveyance and drainage easements to serve the resulting parcels. (Ord. 763, 1996)

20.770.030 Standards for approval.

A. The adjustment of the boundary line between abutting parcels or the transfer of land between two owners of abutting parcels shall be approved without conditions or further administrative proceedings when:

1. It does not result in the creation or reduction in size of non-conforming lots;
2. The map meets the formal requirements of NRS 278.5693;
3. The map is not in conflict with the provisions of this development code and NRS 278.010 to 278.630, inclusive.

B. If the proposed configuration results in the creation of parcels subject to new residential, commercial or industrial development, the director or his designee may require, prior to approval and recordation of the map, that public facilities and improvements be constructed, in the manner and at the same level as if parcel map approval had been sought. (Ord. 763, 1996)

Chapter 20.800

General Provisions

Sections:

20.800.010 Declaration.
20.800.020 Policy.
20.800.030 Purpose.
20.800.040 Specialized or uniform codes adopted.
20.800.050 Definition of words and terms.
20.800.060 Interpretation, conflict, and separability.
20.800.070 Validity of permit.
20.800.080 Suspension or revocation.
20.800.090 Emergency powers.
20.800.100 Enforcement, violations, and penalties.

20.800.010 Declaration.

This part is “Building and Construction Permits”, Part IV of the Douglas County development code. (Ord. 802, 1998)

20.800.020 Policy.

A. It is the county’s policy that the issuance of building and construction permits is subject to the control of the county pursuant to the master plan for the orderly, planned, efficient, and economical development of the county.

B. Before issuing a permit, the property must be able to be used safely without danger to health or peril from fire, flood, slope instability or other menace, and that adequate public facilities and improvements exist or are proposed to be constructed and proper drainage, water, sewerage, and capital improvements such as schools, parks, recreation facilities, transportation facilities are provided, and improvements comply with the provisions of this code. (Ord. 802, 1998)

20.800.030 Purpose.

The purpose of this part is to prescribe regulations governing conditions hazardous to life and property from fire or explosion and to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, encroachment of public rights-of-way, quality of materials, use and occupancy, location and maintenance of all buildings, structures, public and private utilities and infrastructure within Douglas County and certain specifically regulated equipment. The purpose of this part is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or

benefited by the terms of this code. (Ord. 802, 1998)

20.800.040 Specialized or uniform codes adopted.

A. The board adopts the following nationally recognized codes together with the supplements, listed changes, additions and deletions as noted:

1. The International Building Code (IBC), 2006 Edition, and Appendices C, E and I as amended, except the portions deleted, modified or amended by Appendix B.

2. The International Residential Code (IRC), 2006 Edition, and Appendices A, B, C, G, H, J, K, P and Q as amended, except the portions deleted, modified or amended by Appendix B.

3. The board adopts the Uniform Mechanical Code ("UMC"), 2006 Edition including Appendix Chapter A, B and C.

4. The board adopts the Uniform Plumbing Code ("UPC"), 2006 Edition and the IAPMO Installation Standards and Appendices A, B, C, D, E, F, I, J and L except for the portions deleted, modified or amended by Appendix B.

5. The board adopts the National Electrical Code ("NEC"), 2005 Edition, except for the portions deleted, modified or amended by Appendix B.

6. The International Energy Conservation Code, 2006, Edition, International Energy Conservation Code, except the portions deleted, modified or amended by Appendix B.

7. National Fire Protection Association (NFPA) 58, 54 and 96.

8. 2006 International Fire Code (IFC), except the portions deleted, modified or amended by Appendix B.

B. Subsequent editions of the 2006 International Building Code, 2006 International Residential Code, 2006 Uniform Plumbing Code, 2006 Uniform Mechanical Code, 2005 National Electrical Code, 2006 International Energy Conservation Code and 2006 International Fire Code may be adopted following the annual date of the most current edition. All the provisions of this chapter and in Appendix B that are more restrictive than those contained in any subsequent edition of the currently adopted editions will remain in full force and effect. (Ord. 1303, 2010; Ord. 1211, 2007; Ord. 1131, 2005; Ord. 802, 1998; Ord. 711, 1995; Ord. 641, 1994; Ord. 558, 1992; Ord. 469, 1987; Ord. 441, 1985; Ord. 440, 1985; Ord. 439, 1985; Ord. 438, 1985; Ord. 437, 1985)

20.800.050 Definition of words and terms.

In this code, wherever the International Plumbing Code is used, reference the Uniform Plumbing Code. Wherever the International Mechanical Code is used, reference the Uniform Mechanical Code. Wherever the International Fuel Gas Code is used, reference NFPA 54. (Ord. 1131, 2005)

20.800.060 Interpretation, conflict, and separability.

A. In their interpretation and application, the provisions of these regulations are the minimum requirements for the promotion of the public health, safety, and general welfare.

B. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or other provision of law. Where conflicts occur between the technical codes, those provisions providing the greater safety of life shall govern. In other conflicts where sanitation, life safety, or fire safety are not involved, the most restrictive provisions shall govern. Where in a specific case different sections of the technical codes specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. When conflicts occur between specific provisions of this code and administrative provisions in a technical code which is then applicable within this jurisdiction, those provisions becoming the law most recently shall prevail.

C. Wherever an IBC or IRC reference is made to the UBC appendix, the provisions in the appendix do not apply unless specifically adopted by the county. (Ord. 1131, 2005; Ord. 802, 1998)

20.800.070 Validity of permit.

A. The issuance or granting of a permit or approval of plans, specifications and computations will not be construed to be a permit for, or an approval of, any violation of any of the provisions of this part or other law. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction are not valid.

