

**LINCOLN COUNTY
DEVELOPMENT CODE**

Title 13

***Lincoln County Building and Planning
Pioche Nevada, 89043***

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CHAPTER ONE: DEVELOPMENT AGREEMENTS

13-1-1 Statutory Authority:

Pursuant to the provisions of Nevada Revised Statutes 278.0201 to 278.0207, inclusive, the board of county commissioners may enter into development agreements to regulate the development of land within the county. Such agreements and the procedures applicable thereto shall be governed by and must conform to Nevada Revised Statutes 278.0201 to 278.0207, inclusive and the provisions of this chapter. (Ord. 2004-02, 7-6-2004, eff. retroactive to 7-1-2004)

13-1-2 Planning Commission Review:

Before the board of county commissioners enters into a development agreement pursuant to this chapter, the agreement shall be reviewed by the planning commission for consistency with the county's master plan, prior to submittal to the county commission. (Ord. 2004-02, 7-6-2004, eff. retroactive to 7-1-2004)

13-1-3 Planned Development Requirement:

Only land zoned for planned unit development or designated by a planned unit development ordinance may be made the subject of a development agreement. (Ord. 2004-02, 7-6-2004, eff. retroactive to 7-1-2004)

13-1-4 Administration and Enforcement:

The county commission, with the advice of affected county departments and the planning commission, shall be responsible for applying, administering and enforcing the provisions of this chapter, including the negotiation and enforcement of development agreements. (Ord. 2004-02, 7-6-2004, eff. retroactive to 7-1-2004)

13-1-5 Application of Zoning Provisions:

Except as otherwise provided in Nevada Revised Statutes 278.0201 to 278.0207, inclusive, or in a development agreement entered into pursuant to this chapter, all the procedures and requirements of planned unit development zoning or in the case of an area designated as a planned unit development by ordinance, the requirements of that ordinance shall apply to the development of property that is the subject of such a development agreement. (Ord. 2004-02, 7-6-2004, eff. retroactive to 7-1-2004)

CHAPTER 2: INTRODUCTORY PROVISIONS

ARTICLE A: INTRODUCTORY PROVISIONS

13-2-1 Title.

The title of this code shall be the "Lincoln County Planning & Development Code." (Ord. 1983-18 §1-1, 1983).

13-2-2 Purpose.

- A. The provisions of this code are intended to regulate the use of land and the division of same into separate interests for the purpose of protecting the public health, safety, convenience and general welfare of the residents of the county. The code is adopted in accordance with and in order to further the implementation of the county master plan and such other plans, policies, and studies designed to promote the orderly growth of the county and its communities.
- B. Among other purposes, this code is specifically adopted to preserve air and water quality; conserve open space and agricultural resources; protect natural and scenic resources from unreasonable impairment; provide for recreational needs; protect life and property from flooding and other natural hazards; preserve historic sites and structures; and to ensure that development is commensurate with the character of physical limitations of the land. Further, this code is designed to ensure that the timing, location and nature of new development takes into account the immediate and long-range financial impacts of proposed uses; supports the county's development of a timely, orderly and efficient arrangement of public facilities, services and transportation; and enhances achievement of the county's economic development goals.
- C. Regulations pertaining to the subdivision of land are additionally intended to ensure conformance with public improvement requirements of the county, establish standards to encourage well-planned development, to improve land records and land survey monuments, and to safeguard the interest of the public and the sub-divider and provide consumer protection for the purchaser of lots. (Ord. 1983-18 §1-2, 1983)

ARTICLE B: ORGANIZATION AND USE OF CODE

13-3-1 Prior Development Codes.

This code replaces the previous provisions of the county zoning and subdivision ordinance, and incorporates special development regulations pertaining to resource development, historic, flood hazard, manufactured homes, and other reviews. The code includes a procedures section which serves zoning, subdivision and special reviews. It also permits simultaneous processing of more complicated applications which may involve more than one application. (Ord. 1983-18 §1-3.1, 1983)

13-3-2 Types of Applications.

- A. There are several zoning, subdivision, and special applications required by this code. The zoning regulations of this title; in general regulate and restrict the erection, construction, reconstruction, alteration, repair and use of buildings, structures or land. The zoning regulations, Division II of this title, designate land use districts which provide for permitted and conditional uses and establish density, height, setback, and parking requirements. Special permits are as required for:
1. **Planned Development Units.** A review in which development may vary the strict provisions of the zone district and subdivision regulations through a review procedure in order to promote better site design and integration of the development with the surrounding development;
 2. **Conditional Uses.** A review of uses which may be permitted in a zone district only after review by the planning commission and board of county commissioners for compatibility with other uses in that zone;
 3. **Variances.** A review for a variance from the zoning provisions of this title where, by reason of extraordinary conditions, the strict application of these regulations would result in practical difficulty or hardship to the owner;
 4. **Change in District Boundaries and Classification.** Change in district boundaries and classification of an area from one district to another, the revision of any of the requirements of a certain district or the change in boundaries of any district.
- B. The subdivision regulations, Division III of this title, generally provide for the division of land or interests in land into two or more separate interests. A full subdivision review is required for any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units, or plots, for the purpose of any transfer, development, or any proposed transfer or development unless exempted by Nevada Revised Statutes Section 278.320. There are also statutorily mandated review procedures for the division of land into four or fewer interests (parcel map) and for the division of land into large parcels. Review of all of these applications is intended to ensure the orderly development of land in accordance with the standards of design and improvement set by the county. The reviews of this section include:
1. **Full Subdivision.** The preliminary (tentative map) and final reviews of a subdivision to determine its compliance with county and state (final map) standards and platting requirements;
 2. **Parcel Map.** The review of the division of land for transfer of ownership or development into four or fewer lots or interests;
 3. **Division of Land into Large Parcels.** A division of land into parcels of not less than forty acres nor greater than six hundred forty acres;
 4. **Amendment of plats;**
 5. **Vacation of plats.**

- C. Special development regulations provide for regulations which supplement the zoning and subdivision regulations of this code. In general, these regulations deal with especially sensitive areas or matters and help to implement special policies of the Lincoln County Master Plan. Included in this chapter are standards and procedures for the review of resource development activities, flood hazards, mobile home subdivisions and parks and historic districts and structures. (Ord. 1983-18 §1-3.2, 1983)

13-3-3 Review Procedure.

The review procedure for applications is specified in Division V of this title. The procedure consists of three steps of review: A pre-application conference, step 1 review, and a step 2 review. The pre-application conference is recommended but not mandatory for all applications in order to give the applicant guidance as to review procedures and the standards against which the application will be reviewed. A step 1 review is the only review required for a historic design district review, conditional use, variance, and change in district boundary or classification, for parcel map review. A full subdivision and PUD application require step 1 and step 2 reviews. Variations in public notice and hearing requirements or other procedural matters are specified for each application. (Ord. 1983-18 §1-3.3, 1983)

13-3-4 Authority.

The county is authorized by law to regulate the zoning, planning and subdivision of land by Chapter 278 of the Nevada Revised Statutes, 1993. This code is adopted pursuant to Chapter 278. (Ord. 1983-18 §1-4, 1983)

13-3-5 Scope and Interpretation.

- A. This code shall apply to all public and private lands situated within the unincorporated portions of the county.
- B. In their interpretation and application, the provisions of this title shall be regarded as the minimum requirements for the protection of the public health, safety and welfare. Whenever a provision of this title, or any other law, rule, contract, resolution or regulation of the state, federal government or the county, contain provisions covering the same subject matter, the more restrictive or higher standards shall apply.
- C. If any ambiguity exists with reference to the provisions of standards or policies of this title, it shall be the duty of the planning commission to interpret the provisions. The planning commission shall ascertain all pertinent facts concerning the intent and purpose of the provisions of this title, and set forth its findings and reasons. Its approval shall be final, and its interpretation shall prevail. A record of such resolutions shall be kept with the county clerk. (Ord. 1983-18 §-5, 1983)

13-3-6 Severability.

Any determination of illegality relating to a provision of this title shall have no bearing on the effectiveness of the remainder of the title. (Ord. 1983-18 §1-6, 1983)

ARTICLE "C" DEFINITIONS

Definitions Generally:

For the purpose of this title, certain terms and words are defined as follows in this chapter.

When consistent with the context:

Words used in the present tense include the future;

Words in the singular number include those in the plural number and the plural the singular;

The word "building" includes "structure";

The word "shall" is mandatory, not directory;

The word "person" includes "firm," "association," "corporation," "partnership" and "natural person";

The word "used" includes the words "arranged," "designed" or "intended to be used;"

The word "construct" includes the words "erect," "reconstruct," "alter," "move in" and "move upon." (Ord. 1990-5 §2.0, 1990: Ord. 1983-18 §6(part), 1983)

Accessory Building:

"Accessory building" means a detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. Any accessory building shall be considered to be part of the main building when joined to the main building by a common wall not less than four feet long, or when any accessory building and the main building are connected by a breezeway which shall be not less than ten feet in width. (Ord. 1990-5 §2.1, 1990: Ord. 1983-18 §6-1, 1983)

Accessory Use:

"Accessory use" means a use customarily incident and accessory to the principal use of the land, building or structure located on the same lot or parcel of land as the accessory use. (Ord. 1990-5 §2.2, 1990: Ord. 1983-18 §6-2, 1983)

Active Recreational Areas:

"Active recreational areas" means usable common open space which is developed with active recreation facilities such as swimming pools, tennis courts, handball courts, golf courses, recreational buildings, clubhouses or other similar facilities. (Ord. 1983-18 §6-3, 1983)

Agriculture:

"Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, and not including any agricultural industry or business such as packing plants, dairies, fur farms, animal hospitals or similar uses. (Ord. 1990-5 §2.3, 1990: Ord. 1983-18 §6-4, 1983)

Alley:

"Alley" means a public way permanently reserved as a secondary means of access to abutting property. (Ord. 1990-5 §2.4, 1990: Ord. 1983-18 §6-5, 1983)

Apartment Hotel:

"Apartment hotel" means a building or portion thereof designed for or containing both, individual guestrooms or suites of rooms and dwelling units. (Ord. 1990-5 §2.5, 1990: Ord. 1983-18 §6-6, 1983)

Apartment House:

"Apartment house" means a building, or portion thereof, designed or occupied by three or more families living independently of each other. (Ord. 983-18 §6-7, 1983)

Appeal:

"Appeal" means a request for a review of the local administrator's interpretation of any provision of his title or a request for a variance. (Ord. 1983-18 §6-8, 1983)

Area of Shallow Flooding:

"Area of shallow flooding" means a designated AO or VO zone on the Flood Insurance Pate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. (Ord. 1983-18 §6-9, 1983)

Area of Special Flood Hazard:

"Area of special flood hazard" means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area is designated as zone A, AO, AH, A1-30 on the FIRM. (Ord. 1983-18 §6-10, 1983)

Base Flood:

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any giver year. (Ord. 1983-18 §6-11, 1983)

Basement:

"Basement" means a story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half or more above grade. (Ord. 1990-5 §2.6, 1990: Ord. 1983-18 §6-12, 1983)

Bed and Breakfast Inn:

A facility with sleeping and dining accommodations designed for the motoring public within a single family dwelling, limited to a maximum of five bedrooms, with required parking to be located off-street. (Ord. 1990-5 §2.7, 1990)

Billboard:

"Billboard" means an outdoor advertisement making a message, material or service known, such advertisement being remote from point of sale of such material or service. (Ord. 1990-5 §2.8, 1990: Ord. 1983-18 §6-13, 1983)

Boardinghouse:

"Boardinghouse" means a building or portion thereof which is used to accommodate, for compensation, five or more boarders or roomers, not including members of the occupant's immediate family who might be occupying such building. (Ord. 1990-5 §2.9, 1990: Ord. 1983-18 §6-14, 1983)

Bond or Performance Bond:

"Bond" or "performance bond" means a bond or performance bond executed by a corporate surety company authorized to do and doing business in the state, or, in lieu thereof, a cashier's check or certified check of the owner made payable to the county, or a cash deposit with the county in lawful money of the government of the United States, to secure the performance of the agreement for which the bond or performance bond is required; provided, however, that no part of such cash deposit shall be released to the owner for any reason whatsoever until completion of the subdivision agreement and acceptance of all matters provided in this title by the county, and; provided further, that under no circumstances shall said words be construed to authorize or permit a personal bond or any security other than that described in this title. (Ord. 1983-18 §6-15, 1983)

Building:

"Building" means any structure having a single or common roof supported by columns or walls. The following definitions also relate to buildings:

"Building height" means the vertical distance from the grade to the highest point of the structure;

"Building line" means a line between any street right-of-way, either existing or future, and any building, parts of a building or structures which may be erected or altered on a lot, parcel or tract of land;

"Main building" means the principal building or one of the principal buildings upon a lot, or the building or principal buildings housing a principal use upon a lot;

"Public building" means a building owned and operated or owned and intended to be operated, by a public agency of the United States, of the state, or any of their subdivisions;

"Building site" means the ground area of a building or buildings, together with all open spaces which are required. (Ord. 1990-5 §2.10, 1990: Ord. 1983-18 §6-17, 1983)

Carport:

"Carport" means a permanent, roofed structure with not more than two enclosed sides and which is used or intended to be used for automobile shelter or storage. (Ord. 1990-5 §2.11, 1990: Ord. 1983-18 §6-18, 1983)

Casino:

"Casino" means any place where gaming is operated or maintained, except that "casino" shall not be construed to include any place devoted to slot machines only. (Ord. 1990-5 §2.12, 1990: Ord. 1983-18 §6-19, 1983)

Cemetery:

Any land used or intended to be used for the burial of the dead and may include columbariums, crematoriums, mausoleums and mortuaries when operated in conjunction with and within such boundary of such cemetery. (Ord. 1990-5 §2.13, 1990: Ord. 1983-18 §6-20, 1983)

Club:

"An association of persons, whether incorporated or unincorporated, for some common purpose but not including groups organized primarily to render a service carried on as a business and does not include labor union organizations or similar labor or business organizations. (Ord. 1990-5 §2.14, 1990: Ord. 1983-18 §6-21, 1983)

Condominium:

An estate in real property consisting of an undivided interest in common in portions of real property together with a separate interest in space in a residential, industrial or commercial building or industrial and commercial building on such real property, such as, but not restricted to, an apartment, office or store. A condominium may include in addition a separate interest in other portions of such real property as defined in Nevada Revised Statutes Section 117.010. (Ord. 1983-18 §6-23, 1983)

Convalescent Home:

Any building used or maintained to provide nursing, dietary and other personal services to convalescents, invalids, aged or infirm persons, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatments such as those customarily provided in sanitariums and hospitals. (Ord. 1990-5 §2.15, 1990: Ord. 1983-18 §6-24, 1983)

County Representative:

Refers to, the county engineer or his designated representative. (Ord. 1983-18 §6-25, 1983)

Cul-de-sac:

Short dead end street terminating in a vehicular turnaround area within a proposed subdivision. (Ord. 1983-18 §6-26, 1983)

Dairy:

Any premises on which three or more cows or goats are kept for the commercial production or sale of milk and dairy products. (Ord. 1990-5 §2.16, 1990: Ord. 1983-18 §6-27, 1983)

Design Standards:

Design standards providing certain minimum construction standards, methods of construction, kind and use of materials, the preparation of lands for construction of streets, alleys, structures, drainage, sewerage, street lighting and water supply facilities within the county. (Ord. 1983-18 §6-28, 1983)

Development:

Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. (Ord. 1983-18 §6-29, 1983)

Dwelling:

A building or portion thereof designed or used exclusively for residential occupancy including one-family, manufactured units and multiple-family dwellings, but not including hotels, motels, boardinghouses. The following definitions also apply to dwellings:

"Dwelling unit" means one or more rooms and a single kitchen in a dwelling or apartment hotel, designed as a unit for occupancy by not more than one family for living or sleeping purposes, and not having more than one kitchen or set of fixed cooking facilities, whether or not designed for use of occupants such as janitors, caretakers, servants or guests.

"One-family dwelling" means any detached building containing only one dwelling unit.

"Multiple-family dwelling" means a building containing two or more dwelling units.

"Group dwelling" means one or more buildings containing dwelling units arranged around two or more sides of a court. (Ord. 1990-5 §2.17, 1990: Ord. 1983-18 §6-30, 1983)

Engineer:

Any person or persons, firm, partnership or corporation who is employed as a consultant by the owner and legally authorized to practice engineering in the state in accordance with Chapter 615 of Nevada Revised Statutes. (Ord. 1983-18 §6-31, 1983)

Existing Mobile Home Park or Mobile Home Subdivision:

"Existing mobile home park or mobile home subdivision" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of the ordinance codified in this title. (Ord. 1983-18 §6-32, 1983)

Expansion to an Existing Mobile Home Park or Mobile Home Subdivision:

"Expansion to an existing mobile home park or mobile home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). (Ord. 1983-18 §6-33, 1983)

Family:

"Family" means an individual, or two or more persons related by blood or marriage or legal adoption, or an unrelated group of not more than five persons, other than domestic employees, living together as a single housekeeping unit in a dwelling unit. (Ord. 1990-5 §2.18, 1990: Ord. 1983-18 §6-34, 1983)

Final Map:

"Final map" means a map prepared in accordance with the provisions of Nevada Revised Statutes Sections 278.010 through 278.630, inclusive. (Ord. 1983-18 §6-35, 1983)

Flood or Flooding:

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

The overflow of inland or tidal waters; and/or

The unusual and rapid accumulation of runoff of surface waters from any source.

(Ord. 1983-18 §6-36, 1983)

Flood Boundary and Floodway Map:

"Flood Boundary and Floodway Map" means the office map on which the Federal Insurance Administration has delineated both the areas of flood hazard and the floodway. (Ord. 1983-18 §6-37, 1983)

Flood Insurance Rate Map (FIRM):

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. (Ord. 1983-18 §6-38, 1983)

Flood Insurance Study:

"Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes, flood profiles, the FIRM, the Flood Boundary Floodway Map, and the water surface elevation of the base flood. (Ord. 1983-18 §6-39, 1983)

Flood Proofing:

"Flood proofing" means any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real property. (Ord. 1983-18 §6-40, 1983)

Flood-Related Erosion:

"Flood-related erosion" means a condition that exists in conjunction with a flooding event that alters the composition of the shoreline or bank of a watercourse. One that; increases the possibility of loss due to the erosion of land area adjacent to the shoreline or watercourse. (Ord. 1983-18 §6-41, 1983)

Gambling Establishment (gaming):

"Gambling establishment" means any place where gaming is operated and maintained. "Gaming" means and includes all games of chance or devices and any slot machines played for money or for checks or tokens redeemable in money, except, for the purpose of this title only, "gaming" shall not be construed to include slot machines when such slot machines are operated incidental to or accessory to the conduct of a business permitted under the provisions of this title. (Ord. 1990-5 §2.19, 1990: Ord. 1983-18 §6-42, 1983)

Garage, Private:

"Private garage" means a detached accessory building or a portion of a main building designed or used for the parking or temporary storage of automobiles owned and used by the occupants of the premises. (Ord. 1990-5 §2.20, 1990: Ord. 1983-18 §6-43, 1983)

Garage, Public:

"Public garage" means any building or portion thereof, other than a private garage, designed or used for; servicing, repairing, equipping, hiring, selling or storing of motor-driven vehicles. (Ord. 1990-5 §2.21, 1990: Ord. 1983-18 §6-44, 1983)

Grade:

"Grade" (ground level) is the average of the finished ground level at the center of all walls or foundation of a building or structure. (Ord. 1990-5 §2.22, 1990: Ord. 1983-18 §6-45, 1983)

Guestroom:

"Guestroom" means any room in a hotel, dormitory, boardinghouse, or home for the aged, used and maintained to provide sleeping accommodations. (Ord. 1990-5 §2.23, 1990: Ord. 1983-18 §6-46, 1983)

Habitable Floor:

"Habitable floor" means any floor usable for living purposes, which includes working, sleeping, eating, or the combination thereof. For flood insurance purposes, "habitable floor" and "lowest floor" will share the same definition. (Ord. 1983-18 §6-47, 1983)

Hazard Mitigation Plan:

"Hazard mitigation plan" means a plan that incorporates a process whereby the potential of future loss due to flooding can be minimized by planning and implementing alternatives to floodplain development community-wise. (Ord. 1983-18 §6-48 1983)

Highest Grade:

"Highest grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (Ord. 1983-18 §6-49, 1983)

Hog Ranch:

"Hog ranch" means any premises used for the commercial raising of hogs. (Ord. 1990-5 §2.24, 1990: Ord. 1983-18 §6-50, 1983)

Home Occupation:

"Home occupation" means an occupation carried on by the resident of a dwelling as a secondary use in connection with which there is no person employed, no sounds audible beyond the premises, no display and no advertising, no stock in trade or commodity sold upon the premises, and no mechanical equipment used except such as is necessary for housekeeping purposes. Clinics, hospitals, barbershops, beauty salons, business offices and professional offices shall not be deemed home occupations. (Ord. 1990-5 §2.25, 1990: Ord. 1983-18 §6-51, 1983)

Hospital:

"Hospital" means any building or portion thereof used for the accommodation and medical care of sick, injured or infirmed persons, including sanitariums, institutions for the treatment of substance abusers and/or mental patients, rest homes, homes for the aged. (Ord. 1990-5 §2.26, 1990: Ord. 1983-18 §6-52, 1983)

Hotel:

"Hotel" means any building or group of buildings, designed for, or occupied as the, more or less, temporary abiding place of individuals who are lodged with or without meals in which there are six or more guest-rooms, and in which no provision is made for cooking in any individual room or suite. (Ord. 1990-5 §2.27, 1990: Ord. 1983-18 §6-53, 1983)

Junkyard:

"Junkyard" means the use of any lot, portion of a lot or tract of land for the storage, keeping, sale or abandonment of junk, including scrap metals and other scrap material; also, that which is for the dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts thereof. (Ord. 1990-5 §2.28, 1990: Ord. 1983-18 §6-54, 1983)

Lot:

"Lot" means a parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as required by this title, having frontage upon a street or private easement. A lot may be land so recorded on a plat of record, or considered as a unit of property and described by metes and bounds, and which may include parts of or a combination of such lots, when adjacent to one another, providing such grounds are used for one improvement. All lots shall front on or have ingress or egress by means of an officially approved public right-of-way. The following definitions also apply to lots:

"Corner lot" means a lot abutting two intersecting streets, where the interior angle or intersection does not exceed one hundred thirty-five degrees.

"Front lot line" means the property line dividing a lot from a street. On a corner lot only one street line shall be considered as a front line and the shorter street frontage shall be considered the front lot line.

"Interior lot" means a lot other than a corner lot.

"Lot area" means the total horizontal area within the lot.

"Rear lot line" means the property line opposite the front lot line.

"Side lot line" means any lot boundary not a front lot line or a rear lot line.

"Through lot" means a lot having frontage on two parallel or approximately parallel streets.

"Width of lot" means the horizontal distance between the side lot lines measured at right angles to the lot depth at the front yard setback line. The street frontage of a lot shall be at least eighty percent of the required width. (Ord. 1990-5 §2.29, 1990: Ord. 1983-18 §6-55, 1983)

Manufactured Building:

"Manufactured building" includes any modular building or any building constructed using one or more modular components, but does not include a recreational park trailer. (Ord. 1990-5 §2.30, 1990)

Manufactured home means a structure which is:

Built on a permanent chassis;

Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;

Transportable in one or more sections, and

Eight feet or more in body width or 40 feet or more in body length when transported, or , when erected on site, contains 320 square feet or more

The term includes:

The plumbing, heating air-conditioning and electrical systems of the structure,

Any structure:

Which meet the requirements of Paragraphs a to c, inclusive of subsection 1, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Urban Development and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq; or

Built in compliance with the requirements of chapter 461 of N.R.S.

Map of Division into Large Parcels:

"Map of division into large parcels" means a division of land into parcels not less than forty acres not greater than six hundred forty acres as defined by Nevada Revised Statutes Sections 278.01. to 278.630, inclusive, as amended. (Ord. 1983-18 §6-56, 1983)

Mobile Home:

"Mobile home" has the same meaning as a "manufactured home". It does not include recreational vehicles, travel trailers or manufactured unit housing on permanent slab foundations. (Ord. 1990-5 §2.31, 1990: Ord. 1983-18 §6-57, 1983)

Mobile Home Park:

"Mobile home park" means any plot of ground upon which two or more mobile homes occupied for dwelling or sleeping purposes are located regardless of whether or not a charge is made for such accommodation. (Ord. 1990-5 §2.32, 1990: Ord. 1983-18 §6-58, 1983)

Mobile Home Space:

"Mobile home space" means a plot of ground within a mobile home park designed for the accommodation of one mobile home. (Ord. 1990-5 §2.33, 1990: Ord. 1983-18 §6-59, 1983)

Modular Building:

Modular Building means an office, apartment, school, motel or other building, whether it is a total building or room, which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with regulations of the building department or the Nevada Manufactured Housing Division pursuant to NRS 461.170, but does not include a mobile home or recreational park trailer.

Motel:

"Motel" means a building or group of attached or detached buildings containing individual sleeping or living units, designed for or used temporarily by automobile tourists or transients with garage or parking space conveniently located to each unit, including tourist courts, auto courts, or motor lodges. (Ord. 1990-5 §2.34, 1990: Ord. 1983-18 §6-60, 1983)

Motorized Home:

"Motorized home" means a portable home designed and constructed as an integral part of a self-propelled vehicle. (Ord. 1983-18 §6-61, 1983)

New Construction:

"New construction" means structures for which the "start of construction" commenced on or after the effective date of the ordinance codified in this title. (Ord. 1983-18 §6-62, 1983)

New Mobile Home Park or Mobile Home Subdivision:

"New mobile home park" or "mobile home subdivision" means a parcel, or contiguous parcels, of land divided into two or more mobile home lots for rent or sale for which the construction of facilities or servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of the ordinance codified in this title. (Ord. 1983-18 §6-63, 1983)

Non-conforming Building or Structure:

"Non-conforming building or structure" means a building or structure or portion thereof, lawfully existing at the time the ordinance, or amendments thereto, codified in this title take effect, and which does not conform to all the height, area and yard regulations prescribed in the zone in which it is located. (Ord. 1990-5 §2.35, 1990: Ord. 1983-18 §6-64, 1983)

Non-conforming Use:

"Non-conforming use" means areas lawfully occupied by a building or land use at the time the ordinance, or amendments thereto, codified in this title take effect, and which does not conform with the use regulations of the zone in which it is located. (Ord. 1990-5 §2.36, 1990: Ord. 1983-18 §6-65, 1983)

Open Space:

"Open space" means land areas which are not occupied by buildings, structures, streets, alleys, excepting, however, approved landscape features and active recreation facilities, when developed in accordance with this title. (Ord. 1983-18 §6-66, 1983)

Owner:

"Owner" is an individual, firm, association, syndicate, co partnership or corporation, having sufficient proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the same under this title and while used here in the masculine gender and singular number it means the feminine and neuter gender and plural number whenever required. (Ord. 1983-18 §6-67, 1983)

Parcel Map:

"Parcel map" is a division of land into four or fewer parcels for the purpose of transfer of development as provided in Nevada Revised Statutes Sections 278.461 to 278.469, inclusive. (Ord. 1983-18 §6-68, 1983)

Parking Lot, Public:

"Public parking lot" means an open area, other than a street, used for the parking of more than four automobiles and available for public use, whether free, for compensation or as an accommodation for clients or customers. (Ord. 1983-18 §6-69, 1983)

Parking Space:

"Parking space" means a space within a building, lot or parking lot for the parking or storage of one automobile. The space shall not be less than a nine-foot by eighteen-foot area, exclusive of drives, streets, alleys or aisles giving ingress and egress thereto. (Ord. 1990-5 §2.37, 1990: Ord. 1983-18 §6-70, 1983)

Pedestrian Way:

"Pedestrian way" is a pedestrian walkway located within the interior of a block and shall be constructed on a dedicated right-of-way. (Ord. 1983-18 §6-71, 1983)

Planned Development Unit:

"Planned development unit" means a tract of land which is developed as an integrated unit under single ownership or control, which includes two or more principal buildings, and where the specific requirements of a given district may be modified, and where the minimum area is affixed. (Ord. 1983-18 §6-72, 1983)

Print:

"Print" means a blueprint, photostat, direct process print or other copy which reproduces exactly the original drawing from which it is made. (Ord. 1983-18 §6-73, 1983)

Professional Office:

"Professional office" means a building containing one or more offices in which there is no display of stock or wares in trade, commodity sold, nor any commercial use conducted other than the professional offices of a doctor, dentist, lawyer, architect, landscape architect, engineer, minister of religion, insurance agent, realtor or other similar professional services; but shall not include barbershops, beauty salons, nor similar services. (Ord. 1990-5 §2.38, 1990: Ord. 1983-18 §6-74, 1983)

Recreational Park Vehicle:

Recreational Park Vehicle means a vehicle which is primarily designed to provide temporary sleeping quarters for recreational, camping or seasonal use and which:

Is built on, a single chassis mounted on wheels.

Has a gross trailer area not exceeding 400 square feet in the set-up mode, and

3. Is certified by the manufacturer as complying with Standard No. A119.5 of the American National Standards Institute. NRS 482.1005

Recreational Vehicle:

"Recreational vehicle" means a vehicular-type unit primarily designed as temporary living quarters for travel, recreational or camping use, which may be self propelled, mounted upon or drawn by, a motor vehicle. The term includes a recreational park trailer. (Ord. 1990-5 §2.39, 1990: Ord. 1983-18 §6-75, 1983) NRS 482.101

Recreational Vehicle Park:

"Recreational Vehicle Park" means a campground or other facility, any portion of which is rented or held out for rent to accommodate recreational vehicles. NRS 109.2678 (Ord. 1990-5 §2.40, 1990: Ord. 1983-18 §6-76, 1983)

Residential Density:

"Residential density" means the number of residential dwelling units occupying a given land area. Expressed in terms of, either dwelling units per gross acre of land or dwelling units per net acre of land area. (Ord. 1983-18 §6-77, 1983)

Rest Home:

"Rest home" means any building used or maintained to provide nursing, dietary and other personal services to convalescents, invalids, aged or infirm persons, but excluding cases of contagious or communicable diseases, and excluding surgery or primary treatments such as those customarily provided in sanitariums and hospitals. (Ord. 1990-5 §2.41, 1990: Ord. 1983-18 §6-78, 1983)

Sand Dunes:

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach. (Ord. 1983-18 §6-79, 1983)

Sanitarium:

"Sanitarium" means a building or institution for the recuperation and treatment of persons with physical or mental disorders. (Ord. 1990-5 §2.42, 1990: Ord. 1983-18 §6-80, 1983)

Sidewalk:

"Sidewalk" means a pedestrian walkway located between the curb and property line. (Ord. 1983-18 §6-81, 1983)

Sign:

"Sign" means any device and all parts thereof which are used to advertise products, goods, services, or otherwise promote the sale of objects or identify objects for sale. (Ord. 1990-5 §2.43, 1990: Ord. 1983-18 §6-82, 1983)

Start of Construction:

"Start of construction" means the first placement of concrete for permanent construction of a structure on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed. (Ord. 1983-18 §6-83, 1983)

Story:

"Story" means the space within a building included between the surface of any floor and the surface of the ceiling next above. (Ord. 1990-5 §2.44, 1990: Ord. 1983-18 §6-84, 1983)

Street:

"Street" means a thoroughfare which has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare which has been made public by right of use and which affords the principal means of access to abutting property. (Ord. 1990-5 §2.45, 1990: Ord. 1983-18 §6-85, 1983)

Structure:

"Structure" means any building, fence, tower, edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite form which requires location on the ground or is attached to something having a location on the ground. (Ord. 1990-5 §2.46, 1990: Ord. 1983-18 §6-86, 1983)

Sub divider:

"Sub divider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this title to effect a subdivision of land under this title for himself or for another and while used here in the masculine gender and singular number, it means and includes the feminine or neuter gender and plural number whenever required. "Sub divider" means, further, any person or persons, firm, corporation, partnership or association who proposes to divide any land into two or more lots, parcels, sites, units, plots or interest for transfer or development, whether immediate or future. (Ord. 1983-18 §6-87, 1983)

Subdivision:

"Subdivision" means any land or portion thereof which is a unit or a contiguous unit which is divided for the purpose of sale, lease or transfer, whether immediate or future, or being divided or split off as sold into five or more parcels or less than five acres each within any one calendar year unless exempted by those provisions contained in Nevada Revised Statutes Section 278-320. (Ord. 1983-18 §6-88, 1983)

Substantial Improvement:

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure either:

Before the improvement or repair is started; or

If the structure has been damaged and is being restored before the damage occurred. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

This term does not, however, include either:

Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places. (Ord. 1983-18 §6-89, 1983)

Surveyor:

"Surveyor" means a person who is employed by the owner and is currently licensed as a land surveyor in accordance with Chapter 624 of Nevada Revised Statutes. (Ord. 1983-18 §6-90, 1983)

Tentative Map:

"Tentative map" means a map in accordance with the Nevada Planning Act made for the purpose of showing the design of a proposed subdivision and existing conditions in and around it and need not be based on an accurate, or detailed final survey of the land. (Ord. 1983-18 §6-91, 1983)

Townhouse:

"Townhouse" means an arrangement of single-family dwellings separate or joined by common walls on not more than two opposite sides with the uppermost story being a portion of the same dwelling located directly beneath at the grade or first floor level and having exclusive individual ownership and occupant rights of each dwelling unit including, but not limited to, the land area directly beneath the dwelling. (Ord. 1983-18 §6-92, 1983)

Travel Trailer:

"Travel trailer" means a portable vehicle built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses. When factory-equipped for the road, it shall have a body width of not more than eight feet and a body length of not more than forty feet. (Ord. 1990-5 §2.47, 1990: Ord. 1983-18 §6-93, 1983)

Usable Common Open Space:

"Usable common open space" means open space which is suitably located and improved for common recreational purposes and accessible to each lot or dwelling within a development through a system of public or private walkways. Such walkways may abut a private or dedicated right-of-way. (Ord. 1983-18 §6-94, 1983)

Usable Private Open Space:

"Usable, private open space" means open space which is designed and maintained for sole and exclusive use of the occupants of not more than one dwelling unit and may include private patio areas. (Ord. 1983-18 §6-96, 1983)

Use:

"Use" means the purpose for which land or building is arranged, designed or intended, or for which it is or may be occupied or maintained. (Ord. 1990-5 §2.48, 1990: Ord. 1983-18 §6-97, 1983)

Variance:

"Variance" means a grant of relief from the development standards of this title which permits construction in a manner that would otherwise be prohibited by this title. (Ord. 1983-18 §6-98, 1983) Avariance does not include waivers to area or use requirements for a zoning district.