B. The issuance of a permit based on plans, specifications and other data will not prevent the building official from requiring the correction of errors in the plans, specifications and other data, or from preventing building operations being carried on when in violation of this part, other law or the current adopted building codes. (Ord. 1131.2005; Ord. 802, 1998)

20.800.080 Suspension or revocation.

The building official may, in writing, suspend or revoke a permit issued under the provisions of this part whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this part. (Ord. 1131, 2005; Ord. 802, 1998)

20.800.090 Emergency powers.

In case of catastrophe, such as fire, earthquake, flood or explosion, the building official, in case of actual and immediate danger of failure or collapse of a building or structure or portions of the building or structures that endangers life or property, may order and require occupants to vacate immediately. The building official may, when necessary for the public safety, temporarily close sidewalks, streets, buildings, structures and places adjacent to buildings or structures and prohibit them from being used until emergency measures have been taken to remove all possible hazards of life and property. (Ord. 1131, 2005; Ord. 802, 1998, Ord. 711, 1994; Ord. 641, 1994; Ord.

451 part, 1985)

20.800.100 Enforcement, violations, and penalties.

A. 1. It is the duty of all officers and the building official of the county to enforce these regulations and to bring to the attention of the director and district attorney any violations.

2. No owner, or agent of the owner, of any parcel of land or structure shall construct erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this part.

3. No person shall construct, alter, move, demolish or repair roads, utilities or drainage facilities in violation of this part.

B. Any person, firm or corporation who fails to comply with, or violates, any of these regulations is guilty of a misdemeanor. Each person is guilty of a separate offense for each and every day or portion of a day during which a violation of any of the provisions of these codes is committed, continued or permitted. (Ord. 1131, 2005; Ord. 802, 1998; Ord. 641, 1994; Ord. 558, 1992)

Chapter 20.810

Administration

Sections:

20.810.010 Enforcement, violations, and penalties.
20.810.020 Stop work orders.
20.810.030 Notice of correction.
20.810.040 Building and fire board of appeals.
20.810.050 Nonliability of county.

20.810.010 Enforcement, violations, and penalties.

The building official is established as the code enforcement agency for this part. (Ord. 802, 1998)

20.810.020 Stop work orders.

Whenever any work is being done contrary to the provision of this part, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on any persons engaged in or causing the work to be done, and any persons must stop work until authorized in writing by the department to proceed with the work. (Ord. 802, 1998)

20.810.030 Notice of correction.

If the building official determines that any improvements required by a building permit or site improvement permit have not been or are not being constructed in accordance with the requirements of the permit and the work does not pose a threat to the health, safety and welfare of the public, or threatens the overall integrity of the project, the building official may issue a written notice of correction. The notice of correction must state the nature of the problem, the corrective action to be taken and the time frame in which the corrective action must be taken to resolve the problem. (Ord. 802, 1998)

20.810.040 Building and fire board of appeals.

Section 112 of the IBC and IRC is replaced by the following language:

A. In order to hear and decide appeals of orders, decisions, or determinations made by the building official about the application and interpretation of the currently adopted building and uniform codes, there is created a building and fire board of appeals consisting of members who are qualified by experience and training to pass on matters pertaining to building construction and fire-safety, who are not employees of the jurisdiction. The board shall not waive the requirements of this code. The building official is an ex officio member of the board and will act as its secretary, but has no

vote on any matter before the board. The building and fire board of appeals appointed by the board will convene when an appeal has been filed. The board may adopt rules of procedure for conducting its business, and must render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

B. The building and fire board of appeals has no authority to interpret the administrative provisions of this code except for decisions of the building official about modifications, alternative materials, alternate designs, methods of construction and uncovering work for inspections.

C. The board of commissioners must appoint five members to the building board of appeals, one of whom must be an architect or engineer licensed by the State of Nevada, one of whom must be a general contractor licensed by the State of Nevada, one of whom must be a person with experience as a fire protection professional, one of whom must represent the insurance industry, and one of whom should represent the public at large.

1. The terms for all board members are for a period of two years. If a position becomes vacant for any reason, the vacancy must be filled for the duration of the unexpired term of the member by a majority vote of the board.

D. Any individual may appeal an order decision or determination made by the building official, except as limited by 20.810.040B, to the building and fire board of appeals by filing a written notification of appeal with the secretary to the board of appeals within 10 working days of the decision. The board of appeals must hold a hearing within 20 days from the receipt of the written notice of appeal unless an extension of the time limit is agreed to by the appellant. If written notification has not been made by the applicant within the time frame, the action of the building official is final.

E. All hearings on appeal pursuant to this section are open to the public. All written materials introduced must be identified for the record, and the board may request the production of records and the appearance of persons necessary for their deliberations. The technical rules of evidence do not apply. Any evidence presented to the board of appeals must be relevant to the issue before the board.

F. At the conclusion of the hearing the building and fire board of appeals must rule within 20 days from the date of the hearing and state its findings and recommendations with respect to the appeal. (Ord. 1211, 2007; Ord. 1131, 2005; Ord. 802, 1998; Ord. 711, 1995; Ord. 641, 1994; Ord. 450, 1986; Ord. 437, 1985)

20.810.050 Nonliability of county.

This chapter must not be construed to relieve from responsibility any party owning, operating, controlling or installing any improvement for damages to persons or property caused by any defect therein, nor shall the county be liable for any such damages by reason of the inspection authorized herein or the issuance of a certificate of occupancy. (Ord. 802, 1998)

Chapter 20.820

Building Permits

Sections:

20.820.005 Amendments to IBC and IRC.
20.820.010 Permits required.
20.820.020 Work exempt from permit.
20.820.030 Building permit procedures.
20.820.040 Permits issuance.
20.820.050 Retention of plans, construction documents.
20.820.060 Expiration of permits.
20.820.070 Permit fees.
20.820.080 Inspections, record card, and approved plans.

20.820.005 Amendments to IBC and IRC.

Amendments to specific sections of the IBC and IRC not included in this section are contained in Appendix B. (Ord. 1131, 2005; Ord. 802, 1998)

20.820.010 Permits required.

Section 105.1 and R105.1 of the IBC and IRC are replaced by the following language:

Except as specified in section 20.820.020 of this chapter, no building or structure regulated by this chapter may be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the community development department. A single permit may be issued covering building, plumbing, electrical work for a single structure. (Ord. 1131, 2005; Ord. 802, 1998)

20.820.020 Work exempt from permit.

Section 105.2 and R105.2 of the IBC and IRC are replaced by the following language:

A. A building permit will not be required for the following:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 120 square feet (11.15 m^2).
2. Fences not over 6 feet (1829 mm) in height.
3. Oil derricks.
4. Movable cases, counters, and partitions not over 5 feet 9 inches (1753 mm) high.