Yard:

"Yard" means an open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title. The following definitions also apply to yards:

"Front yard" means an open space on the same lot with a building extending between the front line of the building and the front lot line and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and the nearest exterior wall of the building, the front of a bay window or the front of a covered porch, or other similar projections, whichever is nearest the front lot line.

"Rear yard" means an open space extending across the full width of the lot between the most rear main building and the rear lot line. The depth of the required rear yard shall be measured horizontally from the nearest part of a main building toward the nearest point of the rear lot line.

"Side yard" means an open space between the main building and the side lot line and extending from the front yard to the rear yard. (Ord. 1990-5 §2.49, 1990: Ord. 1983-18 §6-99, 1983)

ARTICLE D: ADMINISTRATION

PLANNING COMMISSION AND APPEALS BOARD

13-5-1 Creation.

The board of county commissioners creates a county planning commission to be known as the "Lincoln County Planning Commission." (Ord. 1983-18 §7-1, 1983)

13-5-2 Membership.

The county planning commission shall be comprised of seven members appointed by the board of county commissioners. The board shall appoint at least one member who resides in each of the unincorporated towns and the city of Caliente. (Ord. 1983-18 §7-2, 1983)

13-5-3 Appointment, Compensation, Term, Removal and Vacancies.

Matters regarding appointment, compensation, term, removal, and vacancies shall be in compliance with the provisions of Nevada Revised Statutes Section 278.040. (Ord. 1983-18 §7-3, 1983)

13-5-4 Powers and Duties.

The county planning commission may exercise powers and duties as prescribed and governed by Nevada Revised Statutes Section 241.010 et seq., Section 278, and this title. In addition the planning commission is granted the power, by this title, to take final action on both tentative and final parcel maps, plat amendments, surveys; special use permits, zoning variances and conditional use permits. Additionally the planning director is authorized to grant a deviation of less than 10 percent from requirements for land use established with a zoning district without conducting a hearing, per NRS 278.319. (Ord. 1983-18 §7-4, 1983)

ARTICLE D-1

APPEALS BOARD

13-5-5 Creation.

In Accordance with NRS278.3195 an appeals board consisting of the board of county commissioners is hereby created. The appeals board, upon application and payment of a fee by the applicant, in an amount equal to the fee paid for the original action, will consider the appeal of an aggrieved person by a decision of the planning commission.

CHAPTER 3: ZONING

ARTICLE A: GENERAL PROVISIONS

13-6-1 Title.

This division shall be known as and may be cited as the "Zoning Ordinance of Lincoln County, Nevada."
(Ord. 1990-5 §1.0, 1990)

13-6-2 General Purpose.

An official land use zoning ordinance for the county is adopted and established to serve the public health, safety, comfort, convenience and general welfare; to provide the economic and social advantages resulting from an orderly planned use of land and water resources; to encourage, guide and provide for the future growth and development of the county; and to implement the goals, objectives, policies and proposals of the county master plan. (Ord. 1990-5 §1.1, 1990)

13-6-3 Authority.

The county is authorized by law to regulate the zoning of land by Section 278.250 of the Nevada Revised Statutes. This division is adopted pursuant to Chapter 278. (Ord. 1990-5 §1.2, 1990)

13-6-4 Interpretation and Conflict.

In their interpretation and application, the provisions of this division shall be held to be minimum requirements. Wherever the requirements of this division are at variance with the requirements of any other lawfully adopted rules, regulations, restrictions or ordinances, the most restrictive, or that imposing the higher standards, shall govern. (Ord. 1990-5 §1.3, 1990)

ARTICLE B: ZONING MAPS

13-7-1 Official Zoning Map.

- A. The county is divided into zones, or districts, as shown on the official zoning map which, together with all explanatory matter thereon, is adopted by reference and declared to be a part of this title.
- B. The official zoning map shall be identified by the signature of the chairman of the board of county commissioners attested by the county clerk and bearing the seal of the county under the following words: "This is to certify that this is the Official Zoning Map referred to in Chapter 3, of the Lincoln County Code; State of Nevada" together with the date of adoption. (Ord. 1990-5 §3.0, 1990)

13-7-2 Area Zoning Maps.

For convenience and identification, the official zoning map may be divided into separate maps having a scale different than the official zoning map. The classifications and boundaries of said zones shall be determined and delineated in accordance with the official zoning map if such area map is an enlargement of the official zoning map. When an area zoning map is created and not based upon the delineations of the official zoning map, a public hearing will be held for each area covered as provided in Chapter 13-7 prior to adoption of the map. Upon such adoption, regulations governing said zones shall become effective. Each area zoning map shall be certified in the manner specified for the official zoning map in Section. 13-7-1 (Ord. 1990-5 §3.1, 1990)

13-7-3 Changes of Official and Area Zoning Maps

- A. In accordance with the provisions of this division, if changes are made in zone district boundaries or other matters portrayed on the official or area zoning map, such changes shall be entered on the official or area zoning map promptly after the amendment has been approved by the planning commission with an entry on the official or area zoning map indicating the name of the property owner and date of re-zoning, which entry shall be signed by the chairman of the board of county commissioners and attested by the county Clerk.
- B. Regardless of the existence of purported copies of the official and area zoning maps which may from time to time be made or published, the official and true area zoning maps shall be located in the office of the county clerk and shall be the final authority as the current zoning status of land and water area, building and other structures in the county. (Ord. 1990-5 §3.2, 1990)

13-7-4 Rules For Interpretation of District Boundaries.

Where uncertainty exists as to the boundaries of districts as shown on the official and area zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following plotted lines, section lines, quarter section lines or city limits shall be construed as following such lines;
- B. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;
- C. In un-subdivided property or where a zone boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map;
- D. In case any uncertainty exists, the planning commission shall determine the location of the boundaries. (Ord. 1990-5 §3.3, 1990)

CHAPTER C: ZONING DISTRICTS

13-8-1 Zoning Districts Listed.

In order to classify, regulate and segregate the use of land, buildings and structures, and to regulate and restrict the height and bulk of buildings, the unincorporated territory of the county is divided into several classes of zoning districts to be known as follows:

- A. R1 Single-family residential;
- B. RM Multiple-family residential;
- C. RR Rural residential;
- D. C1 Limited commercial;
- E. C2 General commercial;
- F. M1 Light manufacturing;
- G. M2 Heavy manufacturing;
- H. SID Special industrial district;
- I. Agricultural;
- J. OS Open space;
- K. MHP Mobile home park; T Mobile home;
- L. HD Historic design. (Ord. 1990-5 §4.0, 1990)

13-8-2 Application of Zoning District Regulations.

The regulations set by this division within each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

- A. No building, or other structure, shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all regulations specified in this division for the zoning district in which it is located.
- B. No building or other structure shall hereafter be erected or altered:
 - 1. To exceed the height or bulk;
 - 2. To accommodate or house a greater number of families;
 - 3. To occupy a greater percentage of lot area;
 - 4. To have narrower or smaller rear yards, front yards, side yards or other open spaces than required by this division, or in any other manner contrary to the provisions of this division.
- C. No part of a yard, other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this division shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of the ordinance codified in this division shall be reduced in dimension or area below the minimum requirements set forth in this division. Yards or lots created after the effective date of the ordinance codified in this division shall meet at least the minimum requirements established by this division. (Ord. 1990-5 §4.1, 1990)

R1 SINGLE-FAMILY RESIDENTIAL DISTRICT

13-8-3 Purpose and Intent.

The single-family residential district is established to provide for the development of single-family residential use and to prohibit the development of incompatible uses that are detrimental to the residential environment. (Ord. 1990-5 §5.0, 1990)

13-8-4 Uses Permitted.

In an R1 single-family residential district, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended or designed for the following uses:

- A. One single-family dwelling of a permanent character in a permanent location with each residence on its own lot or parcel of land including all required yard areas;
- B. Accessory uses, buildings and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use;
- C. Home occupations;
- D. Agricultural and horticultural uses for domestic purposes;
- E. Poultry, rabbits or similar small fowl and animals raised for food or scientific purposes, provided not more than twelve of any one or combination of such animals may be maintained on one lot. The keeping of such fowl or animals shall conform to all other provisions of law governing the same, and no fowl or animals, nor any pen or coop, shall be kept or maintained within twenty feet of any window or door of any residence, dwelling or other building used for human habitation, or within sixty feet of the front property line upon which it is located. (Ord. 1990-5 §5.1, 1990)
- F. Manufactured homes subject to the following requirements:
- G. Any manufactured home must have a manufacture date after 1980, and must pass a safety inspection by a certified building inspector. A manufactured home must have an application for conversion to real property filed with the County Assessors Office prior to issuance of a Certificate of Occupancy.
- H. Any manufactured home located on a lot shall comply with all United States of America Department of Housing Urban and Development standards in effect for the year of the manufacture of the mobile home in addition to the requirements of any other state or county regulation.
- I. A manufactured home shall be placed on a permanent foundation, consistent with the, Lincoln County Building Code and the International Building Code.
 1. The manufactured home shall:
 - a. Be permanently affixed to a residential lot.
 - b. Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the immediate vicinity of the manufactured home; as established by the governing body.
 - c. Consist of at least nine hundred and fifty (950) square feet of living area.
 - d. If the manufactured home has an elevated foundation, the foundation is to be masked architecturally by raising the adjacent ground elevation to within eight inches of the finish floor elevation as viewed from the street, or by other methods approved by the building department.
- J. Before the building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the Certificate of Ownership to the Manufactured Housing Division of The Department of Business and Industry. The division shall provide proof of surrender to the owner who must submit that proof to the building department.

- K. 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 and complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district. (Added to NRS by 1999, 3464; A2001,119,1964)
- L. As used in this section:
 - a. "Manufactured home" has the meaning ascribed to it in this ordinance and NRS 489.113.
 - b. "New manufactured home" has the meaning ascribed to it in NRS 489.125.

13-8-5 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit as provided for in Chapter 13-2:

- A. Additional single-family dwellings at the rate of one dwelling unit for each additional six thousand (6000) square feet of lot area available, provided that there shall be a minimum of ten feet between dwellings;
- B. Bed and breakfast inns;
- C. Child daycare nursery when five or more children will be cared for;
- D. Churches and the facilities which are normally accessory to a religious use.

13-8-6 Building Height.

Two and one-half stories and not to exceed thirty-five feet. Accessory building to not exceed fifteen feet.(Ord. 1990-5 §5.3, 1990)

13-8-7 Front Yard.

There shall be a front yard of not less than twenty-five feet, unless modified by Section 13-9 (Ord. 1990-5 §5.4, 1990)

13-8-8 Side Yard.

There shall be a side yard on each side of a main building of not less than five feet, except that on a street side of a corner lot there shall be a side yard of not less than ten feet, unless modified by Chapter 17.12.080. (Ord. 1990-5 §5.5, 1990)

13-8-9 Rear Yard.

There shall be a rear yard behind every main building of not less than ten feet. (Ord. 1990-5 §5.6, 1990)

13-8-10 Lot Area and Width Requirements.

The minimum lot size shall be six thousand (6000) square feet. Each lot shall have a minimum width of fifty (50) feet. Where an existing lot has less area than required by this section and was recorded prior to the date of the adoption of the ordinance codified in this division, the lot may be occupied by not more than one dwelling. (Ord. 1990-5 §5.7, 1990)

13-8-11 Distance between Buildings on Same Lot.

- A. There shall be a minimum distance of six feet between accessory buildings. (Ord. 1990-5§5.8, 1990)
- B. There shall be a minimum distance of six feet between a building used for dwelling purposes and accessory buildings.

RM- MULTIPLE-FAMILY RESIDENTIAL DISTRICT

13-8-12 Purpose and Intent.

The RM multiple-family residential district is established to provide for the development of medium or higher density residential use and to prohibit the development of incompatible uses that are detrimental to the residential environment. (Ord. 1990-5 §6.0, 1990)

13-8-13 Uses Permitted.

In an RM multiple-family residential district, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended or designed for the following uses:

- A. Any use permitted in the R1 single-family residential district, except manufactured homes;
- B. Multiple-family dwellings;
- C. Multiple-family dwelling groups;
- D. Churches and the facilities which are normal accessory to a religious use;
- E. Accessory uses, buildings and structures, with construction permits as needed, if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use;
- F. One sign of not to exceed twenty square feet in area containing only the name of the Complex and/or advertising the complex for lease or rent, located not closer than ten feet to adjoining premises and not closer than five feet to a street line. (Ord. 1990-5 §6.1, 1990)
- G. Manufactured homes are not permitted unless specifically factory designed for use as a
- H. Multi-family residence, and must conform to manufactured home requirements of Section 13-8-4, including conversion to real property.

13-8-14 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit in each case as provided for in Chapter 13-11

- A. Apartment hotels;
- B. Bed and breakfast inns;
- C. Child daycare nursery when five or more children will be cared for;
- D. Boardinghouses and rooming houses;
- E. Lodge halls. (Ord. 1990-5 §6.2, 1990)

13-8-15 Building Height.

Two and one-half stories and not to exceed thirty-five feet. Accessory buildings to not exceed fifteen feet. (Ord. 1990-5 §6.3, 1990)

13-8-16 Front Yard.

There shall be a front yard of not less than fifteen feet, unless modified by Section 17.12.170. (Ord. 1990-5 §6.4, 1990)

13-8-17 Side Yard.

There shall be a side yard on each side of a main building of not less than five feet, except that on a street side of a corner lot there shall be a side yard of not less than ten feet, unless modified by Section. 13-9 (Ord. 1990-5 §6.5, 1990)

13-8-18 Rear Yard.

There shall be a rear yard behind every main building of not less than ten feet. (Ord. 1990-5 §6.6, 1990)

13-8-19 Lot Area and Width Requirements.

The minimum lot area shall be six thousand square feet. Each lot shall have a minimum width of fifty feet. The minimum lot area per dwelling unit shall be two thousand square feet. When a lot has less area than required by this section and was recorded prior to the adoption of the 1990 ordinance codified in this division, the lot may be occupied by not more than one dwelling unit for each two thousand square feet of lot area contained within the lot. (Ord. 1990-5 §6.7, 1990)

13-8-20 Distance between Buildings on Same Lot.

- A. There shall be a minimum distance of ten feet between buildings used for dwelling purposes.
- B. There shall be a minimum distance of six feet between a building used for dwelling purpose and an accessory building.
- C. There shall be a minimum distance of six feet between accessory buildings. (Ord. 1990- 5 §6.8, 1990)

RR- RURAL RESIDENTIAL DISTRICT

13-8-21 Purpose and Intent.

The rural residential district is established for areas particularly suited for low density residential use and to the raising of crops and a limited number of animals for noncommercial purposes. (Ord. 1990-5 §7.0, 1990)

13-8-22 Uses Permitted.

In an RR rural residential district, land may be used and buildings and structures may be erected, maintained and used if they are arranged, intended or designed for the following uses:

- A. One single-family dwelling of a permanent character in a permanent location with each residence in its own lot or parcel of land including all required yard areas;
- B. Accessory uses, buildings and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use;
- C. Home occupations;
- D. Agricultural and horticultural uses for domestic purposes;
- E. Poultry, rabbits or similar small fowl and animals raised for food or scientific purposes, provided not more than twenty of any one or combination of such animals may be maintained on one lot. The keeping of such fowl or animals shall conform to all other provisions of law governing the same, and no fowl or animals, nor any pen or coop, shall be kept or maintained within twenty feet of any window or door of any residence, dwelling or other building used for human habitation, or within one hundred feet of the front property line upon which it is located;
- F. Keeping of bovine, sheep, goats and horses under ownership of the resident occupant of the lot; provided, that any combination of such animals on any one lot shall be limited to one animal for every one-quarter acre of lot area, unless otherwise modified in Section 13-9 The keeping of such animals shall conform to all other provisions of law governing the same, and no animal, nor any stable, barn or corral, shall be kept or maintained within fifty feet of any dwelling or other building used for human habitation or within one hundred feet of the front line of the lot upon which it is located. There shall be no killing or dressing of any such animals for commercial purposes. The keeping of pigs and/or hogs is prohibited. (Ord. 1990-5 §7.1, 1990)
- G. Manufactured homes subject to the following requirements:
 1. Any manufactured home must have a manufacture date after 1980, and must pass a safety inspection by a certified building inspector. A manufactured home must have a Conversion to Real Property application filed with the County Assessors Office prior to issuance of a Certificate of Occupancy.
 2. Any manufactured home located on a lot shall comply with all United States of America Department of Housing Urban and Development standards in effect for the year of the manufacture of the mobile home in addition to the requirements of any other state or county regulation.
 3. Any manufactured home shall be placed on a permanent foundation consisted with the Lincoln County Building Code and the International Building Code. The manufactured home must be:
 - a. The manufactured home must be:
 - b. Be permanently affixed to a residential lot.
 - i. Have exterior siding and roofing which is similar in color, material and appearance to the exterior siding and roofing primarily used on other single-family residential dwellings in the vicinity of the manufactured home, as established by the governing body.