5. Retaining walls which are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.

6. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18927 L) and the ratio of height to diameter or width does not exceed 2 to 1.

7. Platforms, walks and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below.

8. Painting, papering and similar finish work.

9. Temporary motion picture, television and theater stage sets and scenery.

10. Window awnings supported by an exterior wall of Group R, Division 3, and Group U Occupancies when projecting not more than 54 inches (1372 mm).

11. Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5,000 gallons (18927 L).

12. Non-structural work up to $2,000 valuation or a re-roof up to ten roofing squares in any 12 month period for Group R, Division 3 and Group U occupancies is exempt from the building permit requirement.

B. Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

C. Exemption from the permit requirements of this code does not grant authorization for any work to be done in a manner in violation of the provisions of this code or any other local, state, or federal requirements. (Ord. 1211, 2007; Ord. 1131, 2005; Ord. 802, 1998; Ord. 711, 1995; Ord. 641, 1994; Ord. 588, 1992; Ord. 483, 1988)

20.820.030 Building permit procedures.

Section 105.3 and R105.3 of the IBC and IRC are amended as follows:

A. **Section 105.3.1 and R105.3 of the IBC and IRC** are replaced by the following language:

The property owner or his authorized representative must tender a complete building permit application with the department on a form furnished by the community development department. The application must contain the following information:

1. A description of the work to be covered by the permit for which the application is made.

2. A legal description of the land on which the proposed work is to be done, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. The use or occupancy for which the proposed work is intended.

4. The application must be accompanied by plans, diagrams, computations, specifications and other data drawn to scale and with clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. For

applications involving design review which are located within the towns of Genoa, Gardnerville or Minden, the plans must be reviewed by the respective town.

5. Plans for buildings more than two stories in height of other than Group R, Division 3 and Group U Occupancies must indicate how required structural and fire resistive integrity will be maintained where penetrations will be made for electrical, mechanical, plumbing and communication conduits, pipes and similar systems.

6. The valuation of any new building or structure or any addition, remodeling or alteration to an existing building, as set by the building official.

7. The signature of the applicant or the applicant's authorized representative.

8. Any other data and information required by the department.

B. **Section 106.3.4.1 of the IBC** is replaced by the following language:

1. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs and other data constitute the submittal documents and must be submitted with each application for a permit. When plans are not prepared by an architect or engineer, the building official may require the applicant submitting the plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The building official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state even if not required by state law. The building official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the reviewing of plans is not necessary to obtain compliance with this code.

2. All plans, specifications, reports and other documents prepared by a registered professional must be stamped or sealed and signed with a wet signature in accordance with state law.

3. An architect or engineer must stamp and wet sign the following on all plan pages:

a. All plans for new structures or buildings except for U-1 and R-3 occupancies.

b. All structural plans for new group U-1 and R-3 occupancies at locations above 6,000 feet elevation.

c. All structural plans for the alterations to any structure or building except group U-1 and R-3 occupancies at locations of 6,000 feet elevation or lower.

d. All electrical, mechanical and plumbing design for occupancies exceeding 5,000 square feet with the exceptions of 1) B-occupancy not exceeding 10,000 square feet, 2) S-occupancy not exceeding 30,000 square feet, 3) R-3 occupancy per IRC area and height limitations, and 4) U-1 occupancy per IR`C area and height limitations.

4. When required by the building official, Nevada licensed contractors and owner-builders must sign the cover sheet of plans denoting their responsibility for the design and preparation of plans.

5. The architect or engineer of record is responsible for all architectural components and must wet stamp and sign all associated plans and construction documents.

C. **Section 105.3 and R105.3of the IBC and IRC** are amended by adding the following subsection:

105.3.3, R105.3.3. Comprehensive permit.

105.3.3.1, R105.3.3.1. The building official may require that a comprehensive permit be taken out by the general contractor on all construction covered by the adopted construction codes. Before the permit is issued, the name, addresses and contractor's license numbers of all sub-contractors to be used by the general contractor may be required by the building official.

105.3.4, R105.3.3.1. The address of the building must be posted by the contractor in a location visible and readable from the fronting access street or roadway.

D. **Section 105.3 and R105.3 of the IBC and IRC** are amended by adding the following subsection:

105.3.5, R1053.5. Moved structures. The owner of a structure which is to be moved to a new location must post a letter of credit in the amount of $5,000 or a letter of credit in a greater amount if required by the building official to insure completion of relocation and completion of any alterations within six months of the date the permit is issued. (Ord. 1131, 2005; Ord. 802, 1998; Ord. 711, 1995; Ord. 641, 1994; Ord. 506, 1989; Ord. 437, 1985)

20.820.040 Permits issuance.

Section 105 and R105 of the IBC and IRC are amended as follows:

A. Section 105.8 and R105.8 of the IBC and IRC are added with the following language:

105.8 and R105.8

1. The application, plans, construction documents, computations and other data filed by an applicant for a permit must be reviewed by the building official. The plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the building official finds that the work described in an application for a permit and the plans, construction documents and other data filed conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in section 20.820.050 have been paid, the building official must issue a permit to the applicant.

2. When the building official determines that the permit may be issued, he must endorse the approval in writing or stamp any required plans and construction documents "approved." The approved plans and construction documents must not be changed, modified or altered without authorizations from the department, and all work regulated by this code must be done in accordance with the approved plans.

3. The building official may issue a permit for the construction of part of a building or structure before the entire plans and construction documents for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. Permits must be limited to work permitted.

4. Permits for commercial work may be issued only to contractors and sub-contractors licensed pursuant to chapter 624 of the Nevada Revised Statutes.

B. Section 105.9 and R105.9 of the IBC and IRC are added with the following language:

105.9 and R105.9. Within subdivisions or projects where a fire protection water system has been required by the county, no building permits may be issued until the system has been accepted by any utility having responsibility for maintenance and any fire protection agency having jurisdiction. This condition may be waived, conditionally waived, or modified by the fire agency having jurisdiction.