- ii. Consist of at least nine hundred and fifty (950) square feet of living area.
- 4. If the manufactured home has an elevated foundation, the foundation is to be masked architecturally by raising the adjacent ground elevation to within eight inches of the building ground floor elevation as viewed from the street, or by methods approved by the building department.
- H. Before a building department issues a permit to place a manufactured home on a lot pursuant to this section, other than a new manufactured home, the owner must surrender the Certificate of Ownership to the Manufactured Housing Division of the Department of Business and Industry. The Division shall provide proof of surrender to the owner who must submit that proof to the building department.
- I. 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.
- J. As used in this section:
 - 1. "Manufactured home: has the meaning ascribed to it in NRS 489.113.
 - 2. "New manufactured home" has the meaning as ascribed to it in NRS 489.125. (Added to NRS by 1999, 3464; A2001,119, 1964)

13-8-23 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit as provided in Chapter 13-9:

- A. Bed and breakfast inns;
- B. Child daycare nursery when five or more children will be cared for;
- C. Churches and the facilities which are normally accessory to a religious use;
- D. Riding and boarding stables with a minimum land area of five acres.

13-8-24 Building Height.

Two and one-half stories and not to exceed thirty-five feet. Accessory buildings to not exceed seventeen feet. (Ord. 1990-5 §7.3, 1990)

13-8-25 Front Yard.

There shall be a front yard of not less than twenty-five feet. (Ord. 1990-5 §7.4, 1990)

13-8-26 Side Yard.

There shall be a side yard on each side of a main building of not less than ten feet, except that on a street side of a corner lot there shall be a side yard of not less than twenty feet. (Ord. 1990-5 §7.5, 1990)

13-8-27 Rear Yard.

There shall be a rear yard behind every main building of not less than twenty-five feet. (Ord. 1990-5 §7.6, 1990)

13-8-28 Lot Area and Width Requirements.

A. The following minimum lot sizes and widths shall apply in the following RR districts:

District	Minimum Area Sq. Ft.	Minimum Width
RR-1	10,000	60 ft
RR-2	12,000	60 ft
RR-3	15,000	80 ft
RR-4	20,000	100 ft
RR-5	1 acre	125 ft
RR-6	2-1/2 acres	200 ft
RR-7	5 acres	250 ft
RR-8	10 acres	300 ft

B. The area of any lot created after the effective date of the ordinance codified in this division shall not be less than the minimum area required by the zoning district. (Ord. 1990-5 §7.7, 1990)

13-8-29 Distance between Buildings on Same Lot.

A. There shall be a minimum distance of six feet between a building used for dwelling purposes and an accessory building.

B. There shall be a minimum distance of six feet between accessory buildings. (Ord. 1990-5 §7.8, 1990)

C1- LOCAL COMMERCIAL DISTRICT

13-8-30 Purpose and Intent.

The purpose of the C1 local commercial district is to provide areas for limited retail and service activities in convenient locations. (Ord. 1990-5 §8.0, 1990)

13-8-31 Uses Permitted.

In the C1 local commercial district, no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Any use permitted in the RM multiple-family residential district;
- B. The following retail and service uses and establishments, provided such stores, shops or businesses, except automobile service stations, shall be conducted entirely within an enclosed building:
 1. Antique shop and collectible sales,
 2. Appliance stores,
 3. Art shops and artists supplies,
 4. Automobile service, including gasoline sales but excluding the repairing, painting or upholstering of motor vehicles,
 5. Bakery, retail only,
 6. Banks, credit unions, savings and loan services, and automatic teller stations,
 7. Barber shop.
 8. Bicycle shops,
 9. Beauty shops or parlors,
 10. Bookkeeping and accountant offices,
 11. Book stores,
 12. Cafes or cafeterias,
 13. Candy stores,
 14. Churches and the facilities which are normally accessory to a religious use,
 15. Clothing or wearing apparel shops,
 16. Convenience food stores,
 17. Delicatessens,
 18. Dress or military shops,
 19. Drugstores,
 20. Dry cleaning, pressing and laundry agencies,
 21. Dry goods or notions stores,
 22. Electronic equipment sales and service,
 23. Employment agencies,
 24. Florist shops,
 25. Food stores,
 26. Gift shops,

27. Hardware stores,
28. Ice cream parlors,
29. Insurance agencies,
30. Jewelry stores,
31. Law offices,
32. Meat markets,
33. Medical clinics and medical offices,
34. Offices, business or professional,
35. Photographer or photographic supplies, studios,
36. Private postal mailing and shipping services,
37. Radio and television sales and repair,
38. Real estate offices,
39. Restaurants, including take-out food and drive-in establishments,
40. Self-service laundries,
41. Shoe stores or shoe repair shops,
42. Sporting goods stores,
43. Stationery stores,
44. Tailoring,
45. Tobacco stores,
46. Toy stores,
47. Tourist guest facilities providing bed and breakfast accommodations,
48. Travel agencies,
49. Video sales and rentals,
50. Video game parlors;
- C. Accessory buildings and structures necessary to such uses located on the same lot or parcel of land;
- D. Automobile parking areas;
- E. Signs, subject to the following provisions:
 1. Any exterior sign displays shall pertain only to a use conducted on the premises,
 2. Shall not exceed a height of twenty-four feet,
 3. Shall not have an area in excess of, collectively, two square feet per each lineal foot of street frontage up to a maximum of three hundred square feet,
 4. No sign shall project above the roof line;
- F. Other uses similar to the above which are determined by the planning commission to be consistent and compatible with the uses permitted within the district.(Ord. 1990-5 §8.1, 1990)

13-8-32 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit as provided for in Chapter 13-11 of this code:

- A. Residential use in conjunction with an on site business, if occupied by an owner, or an employee acting as the manager or caretaker of the business.
- B. Mobile home parks when developed in accordance with Chapter 13-8-85 of this code, and NRS 461A.

13-8-33 Building Height

Four stories and not to exceed forty-five feet. (Ord. 1990-5 §8.3, 1990)

13-8-34.10.185 Front yard.

There shall be no front yard required; except, all building used exclusively for dwelling purposes shall have a front yard of fifteen feet measured from the front property line, or from the rear of a commercial building situated on the front of the property. (Ord. 1990-5 §8.4, 1990)

- A. There shall be no side yard required; except, wherever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten feet on the side of the building adjacent to the zone boundary line.
- B. All buildings used exclusively for dwelling purposes shall have a side yard of five feet; except, that on a street-side corner lot, there shall be a side yard of not less than ten feet. (Ord. 1990-5 §8.5, 1990)

13-8-35 Rear Yard.

There shall be, behind every building, a rear yard having a minimum depth of ten feet. (Ord. 1990-5 §8.6, 1990)

13-8-36 Lot Area and Width Requirements.

None, except, all buildings used exclusively for residential purposes shall be located on a lot or parcel having the same lot area, width and density requirements as provided for in the RM multiple-family residential district. (Ord. 1990-5 §8.7, 1990)

13-8-37 Distance between Buildings on Same Lot.

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the RM multiple-family residential district. (Ord. 1990-5 §8.8, 1990)

C2- GENERAL COMMERCIAL DISTRICT

13-8-38 Purpose and Intent.

The purpose of the C2 general commercial district is to provide areas where commercial activities may be established and maintained. (Ord. 1990-5 §9.0, 1990)

13-8-39 Uses Permitted.

In the C2 general commercial district, no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Any use permitted in the C1 local commercial district;
- B. Any of the following retail or wholesale stores or businesses not involving any kind of manufacture, processing or treatment of products other than that which is clearly incidental to the retail business conducted on the premises:
 1. Animal hospitals,
 2. Automobile service stations, including repair garages,
 3. Bakeries, employing not more than ten persons on premises,
 4. Bars, taverns,
 5. Blueprinting shops,
 6. Bowling alleys,
 7. Building materials, but not including ready-mix concrete or hot-mix asphalt plants,
 8. Carpet sales,
 9. Car rentals,
 10. Car washes, self-service,
 11. Churches and the facilities which are normally, accessory to a religious use,
 12. Cleaning and pressing establishments using nonflammable and non-explosive cleaning fluids,
 13. Department stores,
 14. Electrical repair services,
 15. Equipment sales and/or rental services,
 16. Feed stores,
 17. Farm machinery sales and services,
 18. Furniture stores,
 19. Furniture warehouses for storing personal household goods,
 20. Garages, public,
 21. Gunsmiths,
 22. Gymnasiums,
 23. Hardware stores,
 24. Health clubs,
 25. Heating and plumbing supplies and services,

26. Hospitals,
27. Hotels,
28. Interior decorating Shops,
29. Liquor stores,
30. Lumberyards,
31. Massage parlors,
32. Medical and dental labs,
33. Mini-warehouses and storage facilities,
34. Mobile home dealers,
35. Monument sales,
36. Mortuaries and funeral parlors,
37. Motels, auto courts and tourist courts,
38. Motor vehicle sales,
39. Music stores,
40. Nurseries, flower and plant,
41. Paint sales,
42. Pawnbrokers,
43. Pest extermination and control services,
44. Pet stores,
45. Plumbing and sheet metal shops,
46. Printing shops,
47. Public parking areas,
48. Recreational vehicle sales and service,
49. Refrigerated lockers,
50. Resorts, spas and recreational facilities,
51. Restaurants,
52. Secondhand stores,
53. Sign painting shops,
54. Skating rinks,
55. Taxidermists,
56. Telephone exchanges,
57. Theaters (except drive-in theaters)
58. Trade schools,
59. Trailer rental,
60. Upholstery shops,

- 61. Used car sales,
- 62. Veterinarians,
- 63. Wedding chapels;
- C. The accessory buildings and structures necessary to such permitted uses located on the same lot or parcel of land;
- D. Automobile parking areas;
- E. Signs, subject to the following provisions:
 - 1. Any exterior sign displayed shall pertain only to a use conducted on the premises,
 - 2. Shall not exceed a height of thirty-five feet,
 - 3. Shall not have an area in excess of, collectively, three square feet per each lineal foot of street frontage;
- F. Other uses similar to the above which are determined by planning commission to be consistent with the uses permitted within the district. (Ord. 1990-5 §9.1, 1990)

13-8-40 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit in each case as provided for in Chapter 13-11

- A. Gambling casinos and establishments;
- B. Drive-in theaters;
- C. Car washes;
- D. Recreational vehicle parks;
- E. Billboards, subject to the following provisions:
 - 1. No billboard shall have a surface area greater than six hundred seventy-two square feet;
 - 2. No billboard shall be higher than thirty-five feet;
- F. Mobile home parks when developed in accordance with Chapter 13-16.
- G. Residential use if occupied by an owner or employee acting as the manager or caretaker of the business.

13-8-41 Building Height.

The height of a building or structure shall not exceed four stories nor shall the overall height exceed fifty feet. (Ord. 1990-5 §9.3, 1990)

13-8-42 Front Yard.

There shall be no front yard required, except all buildings used exclusively for dwelling purposes shall have a front yard of fifteen feet measured from the front property line, or the rear of a commercial building, situated on the same property. (Ord. 1990-5 §9.4, 1990)

13-8-43 Side Yard.

- A. There shall be no side yard required, except wherever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten feet on the side of the building adjacent to the zone boundary line.
- B. All buildings used exclusively for dwelling purposes shall have a side yard of five feet, except that on a street side of a corner lot there shall be a side yard of not less than ten feet. (Ord. 1990-5 §9.5, 1990)

13-8-44 Rear Yard.

There shall be, behind every building, a rear yard having a minimum depth of ten feet. (Ord. 1990-5 §9.6, 1990)

13-8-45 Lot Area and Width Requirements.

None, except, all buildings used exclusively for residential purposes shall be located on a lot or parcel having the same lot area, width and density requirements as provided for in the RM multiple-family residential district. (Ord. 1990-5 §9.7, 1990)

13-8-46 Distance between Buildings On same Lot.

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the RM multiple-family residential district. (Ord. 1990-5 §9.8, 1990)

M1- LIGHT MANUFACTURING

13-8-47 Purpose and Intent.

The M1 light manufacturing district is intended to provide areas for the development and operation of industrial uses which do not create or cause fumes, odor, dust, smoke, gas, noise or vibrations which are or may be detrimental to other properties in the neighborhood. (Ord. 1990-5 §10.0, 1990)

13-8-48 Uses Permitted.

In the M1 light manufacturing district, no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses;

- A. Any use permitted in the C2 general commercial district, except multiple-family dwellings;
- B. Any of the following industrial, manufacturing, wholesale and storage uses:
 1. Agricultural industries,
 2. Assembly of machines (other than aircraft and motor vehicles), toys, novelties or appliances from previously prepared parts,
 3. Automobile, truck, airplane, motorcycle, bicycle or farm machinery repair or sale; body and fender works; dismantling and used parts storage, when operated or maintained wholly within a building,
 4. Automobile and truck parking and storage,
 5. Car washes,
 6. Bakeries,
 7. Billboards,
 8. Blacksmith shops,
 9. Boat building, storage, sales or repair,
 10. Bottling plants,
 11. Breweries,
 12. Building material sales and storage yards, including ready-mix concrete and hot mix asphalt plants,
 13. Cabinet shops or furniture manufacture,
 14. Carpet, awning, blinds, mattress or upholstery shops, including cleaning and repair,
 15. Cleaning and dyeing plants,
 16. Contractors' plants or storage yards,
 17. Creameries,
 18. Distribution plants,
 19. Draying, freighting or trucking yards or terminals,
 20. Garment manufacture,
 21. Heating and air-conditioning sales, supply and repair,
 22. Ice and cold storage plants,
 23. Kennels,
 24. Laboratories, experimental and research,

25. Laundries,
26. Lumber yards,
27. Machine shops,
28. Manufacturing, compounding, assembly or treatment of merchandise from the following materials: bond, cellophane, canvas, cloth, cork, feathers, felt, fiber, glass, hair, horn, leather, paper, plastics, precious or semiprecious stones, shell, straw, textiles, tobacco, wood, wool yarn and paint,
29. Oil and water well surveying and servicing business,
30. Paint mixing plants,
31. Petroleum products storage,
32. Planing mills,
33. Propane sales and storage,
34. Public scales,
35. Public utility service yards, electric transmission substations and gas transmission and compressor stations,
36. Rubber fabrication,
37. Sheet metal shops,
38. Signs,
39. Sign painting and manufacture,
40. Tire rebuilding, recapping and re-treading plants,
41. Truck sales, new and used,
42. Truck repairing and overhauling shops,
43. Upholstery shops,
44. Union halls,
45. Warehouses and warehouse complexes,
46. Welding shops;
- C. The accessory buildings and structures necessary to such permitted uses located on the same lot or parcel of land;
- D. Other uses similar to the above which are determined by the planning commission to be consistent and compatible with the other uses permitted within the district (Ord. 1990-5 §10.1, 1990)

13-8-49 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit in each case as provided for in Chapter 13-8-48

- A. Gambling casinos and establishments;
- B. Drive-in theaters;
- C. Recreational vehicle parks;
- D. Junk, salvage or auto wrecking or crushing yards;
- E. Animal sales yards;

- F. Temporary asphalt, concrete plants and cement batch plants for construction projects. (Ord. 1990-5 §10.2, 1990)
- G. Residential use if occupied by an owner or employee acting as the manager or caretaker of the business.

13-8-50 Building Height.

Six stories and not to exceed seventy-five feet. (Ord. 1990-5 §10.3, 1990)

13-8-51 Front Yard.

There shall be no front yard required, except all buildings used exclusively for dwelling purposes shall have a front yard of fifteen feet measured from the front property line. (Ord. 1990-5 §10.4, 1990)

13-8-52 Side Yard.

- A. There shall be no side yard required, except wherever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than twenty-five feet on the side of the building adjacent to the zone boundary line.
- B. All buildings used exclusively for dwelling purposes shall have a side yard of five feet, except that on a street side of a corner lot there shall be a side yard of not less than ten feet. (Ord. 1990-5 §10.5, 1990)

13-8-53 Rear Yard.

There shall be, behind every building, a rear yard having a minimum depth of ten feet. (Ord. 1990-5 §10.6, 1990)

13-8-54 Lot Area and Width Requirements.

None, except all buildings used exclusively for residential purposes shall be located on a lot or a parcel having the same lot area, width and density requirements as provided for in the R1 single-family residential district. (Ord. 1990-5 §10.7, 1990)

13-8-55 Distance between Buildings on Same Lot.

None, except all buildings used exclusively for dwelling purposes shall comply with the provisions of the R1 single-family residential district. (Ord. 1990-5 §10.8, 1990)

M2- HEAVY MANUFACTURING

13-8-56 Purpose and Intent.

The M2 heavy manufacturing district is intended to provide areas for the development and operation of industrial and manufacturing uses. (Ord. 1990-5 §11.0, 1990)

13-8-57 Uses Permitted.

In the M2 heavy manufacturing district, no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Any use permitted in the M1 light manufacturing district, except residential uses;
- B. Any of the following industrial, manufacturing, wholesale and storage uses:
 - 1. Alcohol and alcoholic beverages manufacture,
 - 2. Blast furnaces,
 - 3. Boiler or tank works,
 - 4. Brick, tile or terra cotta products manufacture,
 - 5. Building materials manufacture,
 - 6. Cement and lime manufacturing,
 - 7. Creosote treatment or manufacture,
 - 8. Feed mills,
 - 9. Mining and mill operations,
 - 10. Ore reduction,
 - 11. Paints, oil, shellac, turpentine or varnish manufacture,
 - 12. Paper manufacture,
 - 13. Petroleum products manufacture,
 - 14. Petroleum refining and reclaiming plants,
 - 15. Plastic manufacture,
 - 16. Quarry or stone mills,
 - 17. Rock, sand and gravel excavating, crushing and distribution,
 - 18. Rubber manufacture,
 - 19. Saw mills,
 - 20. Soap manufacture;
- C. The accessory buildings and structures necessary to such permitted uses located on the same lot or parcel of land;
- D. Other uses similar to the above which are determined by the planning commission to be consistent and compatible with the other uses permitted within the district. (Ord. 1990-5 §11.1, 1990)

13-8-58 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit in each case as provided for in Chapter 13.11

- A. Acid manufacture;
- B. Ammunition manufacture;
- C. Commercial stockyards and animal slaughter;
- D. Chemical manufacture;
- E. Curing, tanning and storage of rawhides or skins;
- F. Dumps and refuse disposal areas;
- G. Explosives manufacture or storage;
- H. Fat rendering;
- I. Fertilizer manufacture;
- J. Incinerators;
- K. Junk, salvage or auto wrecking yard;
- L. Recycling facilities and operations involving use, recovery or residue of hazardous materials and/or wastes;
- M. Rocket fuel manufacture, testing and/or storage;
- N. Sewer farms or sewage disposal plants. (Ord. 1990-5 §11.2, 1990)
- O. Residential use if occupied by an owner or employee acting as the manager or caretaker of the business.

13-8-59 Building Height.

Six stories and not to exceed seventy-five feet. (Ord. 1990 5 §11.3, 1990)

13-8-60 Front Yard.

There shall be no front yard required. (Ord. 1990-5. §11.4, 1990)

13-8-61 Side Yard.

There shall be no side yard required, except wherever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than fifty feet on the side of the building adjacent to the zone boundary line. (Ord. 1990-5 §11.5, 1990)

13-8-62 Rear Yard.

There shall be, behind every building, a rear yard having a minimum depth of twenty-five feet. (Ord. 1990-5 §11.6, 1990)

13-8-63 Lot Area and Width Requirements.

None. (Ord. 1990-5 §11.7, 1990)

13-8-64 Distance between Buildings on Same Lot.

In accordance with the International Building Code. (Ord. 1990-5 §11.8, 1990)

13-8-65 Uses Prohibited.

There shall be no residential uses allowed in this district, except for one residence to be used for watchman quarters or by the owner or manager of the premises or operator of the facility located on the premises. (Ord. 1990-5 §11.9, 1990)

SPECIAL INDUSTRIAL DISTRICT

13-8-66 Purpose and Intent.

The SID special industrial district is intended to provide areas for special industrial and manufacturing uses characterized by activities which require distance separations from other less intensive uses. Such uses are necessary and appropriate for the planned development of the county and shall be protected from encroachment through proper land use controls and buffering. (Ord. 1990-5 §12.1, 1990)

13-8-67 Uses Permitted.

In the SID special industrial district the following uses shall be permitted, provided the applicant for the use demonstrates compliance with the criteria set forth in Section 17.10.360:

- A. Acid manufacture and storage;
- B. Ammunition manufacture, testing and storage;
- C. Chemical manufacture, testing and storage;
- D. Hazardous materials, treatment, storage and disposal sites including refuse disposal sites;
- E. Explosives manufacture, storage and testing;
- F. Incinerators, including hazardous materials incinerators;
- G. Hazardous waste management facilities involving use, recovery, recycling, storage, treatment and management of hazardous materials;
- H. Rocket fuel manufacture, testing and/or storage;
- I. Rocket propulsion system manufacture, testing and/or storage;
- J. Remanufacture of propulsion systems for military, commercial and space exploration applications;
- K. Weaponry testing facilities;
- L. Environmental testing facilities, such as simulation of temperature, vibration, fire, explosion and high altitude, etc.;
- M. Employee service facilities, operated in connection with, and on the same property as, a use listed in preceding subsections A through L. Such facilities shall be for the exclusive use of employees and shall not be open to the public;
- N. Refinery;
- O. Quarries, gravel pit, cement and concrete manufacturing;
- P. Office, security, research and development operated in connection with, and on the same property as, a use listed in preceding subsections A through P. (Ord. 1990-5 §12.2, 1990)
- Q. Residential use if occupied by an owner or employee acting as the manager or caretaker of the business.

13-8-68 Required Criteria for Permitted Uses.

Any use listed in Section 17.10.355 which is demonstrated by the applicant to meet the following criteria shall be a permitted use in the SID district. Any use listed in Section 17.10.355 which does not meet all of the following criteria may be permitted by special use permit pursuant to the procedures in Chapter 17.16.

- A. No use or building except structures used for office or employee service facilities shall be closer than five hundred feet from the boundary of the site unless the applicant demonstrates that a distance of not less than two hundred fifty feet from the boundary of the site is adequate to protect surrounding uses.

- B. In lieu of subsection A, the boundaries of the site may be surrounded by a buffer area of the same distance. The buffer area shall not contain any uses or buildings, except that a use or building permitted in the SID district may be allowed provided such use or building is not less than five hundred feet from the boundaries of the property making the application. The buffer area may consist of property restricted by fee ownership, lease, easement, license or other manner which the applicant demonstrates will assure the existence of the buffer area for as long as the permitted use remains on the property. The buffer area may be provided by open space areas, wilderness land, or land restricted in use by a governmental agency or private entity, if the applicant demonstrates that the buffer area requirements will be met and retained for the life of the permitted use.
- C. The boundaries of the property shall not be any closer than one mile to property which has a zone which permits a residential use.
- D. The boundaries of the property shall not be any closer than two miles to the boundaries of any city or town.
- E. Posting, marking and fencing of the property shall be in accordance with requirements or agencies having regulatory jurisdiction of the activity.
- F. Weaponry, ordnance or explosive testing shall not include the flight of any missile, aircraft or projectile outside the boundary of the area zoned SID. (Ord. 1990-5 §12.3, 1990)

13-8-69 Separation of Incompatible Uses-Special Limitations.

- A. The purpose of these special limitations is to provide long-term assurance against the encroachment of incompatible uses into areas adjacent to lands zoned for SID special industrial district. Such limitations are intended to preserve the continued usability of those areas zoned SID special industrial district and to protect other uses from the impacts and hazards which could result if such uses were established near areas zoned SID special industrial district.
- B. All property within a one mile distance of any area zoned SID special industrial district shall be zoned and maintained in one or more of the following zone districts:
 - 1. The OS open space district;
 - 2. The M2 heavy manufacturing district.
- C. The uses allowed within the M2 heavy manufacturing district shall be further restricted to only those uses which are permitted under Sections 13.8.57 and 13.8.58 (Ord. 1990-5 §12.4, 1990)

13-8-70 Permitted Use-Building Requirements.

Building sighting and construction shall conform to federal, state and local health, fire and safety codes applicable to the permitted use. (Ord. 1990-5 §12.5, 1990)

13-8-71 Lot Area and Width Requirements.

Each property shall meet the required criteria of Article J. The minimum lot width shall be one thousand three hundred twenty feet. (Ord. 1990-5 §12.6, 1990)

AGRICULTURAL DISTRICT

13-8-72 Purpose and Intent.

The A agricultural district is established for areas particularly suited for the raising of crops and animals and other related agricultural activities. (Ord. 1990-5 §13.0, 1990)

13-8-73 Uses Permitted.

In the A agricultural district, no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. One single-family dwelling or manufactured home. A manufactured home must meet the requirements of a manufactured home as indicated in Section 13-8-4, including, but not limited to conversion to real property.
- B. All agricultural uses, including the keeping of cattle, horses, sheep, hogs or other farm stock, including supplementary feeding thereof, but not including hog ranches, commercial cattle or livestock feed yards, animal sales yards or dairies;
- C. Accessory agricultural buildings, structures and uses, including farm buildings, garages and implement shelters;
- D. Animal hospitals and veterinaries;
- E. Equestrian establishments, including stables or riding academies;
- F. Churches and the facilities which are normally accessory to a religious use;
- G. Community centers and grange halls;
- H. Farm machinery equipment sales and services;
- I. Harvesting, curing, processing, packaging and storage incidental thereto and shipping of agricultural products produced upon the premises;
- J. Home occupations;
- K. Signs, not to exceed two signs with a maximum area of twelve square feet each, used only to advertise the products produced or sold on the premises or identifying the premises or occupants;
- L. Storage of petroleum Products for use on the premises, but not for resale;
- M. Accessory building, structures and uses, customary and incidental to the above uses. (Ord. 1990-5 §13.1, 1990)

13-8-74 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit in each case as provided for in Chapter 13-11

- A. Agricultural industries and processing plants;
- B. Animal sales yards;
- C. Animal slaughter houses;
- D. Bed and breakfast inns;
- E. Dairies;
- F. Dumps and refuse disposal areas;
- G. Additional dwellings and manufactured homes to be used in conjunction with an agricultural operation on the premises;
- H. Forest industries and the production of forest products;
- I. Golf courses;

- J. Guest facilities in conjunction with a ranching operation;
- K. Hog ranches;
- L. Livestock feed yards;
- M. Mining and milling operations;
- N. Public utility or public service buildings, structures and uses;
- O. Recreational camps and resorts;
- P. Recreational vehicle parks and campgrounds.
- Q. Temporary asphalt concrete plants and cement batch plants for construction projects.
(Ord.1990-5 §13.2, 1990)

13-8-75 Building Height.

Two and one-half stories and not to exceed thirty-five feet. (Ord. 1990-5 §13.3, 1990)

13-8-76 Front Yard

There shall be a front yard of not less than twenty-five feet measured from the front property line. (Ord. 1990-5 §13.4, 1990)

13-8-77 Side Yard.

There shall be a side Yard on each side of a main building not less than twenty feet. (Ord. 1990-5 §13.5, 1990)

13-8-78 Rear Yard.

There shall be a rear yard behind every main building of not less than thirty feet. (Ord. 1990-5 §13.6, 1990)

13-8-79 Lot Area and Width Requirements.

The following minimum lot and parcel sizes and widths shall apply in the following agricultural districts:

District	Minimum Lot Area in Acres	Minimum Width in Feet
A-1	2-1/2	200
A-2	5	250
A-3	10	300
A-4	20	600
A-5	40	600

(Ord. 1990-5 §13.7, 1990)

13-8-80 Distance between Buildings on Same Lot.

In accordance with the International Building Code (Ord. 1990-5 §13.8, 1990)

OS-OPEN SPACE DISTRICT

13-8-81 Purpose and Intent.

The open space district is established to create a land use zone classification that may be applied to public, semipublic and private lands as necessary; wherein use of such land will be restricted for the following purposes:

- A. To prohibit construction, enlargement or encroachment of any existing or proposed structure, mobile home, improvements or developments of any kind in areas which have been identified as being-susceptible to the effects of natural hazards, such as flooding or flash floods in areas not included on maps in the Flood Insurance Study for the county, steep slopes and landslides;
- B. For the long-range preservation of designated areas in open space for the health, safety and welfare of the public;
- C. To establish reasonable regulations and standards to assure maximum retention of desirable natural amenities;
- D. For the long-range preservation of appropriate natural open space areas;
- E. When used in conjunction with the special industrial district (SID district), as specified in Section 13-8-65 to prevent the establishment or encroachment of uses or activities in specified areas which could be affected by hazardous uses or activities that may occur on other lands in the general vicinity. When used to accomplish the purposes specified in the OS open space district may not be used for any active or passive *recreation use or activity and the provisions of Section 13-8-83 do not apply. (Ord. 1990-5 §14.0, 1990)

13-8-82 Establishment.

The OS open space district may be applied to various public, semipublic and private lands deemed necessary to accomplish the purposes stated in Section 17.10.425, except that, the open space district may not be applied to any privately-owned lands when used to accomplish the purposes specified in subsection E of Section 17.10.425, unless the written permission of the owner(s) of the private property is first obtained and filed with the planning commission. (Ord. 1990-5 §14.1, 1990)

13-8-83 Uses Permitted.

Only the following uses shall be permitted in the OS open space district:

- A. Open-field animal grazing limited to horses, cattle, sheep and goats, providing such grazing is not part of or conducted in conjunction with any dairy, livestock feed yard or livestock sales yard; and provided further, that no soil tillage or land clearing is involved in connection with such uses. Range improvements used in conjunction with livestock grazing use such as fences, watering troughs, wells and guzzlers may be installed.
- B. The construction, installation, operation and maintenance of public utility distribution and transmission lines, towers and poles, and underground lines or pipes for providing gas, water, electricity or telephone and telegraph services by public utility companies. It is not the intent of this section to allow the construction, installation and maintenance of any type of energy generating facility, electric, gas or water distribution centers, service yards or equipment storage yards. (Ord. 1990-5 §14.2, 1990)

13-8-84 Uses Permitted Subject To Special Use Permit.

The following additional uses may be permitted subject to securing a special use permit in each case as *provided for in Chapter 13-8-83

- A. Apiaries not requiring structures or improvements of any type, except hives;
- B. Improved roads, streets and/or trails for motor-driven vehicles;
- C. Water collection, storage and distribution uses, including reservoirs, dams, gauging stations, pumping stations, settling basins and groundwater recharge areas;
- D. Wildlife refuge and game preserves. (Ord. 1990-5 §14.3, 1990)

13-8-85 Area Requirement.

The OS open space district may be applied to any parcel or portion thereof, however, no lot or parcel of land under one ownership at the effective date of the ordinance codified in this division, or which may come under one ownership within the OS open space district any time after the effective date of the ordinance codified in this division, shall be divided or separated in any manner, excepting in the case of a conveyance or dedication of land to a governmental agency, public entity, or public utility for public entity, or public utility for public purposes or public utility purposes. (Ord. 1990-5 §14.4, 1990)

MH-MANUFACTURED HOME DISTRICT

13-8-101 Purpose and Intent.

The manufactured home district is established to provide areas where manufactured homes may be utilized for residential purposes in the place of a conventional dwelling on an individual lot outside of a mobile home park. (Ord. 1990-5 §16.0, 1990)

13-8-102 Application.

Land classified in a manufactured home district may be combined with another zone or may be zoned exclusively as a manufactured home district. The manufactured home district may be combined with the following districts:

- A. R1 single-family residential;
- B. RR rural residential;
- C. C1 limited commercial;
- D. C2 general commercial. (Ord. 1990-5 §16.1, 1990.)

13-8-103 Permitted Uses When Combined With Another Zone.

Whenever the manufactured home district is combined with another district, the regulations, requirements and uses of the combined district will be applied, provided that one manufactured home may be established and utilized as a single-family dwelling in lieu of a permitted conventional single-family dwelling unit. (Ord. 1990-5 §16.2, 1990)

13-8-104 Requirements When Not Used With another Zone.

When the manufactured home district is established without a combining zone the following regulation, requirements and uses will be applied:

- A. Uses Permitted.
 - 1. A one-family independent manufactured home unit;
 - 2. Accessory uses buildings and structures if they are clearly incidental to a permitted use and when placed upon the same lot or parcel with a permitted use;
 - 3. Home occupations;
 - 4. Agricultural and horticultural uses for domestic purposes;
 - 5. Poultry, rabbits or similar small fowl and animals raised for food or scientific purposes, provided not more than twelve of any one or combination of such animals may be maintained on one lot. The keeping of such fowl or animals shall conform to all other provisions of law governing the same; and no fowl or animals, nor any pen or coop shall be kept or maintained within twenty feet of any window or door of any residence, dwelling or other building used for human habitation, or within sixty feet of the front property line upon which it is located.
- B. Uses Permitted Subject To A Special Use Permit. The following additional uses may be permitted subject to securing a special use permit as provided for in Section 13-11: Child daycare nursery when five or more children will be cared for.
- C. Building Height. One story and not to exceed fifteen feet.
- D. Front Yard. There shall be a front yard of not less than twenty-five feet, unless modified by Section 17.12.170.
- E. Side Yard. There shall be a side yard for a manufactured home on individual lots of five feet on one side, ten feet on the other side, except that on a street side of a corner lot there shall be a side yard of not less than ten feet, unless modified by Section 17.12.170.

- F. Rear Yard. There shall be a rear yard behind a manufactured home of not less than ten feet;
- G. Lot Area and Width Requirements.
 - 1. The minimum lot size shall be six thousand square feet. Each lot shall have a minimum width of fifty feet.
 - 2. The area of any lot created after the effective date of the ordinance codified in this division shall not be less than the minimum area required by the zoning district. When an existing lot has less area than required by this subsection and was recorded prior to the date of adoption of the ordinance codified in this division, the lot may be occupied by not more than one manufactured home.
- H. Distance between Buildings on the Same Lot.
 - 1. There shall be a minimum distance of ten feet between a manufactured home and an accessory building.
 - 2. There shall be minimum distance of six feet between accessory buildings. (Ord. 1990-5 §16.3, 1990)

HI-HISTORIC DESIGN DISTRICT

13-8-105 Purpose and Intent.

The HD historic design district is established to allow the regulation of the architectural design for new structures and the alteration of existing structures in areas having historical significance and character. (Ord. 1990-5 §17.0, 1990)

13-8-106 Application.