C. Section 105.10 and R105.10 of the IBC and IRC are added with the following language:

105.10 and R105.10. On-site and off-site improvements.

1. Prior to issuance of a permit, on-site and off-site improvements required by the approving agencies must be installed or secured pursuant to section 20.720.120.

2. On-site improvements may be required by the building official to meet requirements of Part IV, the IBC or this code, whichever is more stringent. All grading and revegetation must be completed prior to final inspection and the issuance of the certificate of occupancy. If grading and on-site improvements are impossible to complete because of inclement weather conditions or snow on the ground, security in the form permitted by chapter 20.720 must be posted prior to issuance of a temporary certificate of occupancy. Completion of deferred improvements shall be made in accordance with an approved deferral agreement.

3. Effect of failure to construct. The building official must deny final approval and acceptance and refuse to allow final public utility connection to any building or dwelling unless off-site and on-site improvements are either completed or adequately secured. Failure to construct the improvements within 90 days after the weather permits will result in automatic forfeiture of the security.

4. Modification of requirements of inadequate drainage. When determined by the building official that area drainage facilities are inadequate and that the installation of additional improvements would improve the public welfare and safety, the building official may require that additional work be completed. (Ord. 1211, 2007; Ord. 1131, 2005; Ord. 802, 1998; Ord. 711, 1995; Ord. 641, 1994; Ord. 558, 1992; Ord. 437, 1985)

20.820.050 Retention of plans, construction documents.

Section 106.5 and R106.5 of the IBC and IRC are replaced by the following language:

A. One set of approved stamped plans, construction documents and computations must be retained by the department and one set of approved stamped plans and construction documents must be kept on the site of the building or work at all times when the work authorized is in progress.

B. For residential buildings, the department must retain one set of approved stamped plans, specifications and computations for a period of one year following the

issuance of a certificate of occupancy or project completion.

C. For commercial buildings, the department must retain one set of approved stamped plans, specifications and computations for the life of the structure or 6-years following a disaster involving the structure. (Ord. 1131, 2005; Ord. 802, 1998)

20.820.060 Expiration of permits.

Section 105.5 and R 105.5 of the IBC and IRC are replaced by the following language:

A. Every permit issued by the building official expires and becomes void if the building or work authorized by the permit is not commenced within 180 days from the date of the permit. Before work can be recommenced, a new permit must be obtained, and fee in the amount of one-fourth that required for a new permit for the work, provided no changes have been made or will be made in the original plans and specifications for the work, and provided that the plans were approved under the prevailing uniform codes.

B. Any permittee holding an unexpired permit may apply for an extension of time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reason. The building official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.

C. A permit issued by the building official for new single family and duplex construction and additions to single family and duplex structures is valid for a maximum of five years. The permit expires and becomes void after a period of three years where the building official has not conducted an inspection and approved the framing for the structure. Where the framing is approved within three years of issuance, the permit remains valid for a period not to exceed five years from the date of issuance. Before work can be recommenced on a project which has not been completed or issued a certificate of occupancy, a new permit must be obtained. A fee in the amount of one-fourth that required for a new permit for the work is required, provided the framing has been approved by the building official, no changes have been made or will be made in the original plans and specifications for the work, and provided that the plans were approved under the prevailing uniform codes. A fee in the amount of one-half that required for a new permit for the work is required where the framing has not been approved by the building official, no changes have been made or will be made in the original plans and specifications for the work, and provided that the plans were approved under the prevailing uniform codes.

D. Except as provided in section C, above, a permit issued by the building official expires and becomes void after a period of two years from the date of issuance. Where a 180 day extension has been granted for commencement of work, the permit expires after a period of two years and six months from the date of issuance. Before work can be recommenced, a new permit must be obtained. A fee in the amount of one-half that

required for a new permit for the work is required where no changes have been made or will be made in the original plans and specifications for the work, and provided that the plans were approved under the prevailing uniform codes.

E. An application for which no permit is issued within 180 days following the date of application expires and plans and other data submitted for review must be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application may be extended more than once. In order to renew action on an application after expiration, the applicant must resubmit plans and pay a new plan review fee. (Ord. 1131, 2005; Ord. 802, 1998)

20.820.070 Permit fees.

Sections 108.2, 108.3 and R108.2 and R.108.3 of the IBC and IRC are replaced as follows:

A. The fee for each permit required by this chapter must be paid based on the fee for commercial and residential construction and any additional fees passed by resolution of the board of county commissioners.

B. The determination of value or valuation under any of the provisions of this code is made by the building official. The value to be used in computing the building permit and building plan review fees is the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. Area modification factors for valuations will not be used. The building official must determine the allowable increase in the building permit basis and determine what, if any, increases will be made to the valuations used or rate charged in table 20.820 for the next fiscal year. Any change in fees must be approved by resolution of the board of county commissioners. After passage of this ordinance the building official must determine if an increase is allowed and have any increase approved by the board. Each following year in April, the building official will determine if there will be any changes in the building permit fee basis. Any changes must be approved by a resolution to be effective July 1 of that year.

C. When submittal documents are required by section 20.820.030, a plan review fee must be paid at the time the documents are submitted for plan review. The plan review fee is 65 percent of the building permit fee. The plan review fees specified in this subsection are separate fees from and in addition to the permit fees required in section A. When submittal documents are incomplete or changes are numerous or substantial so that additional plan review is required or when the project involves deferred submittal items, an additional plan review fee must be charged at the rate shown in table 20.820 and any additional fees passed by resolution of the board of county commissioners. (Ord. 1131, 2005; Ord. 929, 2000; Ord. 802, 1998; Ord. 711, 1995)

Table 20.820 Building permit fees

(A fee schedule will be calculated based on permit fee table and valuations approved by resolution of the board and made available to the public by the department before July 1 of each calendar year)

Building Permit Fee Table

(Table 3-A of the 1988 Uniform Building Code)