Land classified in an HD historic design district shall also be classified in another district and the regulations set forth in this division shall also apply to the district to which the HD district is combined. The HD district shall, however, not be combined with the following districts: R1 single-family residential, RR rural residential, MHP mobile home park, T mobile home, A agricultural, M1 light manufacturing and M2 heavy manufacturing. (Ord. 1990-5 §17.1, 1990)

13-8-107 Design Standards.

In order that buildings, structures, signs and landscaping will be in harmony with other structures and improvements in the area, the following items may be considered in approving plans of proposed improvements in the historic design district:

- A. The height, bulk and area of buildings;
- B. The setback distances from all property lines;
- C. The colors and material on the exterior;
- D. The type and pitch of roof;
- E. The size and spacing of windows, doors and other openings;
- F. The size and type and location of signs;
- G. Towers, chimneys, roof structures, flagpoles, radio and television masts;
- H. Landscaping;
- I. Automobile parking area;
- J. Relationship to existing buildings and structures in the general vicinity and area;
- K. Lighting of buildings, signs and grounds. (Ord. 1990-5 §17.2, 1990)

13-8-108 Procedure.

- A. Plans of the exterior architectural design and appearance of all buildings and structures, plot plans, advertising sign plans, parking area plans and building setback plans shall be subject to approval in order that the proposed buildings, structures, signs and landscaping will be in harmony with other structures and improvements in the area. Plans shall first be submitted to the planning commission for their review.
- B. In the event it is determined that such proposed structures and/or appurtenant facilities are inharmonious or unsightly in appearance, the planning commission shall notify the applicant of the reasons for denial and the changes that may be necessary for the proposal to be approved. (Ord. 1990-5 §17.3, 1990)

CHAPTER 3: USE AND DEVELOPMENT STANDARDS

13-9-1 Intent.

- A. The regulations set forth in this division modify or further restrict, where applicable, the district regulations of this division.
- B. If any ambiguity exists with reference to the classifications of uses or property development standards, it shall be the duty of the planning commission to ascertain all pertinent facts concerning the use or standard and, , set forth its findings and reasons therefore, and such findings and resolutions shall prevail. (Ord. 1990-5 §18.0, 1990)

13-9-2 Classification of Uses as Permitted, Nonconforming or Prohibited.

- A. **Uses Listed As Permitted.** Buildings, structures and land shall be used, erected, maintained, altered or enlarged only for purposes listed as permitted in the district in which such building or land is located and then only after applying for and securing all permits and licenses required by law and ordinance.
- B. **Nonconforming.** Any use already established within an area prior to the present district regulations which is not a permitted use within such district or is a permitted use only with a special use permit shall be allowed to continue as a nonconforming use subject to all conditions and restrictions relating to nonconforming uses as provided in Section 17.12.050.
- C. **Uses Not Listed As Permitted-Prohibited.** When a use is not specifically listed as permitted, it shall be assumed that such uses are expressly prohibited unless a determination is made by the planning commission that the use is consistent with and compatible to those other uses permitted within the district. (Ord. 1990-5 §18.1, 1990)

13-9-3 Uses Permitted Subject To a Special Use Permit.

Such uses are to be considered as special exceptions within a district where such use cannot be permitted as a right. Further, granting of a special use permit should only occur when such permit is demonstrated by the applicant to be in the best interest of the general public and would not be incompatible with or detrimental to the surrounding area. (Ord. 1990-5 §18.2, 1990)

13-9-4 Nonconforming Buildings and Uses-Regulations.

The following regulations shall apply to all nonconforming buildings and structures or parts thereof and uses existing at the effective date of the ordinance codified in this division:

- A. Any such nonconforming building or structure may be continued and maintained provided there is not physical change other than necessary maintenance and repair in such building or structure;
- B. Any such nonconforming use may be maintained and continued provided there is not increase or enlargement of the area, space or volume occupied or devoted to such nonconforming use;
- C. Any part of a building, structure or land occupied by such a nonconforming use which is changed to or replaced by a use conforming to the provisions of this division shall not thereafter be used or occupied by a nonconforming use;
- D. Any part of a building, structure or land occupied by such a nonconforming use, which use is abandoned, shall not again be used or occupied for a nonconforming use. Any part of a building, structure or land occupied by such a nonconforming use, which use shall have ceased for a period on one year or more, shall not again be used or occupied for a nonconforming use;
- E. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of a more restrictive classification.

- F. All buildings and uses which were illegally, existing at the time of adoption of the 1990 ordinance previously codified in this division shall still be considered as illegal buildings and structures and shall not be considered or treated as a nonconforming building or use. (Ord. 1990-5 §18.4, 1990)

13-9-5 Nonconformance Regulations, Applicable when;

- A. The provisions of Section 13.9.4 shall also apply to buildings, structures, land or uses which hereafter become nonconforming due to any reclassification of zones under this division or any subsequent change in regulations of this division; provided, however, that whenever a period of time is specified in Section 13.9.4 for the removal of nonconforming buildings, structures or uses, such period shall be computed from the date of such reclassification or change.
- B. The provisions of this division shall apply to uses which become nonconforming by reason of amendments to this division, as of the effective date of such amendment. (Ord. 1990-5 §§18.5, 18.7, 1990)

13-9-6 Reconstruction of Damaged Nonconforming Building.

Nothing in this division shall prevent the reconstruction, repairing and rebuilding and continued use of any nonconforming building or structure partially damaged by fire, collapse, explosion or acts of God, subsequent to the effective date of the ordinance codified in this division;

Wherein the expense of such reconstruction does not exceed one hundred and fifty percent of the assessed value of the building or structure at the time such damage occurred.

All such reconstruction shall be performed under one building permit, started within a period of one year from the date of damage and diligently prosecuted to completion. (Ord. 1990-5 §18.6, 1990)

13-9-7 Modernization of Public Utility Facilities.

Nothing in this chapter or otherwise in this division shall be construed or applied so as to prevent the expansion, modernization, replacement, reconstruction, repair, or rebuilding and continued use of public utility buildings, structures, equipment and facilities where there is no change of use or increase in area of land so used. (Ord. 1990-5 §, 18.8 1990)

13-9-8 Location of Dwelling.

Except where otherwise provided for in this division, every dwelling shall face or have frontage upon a street or permanent means of access to a street, by way of a public or private easement or passageway other than an alley. (Ord. 1990-5 §18.9, 1990)

13-9-9 Height Restrictions-Exceptions.

- A. No penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment, towers, roof signs or other structures shall exceed the height limit provided in this division.
- B. Radio and television masts, flagpoles, chimneys and smokestacks may extend not more than forty-five feet above the height limit provided in this division, provided, that the same may be safely erected and maintained at such height in view of the surrounding conditions and circumstances. (Ord. 1990-5 §18.10, 1990)

13-9-10 Location of Accessory Buildings.

The following regulations shall apply to the location of accessory buildings unless otherwise provided in this division:

- A. No detached accessory buildings in the R1, RM or RR districts may exceed two stories or thirty-five feet in height.
- B. No detached accessory buildings in the R1, RM, RR or T districts shall be located at a distance less than seventy percent of the depth of the lot from the front property line, or sixty feet, whichever is less.

- C. On a corner lot no detached accessory buildings in the R1, RM, RR, T or MHP districts shall be located at a distance less than ten feet from the side street line.
- D. No accessory buildings in the R1, RM, RR, T or MHP districts, if two stories in height, shall be located nearer than five feet to any interior property line. (Ord. 1990-5 §18.11, 1990)

13-9-11 Through Lots.

On through lots, either line separating such lot from a public thoroughfare may be designated by the owner as the front lot line. In such cases, the minimum rear yard shall be the average of the yards on lots next adjoining. If such lots next adjoining are undeveloped, the minimum rear yard shall conform to the front yard setback for the district in which the property is located. (Ord. 1990-5 §18.12, 1990)

13-9-12 Yard Encroachments.

Where yards are required in this division, they shall be not less in depth or width than the minimum dimension specified for any part, and they shall be at every point open and unobstructed from the ground upward, except as follows:

- A. Cornices, canopies, eaves, or other similar architectural features not providing additional floor space within the building may extend into a required front, side or rear yard not to exceed three feet;
- B. Open, unenclosed, uncovered porches, platforms or landing places which do not extend above the level of the first floor of the building, may extend into any front, side, or rear yard not more than six feet, provided, however, that an open work railing, not more than thirty inches in height, may be installed or constructed on any such porch, platform or landing place;
- C. Detached accessory buildings may occupy side and rear yard, except as provided in Section 17.12.110. (Ord. 1990-5 §18.13, 1990)

13-9-13 Fences, Walls and Hedges.

- A. In the R1, RM, RR, MPH or T districts, no fence, wall or hedge located in the rear or side yards shall exceed a height of six feet.
- B. In the R1, RM, RR, MPH or T districts, no fence, wall or hedge located in the required front yard shall exceed a height of four feet. (Ord. 1990-5 §18.14, 1990)

13-9-14 Public Utility Uses.

The provisions of this division shall not be construed to apply to the construction, installation, operation and maintenance of public utility distribution and transmission lines, towers, and poles and underground facilities for providing gas, water, electricity or telephone and telegraph services by public utility companies under the jurisdiction of the Public Services Commission of the state, provided, however, before any right-of-way for transmission lines is acquired, the proposed route shall be submitted to the board of county commissioners for review and recommendation. (Ord. 1990-5 §18.15, 1990)

13-9-15 Minimum Lot Area.

The minimum lot area required for any lot within a district is based on the lot being served by both public utilities of water and sewer systems. For a lot without both public utilities of water and sewer systems, the following shall be the minimum lot area within any residential district:

- A. One acre per dwelling unit where the lot is served by a public sewer system but not by a public water system;
- B. Ten thousand eight hundred ninety square feet per dwelling unit where the lot is served by a public water system but not by public sewer system; provided the tentative map was approved before 1 January 2000.
- C. After 1 January 2000, twenty one thousand seven hundred eighty square feet (21,780) where the lot is served by a public water system but not by a public sewer system.

- D. One acre per dwelling unit where the lot is served by neither a public water nor public sewer system (Ord. 1990-5 §18.16, 1990)

13-9-16 Additional Provisions - Alamo- Pioche - Panaca.

Within the established town boundaries, the following additional provisions shall be applied:

- A. **Town of Alamo.** In the R1 single-family residential district, the RM multiple-family residential district, and the T mobile home district, the required side yard for each main building or mobile home shall be ten feet.
- B. **Town of Pioche.** In the R1 single-family residential district, the RM multiple-family residential district and the T mobile home district, the required front yard setback may be reduced to no less than ten feet from the front property line if: (1) the lot has an average depth of less than seventy feet; or (2) a front yard setback of less than fifteen feet exists for a residential building in the same district and within the same block where the front yard setback reduction is desired.
- C. **Town of Panaca.** The keeping of livestock and large domestic animals in areas zoned RR rural residential district shall be subject to the same restrictions governing the keeping of such animals in the A agricultural district, except that the maintenance of pigs and hogs is not permitted. The provisions of all other state and local codes and regulations governing the care and maintenance of such animals continue to be applicable and are not amended or nullified by this section. (Ord. 1990-5 §18.17, 1990)

CHAPTER 4: OFF-STREET PARKING REQUIREMENTS

13-10-1 Off-Street Parking Spaces Required - Minimum Size - Quantity.

- A. For each dwelling, multiple dwelling, business, industrial or other structure or use there shall be provided and maintained off-street parking facilities to accommodate the motor vehicles used by the occupants, customers, clientele and employees of such structures or uses.
- B. Each required parking space shall not be less than nine feet wide and eighteen feet long, exclusive of access drives, and in addition there shall be adequate space for ingress and egress.
- C. The number of parking spaces for each type of use shall be not less than as provided in the provisions following:
 1. One-family, Two-family, Multiple-family Dwellings and Mobile Homes. For every dwelling, multiple-dwelling, mobile home or other structure erected or intended to be used as a dwelling, there shall be provided on the same lot or parcel of land two parking spaces for each dwelling unit.
 2. Rooming houses and Lodging houses. For a rooming-house or lodging house, one parking space shall be provided for each guest room. Each such parking space shall be provided on the same lot or parcel of land with such building or shall be contiguous thereto.
 3. Amusement Places.
 - a. For a stadium or an arena or a fair, or other similar place of assembly, one parking space shall be provided for each three and one-half seats-provided therein. Where seating is by means other than individual chairs or seats designed for occupancy by one person (such as, for example, benches or bleacher seats) each eighteen lineal inches of seating space shall count as one seat.
 - b. For a dancehall, one parking space shall be provided for each ninety square feet of floor area or fraction thereof. but in no event shall less than fifteen spaces be provided.
 - c. For bowling establishment, four parking spaces shall be provided for each lane or alley.
 4. Auditorium and Other Places of Assembly. For an auditorium connected with a church, school, college or university, or for a theater, general auditorium or other similar place of assembly, one parking space shall be provided for each three and one-half seats provided therein. Where seating is by means other than individual chairs or seats designed for occupancy by one person (such as, for example, benches or pews), each eighteen lineal inches of seating space shall count as one seat. Where no permanent seating is provided, each seven square feet of floor space within such auditorium, theater or place of assembly shall count as one seat.
 5. Hospitals or Clinics.
 - a. For hospitals, including sanitariums, convalescent homes, homes for the aged or infirm, and all other similar institutions, one parking space shall be provided for every five patient beds, plus at least one additional parking space for each staff and visiting doctor, plus at least one additional parking space for every two employees, including nurses.
 - b. For medical and dental clinics, three permanently maintained off-street parking spaces shall be provided for every doctor or dentist having offices in such clinic.
 6. Motels, Hotels, Bed and Breakfast Inns, Tourist Courts or Auto Courts. One parking space shall be provided for each living or sleeping unit on the same lot or parcel of land or contiguous thereto, except that parking space for hotels shall be on the same lot or within five hundred feet of the building.

7. **Office Buildings.** For office buildings, including commercial, governmental and professional buildings at least one parking space shall be provided for every three hundred square feet of floor space in the building.
8. **Restaurants or Taverns.** For restaurants or establishments that serve meals, lunches or drinks, including bars, night clubs and taverns, to patrons either in their cars or in the building, at least one parking space shall be provided for every one hundred square feet of floor space in the building, or one parking space for every four seats provided for patrons' use, or ten parking spaces, whichever requirement is greater.
9. **Retail Establishments.** For retail establishments, including personal service shops, equipment repair shops, retail shops and businesses, banks or other financial or lending institutions, at least one parking space shall be provided for each five hundred square feet of floor area or fraction thereof. Each parking space shall be on the same lot or within five hundred feet of the building.
10. **Other Uses.** For all business and industrial uses not listed above, one parking space shall be provided for every two employees working on the highest employment shift, or one parking space for every one thousand square feet of gross floor area, whichever requirement is greater. (Ord. 1990-5 §19.0, 1990)

13-10-2 Collective Spaces.

Nothing in this chapter shall prohibit the collective use of space for off-street parking, provided such collectively used space is equal to the sum of the requirements of each individual establishment participating in such collective use. (Ord. 1990-5 §19.1(A), 1990)

13-10-3 Required Parking in Separate Lot-Recorded.

When the required off-street parking space is provided on a separate lot from the main building, there shall be recorded, in the office of the county recorder, a covenant by the owner or owners-of the lot for the benefit of the county to the effect that such owner or owners will continue to maintain such parking space so long as the building is maintained. (Ord. 1990-5 §19.1(B), 1990)

13-10-4 Surfacing Requirements.

All off-street automobile parking areas, including automobile sales lots, service stations and other drive-in establishments, shall be surfaced with a bituminous surface treatment or other surfacing of a higher type. (Ord. 1990-5 §19.1(C), 1990)

13-10-5 Lighting.

All lights used to illuminate the lot shall be arranged so as to reflect away from adjoining premises. (Ord. 1990-5 §19.1(D), 1990)

CHAPTER 5: SPECIAL USE PERMITS

13-11-1 Purpose and Procedure.

Certain uses may be permitted by the planning commission in zones in which they are not permitted by this division where such uses are deemed essential or desirable to the public convenience or welfare. The procedure for filing of applications, filing fees, investigations, public hearings, findings and appeal shall be the same as provided for variances in Chapter 13-12 (Ord. 1996-5 §20.0, 1990)

13-11-2 Uses Permitted In Any One-Exceptions.

The uses following in this section may be permitted in any zone, except the SID special industrial district and OS open space district, upon the granting of a special use permit:

- A. Airports or aircraft landing fields;
- B. Cemeteries, columbarium's, crematories, mausoleums, mortuaries and funeral parlors;
- C. City, county, state and federal enterprises, including buildings, facilities and uses of departments or institutions thereof;
- D. Educational institutions including elementary, middle and high schools;
- E. Establishments or enterprises involving large assemblages of people or automobile including: amusement parks, circuses, carnivals, expositions, fairgrounds, open air theaters, racetracks, recreational and sport centers;
- F. Golf courses and country clubs;
- G. Hospitals, sanitariums and rest homes;
- H. Institutions of a philanthropic nature;
- I. Libraries, museums and private clubs;
- J. Parks, playgrounds and community facilities;
- K. Public utility or public service buildings, structures and uses;
- L. Radio and television transmitters;
- M. Real estate tract offices and signs;
- N. Recreational vehicle parks;
- O. Sewer farms or sewage disposal plants. (Ord. 1990-5 §20.1, 1990)

CHAPTER 6: VARIANCES

13-12-1 Variances Granted When.

A variance to the provisions of this division may be granted by the planning commission in accordance with the provisions of this chapter where by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of such regulations enacted under this division would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property. Such relief from the strict application of the regulations of this division, however, may only be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution and under such conditions as such board may deem necessary to assure that the general purpose and intent of this division will be observed, public safety and welfare secured and substantial justice done. (Ord. 1990-5 §21.0, 1990)

13-12-2 Application-Procedure.

The application for a variance or a special use permit as provided herein shall be made to the planning commission on forms furnished by the commission. Such applications shall be accompanied by the following data and information: Applicants have the burden of explaining to the Planning Commission how their request for a variance meets all criteria listed above with substantial evidence.

- A. Site development plan, drawn to scale to include building dimensions of existing and proposed structures, setback dimensions, yards and open space dimensions, parking space dimensions, location and size of signs, location of landscaping and such other information as may be necessary;
- B. Floor plan, drawn to scale to indicate size of building and total square footage of buildings, if appropriate for the project;
- C. Rendered elevation to indicate the architectural appearance of proposed buildings, if appropriate for the project. (Ord. 1990-5 §21.1, 1990)

13-12-3 Application-Public Record.

From the time of filing of such application, the application, together with all plans and data submitted, shall become a part of the permanent records of the planning commission and shall be available for public inspection in the commission's office. (Ord. 1990-5 §21.4, 1990)

13-12-4 Fees-Variance-Special Use Permit-Exceptions.

The planning commission shall charge and collect a fee for the filing of a variance application or special use permit application, the charge being due and payable at the time of filing:

- A. Fees will be on file in the county planning office and may be adjusted as necessary by action of the board of county commissioners.
- B. The fee may be waived, at the discretion of the planning commission, for any nonprofit organization or political entity which is the owner of record of the property involved in a Special use permit or variance application. (Ord. 1990-5 §21.2, 1990)

13-12-5 Hearing-Notice.

Upon receipt in proper form of any application, the planning commission will hold a public hearing thereon. A notice of time and place of hearing, a description of the property involved and the purpose of the hearing shall be sent to each owner of property within a minimum distance of three hundred feet of the exterior boundary of the lot or parcel of land described in such application. If it is deemed a major variance (a deviation in a development standard of more than 75%), the planning commission shall also cause the notice to be published once in a newspaper of general circulation in the county not less than ten days nor more than thirty days prior to the meeting. For the purpose of this section, "property owner(s)" means that owner(s) shown upon the latest assessment rolls of the county. (Ord. 1990-5 §21.3, 1990)

13-12-6 Action of Planning Commission.

At the conclusion of the hearing, the planning commission shall take such action thereon as it deems warranted under the circumstances and shall announce and record its action by formal resolution and such resolution shall recite the findings of the planning commission upon which it bases its decision. This decision shall be final, subject only to the appeals process.

13-12-7 Final Decision-Effective Date.

The decision of the planning commission shall not become final and effective until seven days after the decision is entered in the minutes of the meeting. No permits shall be issued concerning the property in question until the decision becomes final. (Ord. 1990-5 §21.7, 1990)

13-12-8 Reapplication.

No person, including the original applicant, shall reapply for a similar special use permit or variance on the same land, building or structure within a period of six months from the date of the final decision by the planning commission of such previous application. (Ord. 1990-5 §21.9, 1990)

13-12-9 Permit-Expiration.

Each special use permit or variance authorized under the provisions of this chapter which is not actually established or the actual construction commenced on the buildings or structures within six months from the date of the final decision is null and void. In the event some construction work is involved, it must actually commence within the stated period and be diligently prosecuted to completion. A lapse of work for a period of three months will be sufficient to cause the invalidity of the permit; provided further, when any use of land, building, structure or premises established under the provisions of this chapter has been discontinued for a period of one year, it is unlawful to again use such land or building or premises for such discontinued use unless a subsequent special use permit or variance is applied for and granted by the planning commission.

3-12-10 Permit-Extension.

Extensions of time may be granted by the planning commission, if requested by the property owner of record not less than seven days prior to the expiration date of the date of the final decision. (Ord. 1990-5 §21.10, 1990)

CHAPTER 7: CHANGES IN DISTRICT BOUNDARIES AND CLASSIFICATIONS

13-13-1 Authorization.

Boundaries of zone districts established by this division or the classification of property uses therein may be amended, reclassified or altered whenever public necessity, convenience and general welfare require, by the planning commission. (Ord. 1990-5 §22.0, 1990) NRS 278.260 All zone changes shall include findings of consistency with the county master plan.

13-13-2 Initiation of Changes-Amendments.

Amendments, supplements or changes may be initiated in the following manner, either by:

- A. The planning commission,
- B. The board of county commissioners,
- C. The petition of one or more property owners. The petition shall be in the form of an application for change of zone classification and shall be duly signed and acknowledged by the property owner of record and shall be filed in the office of the planning commission upon forms furnished by the commission for the purpose and shall be accompanied by the following data and information:
 1. Site plan, drawn to scale, showing the boundaries and dimensions of the area included in the application, property lines with dimensions, rights-of-ways, easements, and such other information as may be necessary to accurately indicate the configuration of the area include in the application and its relationship to surrounding properties;
 2. Copy of the recorded deed or deeds of the area included in the application.
 3. Each application shall be signed by the property owner(s) of record of the property to be changed by such application and notarized. (Ord. 1990-5 §22.1, 1990)

13-13-3 Fees.

The planning commission shall require a fee payable to the county which schedule shall be in on file in the county planning. The fee is to offset the cost of reviewing maps by the county surveyor, sending out notices and other administrative expenses involved in a petition for a change in these regulations, the charge being due and payable at the time of filing any petition or request for change. The fee may be waived when the property owner of record is a government agency or nonprofit organization. (Ord. 1990-5 §22.2, 1990)

13-13-4 Hearing-Notice.

Upon the filing of any such Verified petition of a property owner, or by a resolution of intention by the planning commission or board of county commissioners, the planning commission shall hold at least one public hearing in relation thereto which, has been duly advertised in a newspaper of general circulation in the county at least. Ten days before the day of such hearing, at which parties of interest and citizens shall have an opportunity to be heard. The planning commission shall, in addition thereto, cause notice of the same hearing to be sent to each property owner within three hundred feet of the subject property, and send a notice to the applicant and/or the property owner, within the above time limit. (Ord. 1990-5 §22.3, 1990)

13-13-5 Action of Planning Commission.

At the conclusion of the hearing, the planning commission shall take such action thereon as it deems warranted under the circumstances and shall announce and record its action by formal resolution, and such resolution shall recite the findings of the planning commission upon which it bases its decision. The decision of the planning commission in the legislative matter of amending zone boundaries and zone classifications shall be final. (Ord. 1990-5 §22.4, 1990)

13-13-6 Decision-Effective Date.

The decision of the planning commission shall not become final and effective until seven days after the decision is entered in the minutes of the planning commission. No permits shall be issued concerning the property in question until the decision becomes final. At the expiration of the aforesaid seven-day period, the decision of the planning commission shall become final and effective. (Ord. 1990-5 §22.6, 1990)

13-13-7 Reapplication.

No person, including the original applicant, shall reapply for the same reclassification of the same property within a period of six months from the date of the final appeals process denial by the board of county commissioners of such previous application. (Ord. 1990-5 §22.7, 1990)

CHAPTER 8: ENFORCEMENT AND PENALTIES

13-14-1 Enforcement NRS 278.570.

- A. All departments, officials public employees of the county vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this division and shall issue no permit or license for uses, buildings or purposes in conflict with the provisions of this division, and any such permit or license issued in conflict with the provisions of this division shall be null and void.
- B. The provisions of this division shall be administered by the county building inspector, the planning commission, or their designated representative.
- C. Any building or structure erected or maintained, or any use of property, contrary to the provisions of this division, is unlawful and a public nuisance, and the district attorney shall immediately commence actions and proceedings for the abatement, removal and enjoinder thereof, in the manner provided by law, and shall take such other steps, and shall apply to any court as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain or enjoin any person, firm or corporation from erecting or maintaining such building or structure, or using any property contrary to the provisions of this division. (Ord. 1990-5 §23.0, 1990)

13-14-2 Penalty.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any provision of this division shall be deemed guilty of a misdemeanor, and punishable by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both such fine or imprisonment. Each day that violation of this division continues shall be considered a separate offense. (Ord. 1990-5 §23.1, 1990)

CHAPTER 9: RESOURCE DEVELOPMENT ACTIVITIES

13-15-1 Intent.

The intent of this section is to provide standards and requirements for the review of resource development activities, including, but not limited to, oil and gas drilling, mining, sand and gravel extraction, and forestry, in order to provide for the continuation, reactivation, and development of such activities in the county while providing for the protection of human lives, adjacent land uses, the safeguarding of private property, and the protection of public investment in streets, utilities, and other public facilities. (Ord. 1983-18 §4-1.1, 1983)

13-15-2 Standards for all Mining Activities.

The following standards shall apply to mining activities, including oil and gas drilling, mining, and sand and gravel extraction, whether they are permitted uses or uses permitted subject to a conditional use permit in the zone district:

- A. Mining extraction activities shall be conducted no closer than:
 - 1. Two hundred feet from the centerline of a public street or of a right-of-way for utilities including water lines, sewer lines, electrical lines, natural gas lines, or other public utility.
 - 2. Three hundred feet from any residential, commercial, industrial or public structure or use not owned by the mine operator or which is ancillary to the mining activity.
 - 3. One hundred feet from any other structure.
 - 4. The foregoing distances may be modified by the planning commission or board of county commissioners with the consent of the affected property owners.
- B. All mining extraction activities shall be surrounded by a safety fence built to such requirements as may be established by one planning commission.
- C. The subsurface extraction of minerals shall be prohibited, unless modified by the planning commission or board of county commissioners, within five hundred feet or within a residentially or commercially zoned district, to protect inhabited or intensively used areas from the danger of subsidence. (Ord. 1983-18 §4-1.2, 1983)

13-15-3 Review Criteria For Resource Development Activities Permitted Subject to Conditional Use Permit.

The following criteria shall be considered by the planning commission when reviewing mining operations. The planning commission shall approve, disapprove, or approve with conditions based on findings with respect to the proposal's compliance with these conditions:

- A. The operation shall demonstrate that there will be no damage or nuisance resulting from noise, smoke, odor, dust, erosion, or vibration and that they will comply with any applicable state or local pollution regulations.
- B. The operation must be compatible with adjacent and surrounding land uses.
- C. Dust produced by mechanical operation, tracking, or road conditions must be controlled.
- D. The applicant shall demonstrate that added vehicle traffic is compatible with existing land uses and can be accommodated by the road System without cost to the county to repair or maintain such roads.
- E. Landscaping or appropriate visual barriers may be required to screen operations from public view in a sensitive setting or from adjacent land uses.
- F. The operation shall demonstrate that it has a sufficient water supply for the proposed use without interfering with vested water rights. The applicant shall provide assurance of ownership of water rights or legal capability to accomplish any change in the use or Points of diversion of such rights.

- G. The operation shall not pollute or cause undue interference with groundwater aquifers by paving or the disposal of wastes or tailings or by causing a reduction in the amount or duration of supply of water available to an existing groundwater use, or by altering historic patterns and availability of an existing groundwater use.
- H. The operation shall not interfere with existing agricultural operations or with sources of irrigation.
- I. Major facilities shall demonstrate that there is or will be sufficient housing available in existing, nearby communities to house the anticipated workers and their families and that water, sewer and other utilities as well as school facilities are adequate to handle expected populations as a result of the activity without additional burden to the taxpayers of the community.
- J. If the mining activity involves "strip" mining, a sand or gravel operation or any other activity that would disturb a large area of ground surface, the applicant shall demonstrate that the site will be adequately re-vegetated subsequent to its use. The commission may require a re-vegetation plan which shall specify the schedule, amount, and type of vegetation and the contours of the restored site. In no event shall a slope less than 2:1 be left when operations are completed unless the approval plans call for other types of stabilized slopes.
- K. The commission and board may specify hours of Operation in order to protect surrounding neighborhoods from unreasonable noise disturbance. (Ord. 1983-18 §4-1.3, 1983)

13-15-4 Submission Requirements.

Applications for mining activities as a use permitted subject to a conditional use permit shall provide information sufficient to demonstrate compliance with the policies of Chapter 9, Resource Activities. The planning commission may require an applicant to provide geological data regarding the site in support of the proposed mining use. The commission may submit any application data to an appropriate state or federal agency and/or an independent professional engineer registered in the state for review analysis, concurrence, and advice. Any costs for such review and analysis shall be borne by the applicant. (Ord. 1983-18 §4-1.4, 1983)

13-15-5 Guarantee of Completion Performance.

The planning commission may require a surety bond or letter of irrevocable credit or other satisfactory guarantee of completion and faithful performance of any conditions imposed. (Ord. 1983-18 §4-1.5, 1983)

13-16-1 Intent and Purpose.

Mobile home parks are areas intended for the development of spaces for mobile homes and/or recreational vehicles for rent. Mobile home parks are a permitted use or a use permitted subject to a conditional use review in certain zone districts as specified in Sections 13-8-86 through 13-8-98 of the zoning provisions of this title. This section provides standards and conditions under which mobile home parks may be developed as a permitted use or a use permitted subject to conditional use review in addition to the applicable standards of Sections 13-8-86 through 13-8-98 of the zoning provision of this title. In addition to this section Mobile Home parks must meet the standards of the Manufactured Housing Division, State of Nevada. (Ord. 1983-18 §4-3.1, 1983)

13-16-2 Permitted Uses.

The following uses will be permitted in an approved mobile home park:

- A. Mobile homes;
- B. A recreational vehicle park may be made a part of an approved mobile home park as a secondary use, provided the area of such recreational vehicle park is separate and distinct from the area for mobile homes and does not exceed twenty-five percent of the combined area of the mobile home park and such secondary recreational vehicle park;
- C. Accessory uses which are clearly incidental to the operation of the park, and which are for the exclusive use of the residents of such park, including, but not limited to, such uses as recreation and laundry buildings, swimming pools, storage areas for recreational vehicles, boats and trailers, vending machines and limited packaged dry goods sales. (Ord. 1983-18 §4-3.2, 1983)

13-16-3 Development Standards-Location.

The mobile home park shall be located on a well-drained site, and shall be located so that its drainage will not constitute an unreasonable hazard or nuisance to persons, property or water supply in the immediate vicinity of the site. The site shall be free from marshes. Mobile home park sites shall not be subject to undue flooding, fire or safety hazards, and shall not be exposed to nuisances, such as undue noise, smoke, fumes or odors. The topography of the site should be favorable to minimum grading, mobile home placement and ease of maintenance. Initial site grades shall not exceed eight percent. (Ord. 1983-18 §4-3.3(a), 1983)

13-16-4 Development Standards-Minimum and Maximum Size.

The minimum area required for a mobile home park is two acres and the maximum size allowed is fifteen acres. (Ord. 1983-18 §4-3.3(b), 1983)

13-16-5 Development Standards-Building Height.

The building height required is two and one-half stories and not to exceed thirty-five feet in height. (Ord. 1983-18 §4-3.3(c), 1983)

13-16-6 Development Standards-Distance from Property Line.

A setback of twenty-five feet of all buildings from all property boundaries of the mobile home park is required. (Ord. 1983-18 §4-3.3(d), 1983)

13-16-7 Development Standards-Enclosure Requirements.

Each mobile home park shall be completely enclosed within a fence, hedge, wall or combination thereof; provided that such fence, hedge or wall shall be six feet in height, except within any required front yard the required enclosure shall be four feet in height. (Ord. 1983-18 §4-3.3(e), 1983)

13-16-8 Development Standards-Distance between Buildings and between Buildings and Mobile Homes.

- A. There shall be a minimum distance of ten feet between each building that is not a mobile home.
- B. There shall be a minimum distance of ten feet between each mobile home and any building, excepting mobile home accessory structures.
- C. The minimum distance required for the separation of a mobile home from any other mobile home shall be:
 1. Fifteen feet from side to side;
 2. Fifteen feet from side to rear; and
 3. Ten feet from rear to rear.
- D. The tongue of the mobile home must be at least three feet from any sidewalk.
- E. There shall be a minimum of ten feet from any other point on the mobile home to the pavement of any adjacent access road serving more than one mobile home space. (Ord. 1983-18 §4-3.3(f), 1983)

13-16-9 Development Standards-Mobile Home Space Area and Width Requirements.

Each mobile home space shall contain a minimum of three thousand square feet and have a minimum width of thirty feet. (Ord. 1983-18 §4-3.3(g), 1983)

13-16-10 Development Standards-Recreational Vehicle Space Area and Width Requirements.

Spaces designed for exclusive use of recreational vehicles shall contain a minimum of twelve hundred square feet and a minimum width of fifteen feet. (Ord. 1983-18 §4-3.3(h), 1983)

13-16-11 Development Standards-Outdoor Living Area.

Each mobile home space shall include an outdoor living area of least three hundred square feet. The minimum horizontal dimension of such area shall not be less than fifteen feet. Such outdoor living area shall be properly drained, located for convenience and optimum use, and walled, fenced or planted to provide reasonable privacy. This area shall not be used as the required parking spaces. (Ord. 1983-18 §4-3.3(i), 1983)

13-16-12 Development Standards-Common Recreation Area(s).