Total Valuation	Fee
$1 to $500	$15**
$501 to $2,000	$15 for the first $500 plus $2 for each additional $100 or fraction thereof, to and including $2,000**
$2,001 to $25,000	$45 for the first $2,000 plus $9 for each additional $1,000 or fraction thereof, to and including $25,000
$25,001 to $50,000	$252 for the first $25,000 plus $6.50 for each additional $1,000 or fraction thereof, to and including $50,000
$50,001 to $100,000	$414.50 for the first $50,000 plus $4.50 for each additional $1,000 or fraction thereof, to and including $100,000
$100,001 to $500,000	$639.50 for the first $100,000 plus $3.50 for each additional $1,000 or fraction thereof, to and including $500,000
$500,001 to $1,000,000	$2,039.50 for the first $500,000 plus $3 for each additional $1,000 or fraction thereof, to and including $1,000,000
$1,000,001 and up	$3,539.50 for the first $1,000,000 plus $2 for each additional $1,000 or fraction thereof

Other Inspections and Fees:

1. Inspection outside of normal business hours ***$45*** per hour (minimum charge--two hours) or the total hourly cost to the jurisdiction, whichever is the greatest. This cost includes supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
2. Reinspection fees: ***$45*** per hour or the total hourly cost to the jurisdiction, whichever is the greatest. This cost includes supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
3. Inspections for which no fee is specifically indicated ***$45*** per hour
4. Additional plan review required by changes, additions or revisions to plans ***$45*** per hour (minimum charge-one-half hour) or the total hourly cost to the jurisdiction, whichever is the greatest. This cost includes supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.
5. For use of outside consultants for plan checking and inspection or both; dollar actual costs (including administrative overhead costs).
6. Re-roof/siding foe each structure $45.
7. Woodstove (and inserts): $45 each
8. Manufactured or mobile structure: $107 each.

* * Minimum $45.00 permit fee without plan check.

Note: Fees in bold italics in the table for permits may be increased by the percentage set out in the resolution setting the building permit fees. (Ord. 1211, 2007; Ord. 1131, 2005; Ord. 929, 2000; Ord. 897, 2000; Ord. 802, 1998)

20.820.080 Inspection record card and approved plans.

Sections 109 and R109 of the IBC and IRC are amended by adding the following subsection:

109.7, R109.7 Work requiring a permit may not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card and an approved set of plans on the site.

If an inspection record card is lost or is illegible, the fee for a duplicate card is $25.00. If the approved set of plans is lost or illegible, the fee for a reproduced set is a minimum charge of $25.00 or actual costs, which ever is greater. (Ord. 1131, 2005; Ord. 802, 1998; Ord. 711, 1995; Ord. 641, 1994; Ord. 558; 1992; Ord 437, 1985)

Chapter 20.830

Site Improvement Permits

Sections:

20.830.010 Site Improvement permits defined.
20.830.020 Permits required.
20.830.030 Work exempt from permit.
20.830.040 Site improvement permit procedures.
20.830.050 Retention of plans.
20.830.060 Expiration of permits.
20.830.070 Fees.

20.830.010 Site improvement permits defined.

A site improvement permit authorizes on-site construction over private property prior to the issuance of a building permit, and may include improvements within a public roadway associated with the on-site construction such as site grading, installation of public utilities, drainage improvements, road improvements including curbs, sidewalks and related features, up to and including Building Pad Certification. The site improvement permit is a separate permit which expedites the construction process. A building permit may be issued instead of a site improvement permit which includes all on-site work including work within abutting rights-of-way. (Ord. 802, 1998)

20.830.020 Permits required.

A site improvement permit is required for work, including grading, trenching, or construction of public or private utilities, drainage structures or roads unless the work is allowed under an existing building permit. (Ord. 802, 1998)

20.830.030 Work exempt from permit.

A. A site improvement permit is not required for the following:

1. Work exempt from building permits pursuant to section 20.820.020;
2. Clearing and grubbing;
3. Other grading work exempted by section 1803 of the IBC;
4. Work specifically approved under a building permit or encroachment permit issued under this part.

B. Exemption from the permit requirements of this code does not grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Ord. 1131, 2005; Ord. 802, 1998)

20.830.040 Site improvement permit procedures.

A. The property owner or his authorized representative must tender a completed

site improvement permit application to the community development department on a form furnished by the department. The application must contain the following information:

1. A description of the work to be covered by the permit.

2. A legal description of the land on which the proposed work is to be done, street address or similar description that identifies and definitely locates the proposed work.

3. The application must be accompanied by grading plans, improvement plans, diagrams, studies, computations and specifications and other data drawn to scale and clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. For applications involving design reviews which are located within the towns of Genoa, Gardnerville or Minden, a 318 General Improvement District or TRPA, the applicant must provide a copy of any required permit or the plans shall be reviewed by the respective agency.

4. An itemized engineer's estimated value of work, signed, stamped and dated by a Nevada professional engineer where plans, studies or computations are required to or have been prepared by a Nevada professional engineer, or an itemized contractor's executed contract with estimated value of work, signed and dated with the contractor's license number and limit.

5. The signature of the applicant or the applicant's authorized representative.

B. A site improvement permit may include all site improvements including, but not limited to grading, utility installation, drainage improvements, and road construction or may be phased to allow for the separation of grading or site preparation and actual construction of on and off site utilities and improvements. The application, plans, specifications, computations and other data filed by an applicant for a permit must be reviewed by the director or his designee. The plans may be reviewed by other departments of this jurisdiction and agencies to verify compliance with any applicable laws under their jurisdiction. If the director finds that the work described in an application for a permit and the plans, specifications and other data filed with the application conform to the requirements of this code, other pertinent laws and ordinances, that the plans have been signed by all responsible agencies where applicable, that security has been posted, and that all required fees have been paid, the director shall issue a site improvement permit. (Ord. 802, 1998)

20.830.050 Retention of plans.

A. One set of approved stamped plans, specifications and computations must be retained by the department and one set of approved stamped plans and specifications must be kept on the site of the construction work at all times during which the work authorized is in progress.

B. The department must retain one permanent set of approved stamped improvement plans, specifications and computations, including all required "as-builts." (Ord. 802, 1998)

20.830.060 Expiration of permits.

A. Every site improvement permit issued by the department under the provisions of this code will expire and become void if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before any work can be recommenced, a new permit must be first obtained and a fee in the amount of one half that required for a new permit for the work, provided no changes have been made or will be made in the original plans and specifications for the work, the plans were approved under the prevailing development code provisions, and that any suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee must obtain a new permit for the work and pay a new full permit fee.

B. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reason. The director may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.

C. Every site improvement permit issued by the department expires and becomes void after a period of two years from the date of issuance. When a 180-day extension has been granted for commencement of work, it expires after a period of two years and six months from the date of issuance. Before work can be recommenced, a new permit must be obtained, and fee in the amount of one-half that required for a new permit for the work, provided no changes have been made or will be made in the original plans and specifications for the work, and provided that the plans were approved under the prevailing uniform codes. (Ord. 802, 1998)

20.830.070 Fees.

Fees for site improvement permits are established by resolution of the board. (Ord. 802, 1998)

Chapter 20.840

Encroachment Permits

Sections:

20.840.010 Encroachment permit defined.
20.840.020 Permits required.
20.840.030 Encroachment permit procedures.
20.840.040 Retention of plans.
20.840.050 Expiration of permits.
20.840.060 Fees.

20.840.010 Encroachment permit defined.

An encroachment permit authorizes the construction and placement of any regulated utility or drainage feature within a public roadway. (Ord. 802, 1998)

20.840.020 Permits required.

Except as otherwise approved under a building permit or site improvement permit, no work including grading, trenching or construction of public or private utilities and drainage structures is allowed within the public right-of-way unless an encroachment permit has first been obtained from the community development department. (Ord. 802, 1998)

20.840.030 Encroachment permit procedures.

A. The property owner or his authorized representative must tender a completed encroachment permit application to the community development department on a form furnished by the department. The application must contain the following information:

1. A description of the work to be covered by the permit.
2. A legal description of the land on which the proposed work is to be done, street address or similar description that identifies and definitely locates the proposed work.
3. The application must be accompanied by improvement plans, diagrams, studies, computations and specifications and other data drawn to scale and clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations. Evidence is required that the applicant has identified the location of all underground utilities in the vicinity of the project. For applications which are located within the towns of Genoa, Gardnerville, or Minden, a 318 General Improvement District or TRPA, the applicant must provide a copy of any required permit or the plans must be reviewed by the respective agency.
4. The signature of the applicant or the applicant's authorized representative.
5. Any other data and information as may be required by the department.

B. The application, plans, specifications, computations and other data filed by an applicant for a permit must be reviewed by the director or his designee. The plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the director finds that the work described in an application for a permit and the plans, specifications and other data filed with the application conform to the requirements of this code, other pertinent laws and ordinances, that the plans have been signed by all applicable agencies, where applicable, that security has been posted, and that all required fees have been paid, the director must issue an encroachment permit. The director must, at the time of permit issuance, provide the applicant with conditions, specifications and testing requirements for all work approved under the permit. (Ord. 802, 1998)

20.840.040 Retention of plans.

A. One set of approved stamped plans, specifications and computations must be retained by the department and one set of approved stamped plans and specifications must be kept on the site of the construction work at all times during which the work authorized is in progress.

B. The department must retain one permanent set of approved stamped improvement plans, specifications and computations. (Ord. 802, 1998)

20.840.050 Expiration of permits.

A. Every encroachment permit issued by the department under the provisions of this code will expire and become void if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before work can be recommenced, a new permit must be first obtained and a fee in the amount of one half that required for a new permit for the work, provided no changes have been made or will be made in the original plans and specifications for the work, the plans were approved under the prevailing development code provisions, and that the suspension or abandonment has not exceeded one year. In order to renew action on a permit after expiration, the permittee must obtain a new permit for the work and pay a new full permit fee.

B. Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reason. The director may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. No permit may be extended more than once.

C. Every encroachment permit issued by the department will expire by limitation and become null and void after a period of two years from the date of issuance, or, where a 180-day extension has been granted for commencement of work, after a

period of two years and six months from the date of issuance. Before work can be recommenced, a new permit must be obtained, and fee in the amount of one-half that required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for the work, and the plans were approved under the prevailing uniform codes. (Ord. 802, 1998)

20.840.060 Fees.

Fees for encroachment permits are established by resolution of the board. (Ord. 802, 1998).

Chapter 20.900

Numbering Structures and Naming Streets

Sections:

20.900.010 Purpose.
20.900.020 Definitions.
20.900.030 Duplication or similar road names.
20.900.040 Naming new roads.
20.900.050 Changing existing road names.
20.900.060 Notification of road names.
20.900.070 Address numbering-General provisions.
20.900.080 Address numbering system.
20.900.090 Changing address numbers.
20.900.100 Notification of address assignment or change.
20.900.110 Administrative appeals of address designations or road names.
20.900.120 Appeals hearing.
20.900.130 Regulation.
20.900.140 Display requirements.
20.900.150 Enforcement.

20.900.010 Purpose.

The purpose of this chapter is to establish a uniform county-wide system of assigning addresses and street names to facilitate locating buildings in order to protect the public health and safety by enabling a quicker response time by police, fire, ambulance, and other emergency services, and to provide for more efficient delivery of county services, such as building inspections, property tax administration, data collection, property mapping and other county affairs, and to provide for efficient parcel delivery, common carriers, and mail delivery systems in Douglas County by:

A. Creating a coordinated system with standards and regulations, as written in the Address Numbering and Road Naming Guide, for the naming of public and private roads.

B. Creating a formal numbering system with standards and regulations, as written in the Guide for assigning addresses.

C. Providing for notification of interested parties of assigned new road names and address numbers, and address changes.

D. Providing minimum standards and regulations for display of addresses and road signs.

E. Providing for the enforcement of this ordinance.

F. Provide for an appeal process. (Ord. 1185, 2006; Ord. 802, 1998; Ord. 641, 1994; Ord.129, 1962)

20.900.020 Definitions.

A. "Address": A combination of a set of numbers and a road name, including if applicable, a directional prefix (N, S, W, E), base name, and road type (St., Ln., Dr., Ci., Ct., etc.)

B. "Address appeals board": The body that has the responsibility to hear and decide the appeal of any address designation, which is not resolved administratively by the community development department, planning division.

C. "Address number": A set of numbers.

D. "Guide": The Address Numbering and Road Naming Guide in the Douglas County Design Criteria and Improvement Standards.

E. "Private road": Any road, street, avenue, court, circle, lane, drive, way, route, boulevard, cul-de-sac, and any other applicable designation which affords a means of travel and vehicular access to abutting property, and is not maintained by the county or a GID.

F. "Road": Any vehicular way which is a state, county, or municipal roadway, or is shown on an approved and recorded plat, or is a private road that serves more than two existing lots

F. "Road name": The proper name of a road, including any prefix or general suffix.

G. "Structure": Anything constructed, erected or placed with a fixed location on the ground and includes, but is not limited to, dwellings, houses, mobile homes, businesses, and buildings, which may have need or cause to have an address. (Ord. 1185, 2006)

20.900.030 Duplication or similar road names.

A road may not be given a road name which duplicates the road name of any other road in the county or which is the same or similar in spelling or pronunciation to an existing road within the Douglas County emergency services dispatch area. See the Guide for details and guidelines. (Ord. 1185, 2006)

20.900.040 Naming new roads.

A property owner or developer must submit an application for approval of proposed road names on an application form provided by the planning division, along with a map showing the layout and extent of the proposed roads. Upon receipt of a road name application and map, the planning division will forward the application to the emergency services and GIS departments for review and approval. The planning division must notify the applicant of acceptance or rejection of the proposed names along with the rationale for the decision to reject a name. All road names being created through the land division process must be approved before the submittal of a final land division map. Redesign of the project's circulation pattern will require a resubmittal of the application to assure conformance to the street naming standards and regulations. The planning division may provide the applicant a list of existing road names for the convenience of the applicant.

An official name must be given to a private road and approved by the emergency services and GIS departments when:

A. The private road services two or more residences, or

B. The location or length of the private road is such that for safety and emergency purposes, it is more appropriate to name the private road than to assign addresses from the main road. (Ord. 1185, 2006)

20.900.050 Changing existing road names.

It is the intent of this chapter to discourage the practice of changing existing road names, except in situations where:

A. Two identical or similar road names exist.

B. In other circumstances that clearly make the accurate dispatching of emergency vehicles impractical.

C. When one road has two commonly used names.

D. Where portions of what appears to be the same road has two or more names

E. Where road construction has resulted in the extension of a road to another road so that both roads are joined in a manner that both roads may be considered one road.

Individuals who desire a road name change may submit an application obtained from the planning division. A completed application and any applicable fees must be submitted to the planning division for approval. A road name change must be reviewed and may be recommended for approval by the emergency services and GIS departments. The planning division must notify the applicant of acceptance or rejection of the proposed name change with the rationale for the decision if the name change is rejected. Before recommending a change in a road name, the GIS department and emergency services must consider the official road name as recorded on plats and deeds of adjacent property as the most accurate historical name of the road in question. The primary consideration in determining the single road name when two or more names are commonly used is using the name causing the least disturbance to existing legal documents. The road name, which results in the fewest number of address changes, may also be considered. (Ord. 1185, 2006)

20.900.060 Notification of road names.

The planning division must notify interested persons whenever a road is named for the first time, and whenever an existing road name is changed.

A. When roads or road right-of ways are named as part of the process of approving a tentative map or final map, the record in the recorder's office will be sufficient notice.

B. When roads, other than roads in section A, are named for the first time, or existing street names are changed, written notice must contain:

1. The new road name.
2. The former road name, if applicable.
3. A structure's new address and description of the location of the structure.
4. The extent of the road to which the road name is to be applied.
5. A map when required the planning division.

C. Notices must be sent to the following entities or persons:

1. The respective local government body.

2. The planning division, community development department.
3. Emergency services, 911 dispatch.
4. U.S. Post Office.
5. The assessor's office.
6. All utilities providing service to the area.
7. Residents, occupants, and owners who will have an address on the road being named. In cases where an existing address is changed, the planning division must send an address correction notification to each resident, owner, or occupant with an affected address on the road, within ten business days by mail, or personal delivery. If rental property, the owner is responsible for notifying the tenant. (Ord. 1185, 2006)

20.900.070 Address numbering-General provisions.

The number system consists of base lines from which all individual property numbers will be established. The numbers increase progressively from the base lines at a rate of approximately one number per 25 lineal feet of property street-frontage. Even numbers are (generally) assigned to all properties on the north and west tending sides of all streets and odd numbers are assigned to all properties along the south and east tending sides of streets. In order to determine the proper number for a particular location, a proportion of the distance between fixed adjacent numbers on either side or to the noted one hundred series divisions must be made, with a basic relation to the distance factor applied. (Ord. 1185, 2006; Ord. 802, 1998; Ord. 129, 1962)

20.900.080 Address numbering system.

The address numbering system is structured as follows:

A. There will be a baseline which is the south section line of Sections 1 through 6 of the respective Townships of Douglas County (T11 N, R20 E; through T11 N, R23 E). In both directions from this baseline, address numbers must be evenly spaced, 200 per mile, so that when following a northerly-southerly road one reaches address number 200 when arriving at the next section line north or south. The address numbers will continue in the same manner by 200 whole numbers for each section of each township.

1. There will be a meridian line which is the west section line of sections 4, 9, 16, 21, 28, and 33 of the respective Townships of Douglas County (T14 N, R19 E; through T12 N, R19 E). East from this meridian line, address numbers must be evenly spaced, 200 per mile, increasing as you move away from the meridian. The address numbers will continue in the same manner by 200 whole numbers for each section of each township.

2. West of the meridian line is the Lake Tahoe Basin area of Douglas County. Addresses in the Lake Tahoe Basin area do not follow the addressing grid. Addresses do need to follow the guidelines of sequential order, nonduplication, etc.

3. Even numbers must be on the westerly and northerly sides of roads, odd numbers must be on the easterly and southerly sides of roads.

4. Roads, which do not travel due north and south or meander, must be numbered as a north-south road if the major portion of the road when first recorded

within Douglas County runs north-south. Once a north-south road has address numbers assigned to structures then that road will always be considered a north-south road.

5. Roads, which do not travel due east and west or meander, must be numbered as an east-west road if the major portion of the road when first recorded within Douglas County runs east-west. Once an east-west road has address numbers assigned to structures then that road will always be considered an east-west road.

6. Address numbers will be assigned so they run consecutively starting at the baseline or meridian line so that numbers are not out of sequence. Consideration will be given to addresses across the street to maintain sequence. See Guide for details and guidelines.

B. Upon determination of the planning division, address numbers in common use prior to the adoption of this ordinance may continue to be used if:

1. The existing address numbers run consecutively in the same direction as the county address system for that side of the base and meridian line where the two systems mesh.

2. The system is definable and can be administered and maintained for future construction of structures. (Ord. 1185, 2006; Ord. 802, 1998; Ord. 129, 1962)

20.900.090 Changing address numbers.

It is the intent of this chapter to discourage the practice of changing existing addresses, or address numbers that are already in use, except:

A. If the existing address number is not in sequence or does not run consecutively in the same direction as the county address system.

B. If the existing number is such that the assignment of address numbers for new structures is not practical and in keeping with the requirements.

C. When a new road is constructed or recognized, which results in the most appropriate address for a structure to be on the new road rather than the original road, for example, where a structure is previously on land locked property, then a new road is built to service it.

D. If it is determined that an address needs to be changed for safety and emergency purposes. (Ord. 1185, 2006)

20.900.100 Notification of address assignment or change.

The applications for new addresses or change of address must be submitted to the planning division. The planning division may change addresses when an address is a duplication, is not in sequential order, or otherwise violates the house numbering system plan.

A. The planning division will assign new addresses.

B. Before a construction permit may be issued, the planning division must assign addresses using the change of address or new address request form. The applicant will be provided with a completed copy of the form containing the assigned address number and street name.

C. The building division may not issue a construction permit until after an address number has been issued for the proposed structure except when it is not possible for an address to be issued until after the location of the building is clearly marked.

D. When an existing address number is changed, the planning division must send an address correction notification form to each resident, owner, or occupant with an affected address, within ten business days by mail, or personal delivery. If the address of rental property is changed, the owner is responsible for notifying the tenant. (Ord. 1185, 2006)

20.900.110 Administrative appeals of address designations or road names.

Whenever any address, address number, or road name is changed pursuant to this chapter or the original address is issued pursuant to this chapter, any person who is affected by the action has the right to appeal the address designation.

A. Initial review.

1. All complaints or appeals of any address designation must be first submitted to the planning division on a form as prescribed by that division. The forms will be made available to the public at no cost and must contain, at a minimum, the following information:

a. The appellant's name and mailing address.

b. Relationship to the address in dispute.

c. The contested address.

d. Reason for the complaint or appeal.

B. The planning division must review the address in question to determine whether an error has occurred and whether the address designation is in compliance with this chapter. The planning division is authorized to administratively remedy any errors discovered and notify the affected property owners.

C. Within 10 working days of receipt, the planning division must review the address designation with the emergency services coordinator and any other agencies necessary to review the implications of the appeal on safety and emergency services and either grant or deny the appeal.

D. Written notification of their review and decision must be mailed to the appellant within five working days of the decision. (Ord. 1185, 2006)

20.900.120 Appeal hearing.

A. The planning commission serves as the appellate body for address numbering and road naming appeals denied or not resolved by the planning division. The appeal must follow the procedure set out in section 20.28.020.

B. The planning commission must conduct all appeal hearings in conformity with section 20.28.020. (Ord. 1185, 2006)

20.900.130 Regulation of display.

The building official has exclusive overall administrative and coordination

responsibility to administer the display of addresses and road signs. The building official has the authority to withhold or revoke any permits, including a certificate of occupancy permits, if any portion of this chapter is not complied with, or if an individual intentionally removes an address or road sign after a permit has been issued. (Ord. 1185, 2006)

20.900.140 Display requirements.

A. Address numbers:

1. All structures must bear a distinctive address number assigned by the county and in accordance with this chapter. The address number must be in block or script, and of contrasting or reflected color to their background. Address numbers must be at least four inches in height for residential properties, and at least six inches in height for commercial properties.

2. The owner of any structure must place on the street front of the structure, the assigned address number. Numbers on structures must be displayed in a manner that is plainly visible and legible from a vehicle traveling on the roadway.

3. When a building is located or set back from the roadway, or the view of building is obstructed by trees, shrubs, or another building, the address number must be displayed in one of the following manners:

a. The owner of the premises may place or display the numbers on a post or supporting structure of suitable strength and construction adjacent to the driveway of the premises provided that it is not located within the right-of-way.

b. Mailboxes may be used provided that the view of both sides of the mailbox is not obstructed by other mailboxes or newspaper delivery boxes. The use of mailboxes is subject to the regulations of both the post office and the governmental organization which maintains the road.

c. Decorative displays will be allowed as long as all the visibility requirements are met.

d. Directional signs may be used for any structure located off the main road or that requires specific knowledge to locate.

4. The manner of address display must not be in conflict with zoning regulations concerning the location and size of signs.

B. Road signs:

1. New roads must have permanent road signs posted within thirty days of the date of approval given by the planning division and before any permits are issued by the building official. Road signs for private roads are the responsibility of the owners residing on the private road and the road signs must match the signs used by on public roads for placement and height, and must display the road name on both sides.

2. The property owners are required to maintain private road signs and addresses, including replacement of damaged or missing letters or numbers, repainting, and installation of replacement signs for those that are damaged or destroyed.

3. The official colors for county road signs are green with white lettering. The official colors for private road signs are blue with white lettering. If the property owner

has a mailbox at the road, the address can also be posted on the mailbox for delivery purposes. Posting of an address on a mailbox does not meet the requirements of this section. (Ord. 1185, 2006; Ord. 802, 1998; Ord. 129, 1962)

20.900.150 Enforcement.

It is a misdemeanor for any person to violate any provision of this chapter. (Ord. 1185, 2006; Ord. 802, 1998; Ord. 129, 1962)