At least ten percent of the gross area of the mobile home park shall be developed for common recreational areas for use by residents of the mobile home park. The area(s) shall be twenty feet in the least dimension and shall contain not less than one thousand square feet. Such area(s) shall be used for playgrounds, swimming pools, and community buildings, play areas for small children, horseshoe pits, or paths for pedestrians and cyclist, away from streets and thoroughfares. The park owner shall maintain common recreation areas. (Ord. 1983-18 §4-3.3(j), 1983)

13-16-13 Development Standards-Streets.

- A. The mobile home park site shall have at least two direct accesses to a public street or highway.
- B. All streets and access ways providing ingress to and egress from the mobile home park shall be constructed in accordance with county specifications for like streets and access ways on public ways, and shall be completed within a period of two years after the date of approval of the mobile home park. (Ord. 1983-18 §4-3.3(k), 1983)

13-16-14 Development Standards-Parking and Access Drive Requirements.

- A. A minimum of two parking spaces shall be provided upon each mobile home space. A minimum of one parking space shall be provided upon each recreational vehicle space. Each parking space shall have a dimension at least nine feet by twenty feet. Required parking spaces may be side-by-side, in tandem, or separate.

- B. Parking spaces reserved for guests shall be interspersed throughout the mobile home park at a ratio of one guest parking space per four mobile home park spaces.
- C. All access drives within a mobile home park shall be not less than twenty-four feet in width, and must be completed within two years after the date of approval of the mobile home park.
- D. All mobile home spaces shall have a frontage on internal private drives. No mobile home space shall have direct access to a public street or public alley.
- E. All vehicular parking areas and drives shall be improved with paved surfacing.
- F. Each mobile home park shall have at least one street access for each twenty-five mobile home or recreational vehicle spaces contained within the park. (Ord. 1983-18 §4-3.3(1), 1983)

13-16-15 Development Standards-Walkways.

Walkways at least four feet wide shall be provided from all mobile home spaces to service buildings and other community areas, and along all access roads. (Ord. 1983-18 §4-3.3(m), 1983)

13-16-16 Development Standards-Sign Regulations.

Signs in the mobile home park district shall be limited to two signs not to exceed a total area of fifty square feet and shall contain information related only to the name of the owner or business and address of the premises. No sign shall exceed a maximum height of ten feet, measured from grade to top of sign. (Ord. 1983-18 §4-3.3(n), 1983)

13-16-17 Development Standards-Utility Installation Requirements.

All public utility transmission lines located within the park shall be placed underground. Utility connections to each mobile home space or recreational vehicle space shall be placed underground. (Ord. 1983-18 §4-3.3(o), 1983)

13-16-18 Development Standards-Landscaping Requirements.

Landscaping shall include trees in number not less than a ratio of one tree for each mobile home or recreational vehicle space within the park, plus conditional landscaping (trees and shrubs) in the common recreation area. (Ord. 1983-18 §4-3.3(p), 1983)

13-16-19 Conformance with Other Regulations.

In addition to the regulations set out in this chapter, all mobile home parks must conform to any state regulations covering the construction and installation of mobile home parks such as regulations adopted pursuant to Nevada Revised Statutes Section 489, and subsequent revisions. Mobile home parks must also conform to flood hazard regulations as stated in Title 12 of the county code. (Ord. 1983-18 §4-3.4, 1983)

13-16-20 Water Supply.

An applicant must demonstrate to the satisfaction of the planning commission that the proposed subdivision meets all the applicable conditions of the Water Supply, Regulations Governing Subdivisions, Division of Health, State of Nevada, as revised. In addition to these requirements:

- A. If a new community water supply system is to be installed, the method of financing, system of construction, maintenance and operation must be outlined. The board of county commissioners may require a bond or similar security to the value of these improvements be held in escrow until such time as the system is installed to the standards approved at the time of subdivision review.
- B. If private water supply systems are to be used, the applicant must demonstrate to the satisfaction of the board of county commissioners that proposed wells have the flow and supplies adequate to meet the demand of the proposed subdivision in all seasons. (Ord. 1983-18 §4-3.5, 1983)

13-16-21 Wastewater Disposal.

An applicant must demonstrate to the satisfaction of the planning commission that the proposed subdivision/mobile home park meets all the applicable conditions of Sewerage System Regulations Governing Subdivisions, Division of Health, State of Nevada, as revised. In addition to these requirements:

- A. If a new community sewerage system is to be constructed, the applicant must outline the method of financing all system construction, operation and maintenance. The planning commission may require a bond or similar security to the value of these improvements be held in escrow until such time as the improvements are installed to the standards described at the time of subdivision approval.
- B. If an existing approved community sewerage system is to be utilized, the applicant must outline who will bear the cost of any extension lines necessary to connect the proposed subdivision/park to the existing system. If a public entity (town, district or cooperative) is to bear these costs, the applicant must demonstrate the entity agrees to do so.
- C. If individual or on-site wastewater disposal systems are to be used, the minimum distances between any point of the disposal field and other structures or points are as follows:
 1. Water supply well, one hundred feet;
 2. Stream or watercourse, one hundred fifty feet;
 3. Drinking water lines, twenty-five feet;
 4. Property lines, ten feet;
 5. Dwellings or other buildings, ten feet. (Ord. 1983-18 §4-3.6, 1983)

13-16-22 Facilities for Recreational Vehicles.

Mobile home parks containing spaces for recreational vehicles must provide shower and laundry facilities and wastewater disposal facilities. The board of county planning commissioners may determine whether these facilities can be included as part of the ten percent common recreation area or whether they must be on common land over and above the ten percent. (Ord. 1983-18 §4-3.7, 1983)

CHAPTER 11 MOBILE/MANUFACTURED HOME SUBDIVISIONS

13-17-1 Purpose and Intent.

Mobile home subdivisions are areas intended for the development of individual lots for primarily, but not exclusively, mobile home residences. Mobile home subdivisions are a permitted use or a use permitted subject to conditional use review in certain zone districts as specified in Section 13-8 of the zoning regulations of this title. Mobile home subdivisions shall also comply with the subdivision procedures of Division III of this title. This chapter provides additional standards and conditions under which mobile home subdivisions may be developed as a permitted use or a use permitted subject to conditional use review. The mobile home subdivision regulations provide standards for mobile home areas. (Ord. 1983-18 §4-4.1, 1983)

13-17-2 Uses Permitted.

In mobile home subdivisions only the following uses shall be permitted:

- A. Mobile homes for residential use together with the normal accessory uses such as a cabana, ramada, patio, slab, carport or garage, and storage or washroom building. In no event shall more than one mobile home be used for residential purposes on a lot, with occupancy limited to one family;
- B. Community recreation facilities for the use of individual lot owners within the subdivision may be developed. The maintenance of the community recreation and service areas shall be assured by provisions in the deeds, such as covenants running with the land, providing for participation by the individual lot owners in the responsibility. and costs thereof;
- C. Temporary real estate tract offices, to be used for and during the original sale of the lots within the subdivision, but not to exceed a period of one year;
- D. Conventional or manufactured single-family houses for residential use together with the normal accessory uses. In no event shall more than one dwelling unit per lot be used for residential purposes, with occupancy limited to one family. (old 1983-18 ,4-4.2, 1983)

13-17-3 Development Standards.

- A. Compliance with Other Regulations. Mobile home subdivisions shall comply with the subdivision regulations of Division III of this title. Conventional or Manufactured Single-family Houses.
- B. Conventional or manufactured single-family houses in a mobile home subdivision must meet the minimum requirements of the corresponding residential district.
- C. Site Size. There is no minimum site for a mobile home subdivision; however, the maximum size of a site is thirty acres.
- D. Minimum Lot Size.
 1. If the mobile home subdivision is to be developed in a medium density residential zone, the minimum lot size is three thousand square feet plus the building area (mobile home pad) provided no lot is smaller than (4500) four thousand five hundred square feet.
 2. If the mobile home subdivision is to be developed in a low-density residential zone, the lot size, width, and setback requirements of the LRD zone must be met, and the long side-of the mobile home must be parallel to the street.

Example 1:	14 x 70 mobile home = 980 square feet 3,000 3,980 square feet lot required
Example 2:	28 x 24 mobile home = 2,342 square feet 3,000 5,352 square foot lot required

- E. The minimum lot width shall be fifty feet.
- F. Setbacks. Mobile home setbacks on individual lots shall be twenty-five feet in the front (primary and accessory buildings), ten feet on the side, and fifteen feet in the rear of the primary building.
- G. Accessory structures and uses shall not be placed or be permitted to remain on any lot in the mobile home subdivision without a mobile home first being placed and utilized on said lot.
- H. The use of any accessory structure or recreational vehicle for residential use shall be prohibited.
- I. Building Height. One single story, not to exceed 14 feet in height.
- J. Streets and Access Roads. All access roads and interior streets in the mobile home subdivision shall be constructed in accordance with county specifications and width requirements. All such streets and access ways shall include sidewalks, curb and gutter.
- K. Parking. Two off-street vehicle parking spaces each at least nine feet by twenty feet in size shall be provided on each lot occupied by a mobile home. Said parking spaces shall not be located within the front yard setback area. {Ord. 1983-18 §4-4.3}

13-17-4 Other Regulations.

In addition to the regulations set out in Section 13-18, mobile home subdivisions must conform to subdivision regulations. All state regulations applicable to mobile homes, and flood regulations (Ord. 1983-18 §4-4.4, 1983)

CHAPTER 12 HISTORIC DISTRICT AND STRUCTURES

13-18-1 General Provisions.

Designation of Historic Districts and Structures. The board of county commissioners may designate districts or structures as historic. The designation of an historic district or structure shall be processed in accordance with NRS 384

Development Permit Required. In a designated historic district or on a designated historic site, no structure may be constructed or any existing structure altered, reconstructed, extended, or removed without first obtaining a permit for alteration of the exterior of any such structure and demonstrating compliance with the provisions of this chapter. This authorization to be issued by the designated review board provided for in NRS 461.

CHAPTER 13 SPECIAL RESTRICTIONS

13-19-1. Recreational Vehicles.

- A. **Dimensions.** For the purposes of this section, a recreational vehicle is defined as being equal to or less than forty feet in length, eight and one half feet in width (in travel configuration).
- B. **Definitions:** For the purpose of this section, the term "recreation vehicle" means any motor vehicle or trailer designed and used as a travel trailer, camper, motor home, tent trailer, boat, boat trailer, snowmobile trailer, camping trailer, used for overnight accommodations, or for any similar purpose.
- C. **Storage.** In areas zoned for residential purposes, including multiple-family areas, a recreational vehicle may be stored in a garage, side or rear yard. Recreational vehicles shall not be stored in the front yard of any lot, unless stored on a driveway. Such recreational vehicles shall not occupy more than ten percent (10%) of the area of the lot which the main building occupies.
- D. **Occupation.** It shall be unlawful to occupy any recreational vehicle for residence purposes anywhere in the County except in a duly established trailer or R.V. Park maintained in accordance with the ordinances of the County, however, occupation for a period up to but not more than fourteen consecutive days shall not be considered a violation of this section, provided said R.V. is removed from the location for a minimum of fourteen (14) days before being occupied again.
- E. An exception shall be made for an R.V. to be used as a residence for a period up to six months, while construction is ongoing for a main residence on the same property, provided a Special Use Permit is obtained through the County Planning process.
- F. **Penalty.** Any person, firm, or corporation violating any provision of this section shall be fined not less than twenty or more than five hundred dollars for each offense and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

ARTICLE A: GENERAL PROVISIONS

13-20-1 Purpose.

The purpose of this Title is to safeguard the public health, safety and general welfare by establishing certain minimum standards of design, improvement, survey and construction of land developments hereafter plotted in all areas of the county, to provide and ensure the orderly and proper growth thereof and to aid in the prevention of pollution of land or water resources.

13-20-2 Authority.

The statutory authority for the enactment of local ordinances governing land division, improvements and related subjects are contained in Nevada Revised Statutes 278.320 to 278.5695

13-20-3 Effect of Repeal.

The repeal of ordinances codified herein shall not affect any agreement, contract, or bond executed pursuant to such ordinances, or any rights of action accrued there under.

13-20-4 Sale Restrictions.

- A. It is unlawful for any individual, firm, association, syndicate, Co-partnership trust, or any other legal entity, as a principal, agent, or otherwise, to offer to sell, to contract to sell, or to sell, or lease, or transfer, any subdivision of land or any part thereof, unless and until all the requirements hereinafter provided have been complied with.
- B. This shall not be construed to prohibit the sale of any lot or parcel of land which was legally created in conformance with the state and local codes and ordinances governing the creation of subdivided lots or parcels in effect at the time of such subdivision or parceling occurred.

ARTICLE B: DEFINITIONS

13-21-1 Generally.

When used in this Title the words and phrases defined in this Article shall have the meanings set forth in this Article.

13-21-2 Owner.

"Owner" is the individual, firm, association, syndicate, co-partnership or corporation, having sufficient proprietary interest in the land sought to be subdivided, to commence and maintain proceedings to subdivide the land under this Title, and while used herein in the masculine gender and singular number, it means the feminine and neuter gender and plural number whenever required.

13-21-3 Sub Divider.

"Sub divider" means any individual, firm, association, syndicate, co-partnership, corporation, trust, or other legal entity commencing proceedings under this Title, to effect a subdivision of land hereunder for himself or for another and, while used herein in the masculine gender and singular number, it means and includes the feminine or neuter gender and the plural number whenever required.

13-21-4 "Subdivision" defined; exemptions for certain land.

- A. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, for the purpose of any transfer, development or any proposed transfer or development unless exempted by one of the following provisions:
 1. The term "subdivision" does not apply to any division of land which is subject to the provisions of NRS 278.471 to 271.4725, inclusive.
 2. Any joint tenancy or tenancy in common shall be deemed a single interest in land.
 3. Unless a method of disposition is adopted for the purpose of evading this chapter or would have the effect of evading this chapter, the term subdivision does not apply to:
 - a. Any division of land which is ordered by any court in this state or created by operation of law;
 - b. A lien, mortgage, deed of trust or any other security instrument;
 - c. A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;
 - d. Cemetery lots;
 - e. An interest in oil, gas, minerals or building materials which are now or hereafter severed from the surface ownership of real property.
- B. A common- interest community consisting of five or more units shall be deemed to be a subdivision of land within the meaning of this section, but need only comply NRS 278.326 to 278.460, inclusive, and 278.473 to 278.490, inclusive.
- C. The Board of County Commissioners may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive if:
 1. The land is owned by a railroad company or by a nonprofit corporation organized and existing pursuant to the provisions of Chapter 81 or 82 of NRS which is an immediate successor in title to railroad company, and the land was in the past used in connection with any railroad operation, and
 2. Other persons now permanently reside on the land.

- D. This chapter does not apply to the division of land for agricultural purposes into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved. Lincoln County interprets this to mean property will continue to be used for agricultural purposes and the division is not going to be used to circumvent parceling procedures. The divisions shall not create any new road encroachments which must then go before the Planning Commission to review for Master Plan impacts.

13-21-5 Subsequent Parcel Map.

Any map that is further subdividing a parcel map but not going into subdivision is a Subsequent Parcel Map. Any subsequent parcel map will be required to show a master plan of property and any upgrades deemed necessary up to the standards of subdivision by the County Commissioners with special attention to public health and safety in regards to roads, flood hazards, water and sewage disposal. Applicant shall have a separate map depicting road easements or right of ways. Parcel sizes shall be reflection of % of lot that is easement or right of way and % of lot that is useable land.

13-21-6 Tentative Map.

“Tentative map” means a preliminary map made to show the design of a proposed development and the existing conditions in and nearby the development but not necessarily based on an accurate or detailed survey.

13-21-7 Utility.

“Utility” means a serving facility such as electrical, gas, sewer, television, telephone, water, etc.

ARTICLE C: SUBDIVISION – TENTATIVE MAP

13-22-1 Preliminary Conference.

Prior to submittal of a tentative map for a subdivision the developer or representative shall meet with the Planning Department to determine master plan conformance, zoning regulations, specific engineering requirements, and other factors which may influence the design and improvement of the area where such subdivision is proposed.

The tentative map must be approved by the town board, if any, prior to submittal to the planning commission.

13-22-2 Filing of Tentative Map.

The tentative map for a subdivision shall be filed with the Planning Commission at least thirty (30) days prior to the meeting for which consideration is desired. At the filing 12 copies of the map will be submitted. All fees shall be paid and fully completed application shall be filed with the Planning Office.

The tentative map must be approved by the Town Board, if any, prior to submittal to the Planning Commission.

13-22-3 Form.

Tentative maps shall be submitted on durable paper twenty-four inches (24) by thirty-two inches (32) in size and drawn to a scale of sufficient size to show all details of the plan and required data clearly. Maps shall be folded to fit into a 9 x 12 envelope. Any number of sheets may be used. Providing each sheet specifies the total number of sheets and the number of that particular sheet. If the tract is a portion of a larger are which may be divided later, the tentative map shall indicate the ultimate plan for the whole. With each such tentative plat, the developer shall also file coy of preliminary deed restrictions if any apply.

13-22-4 Contents.

The tentative map shall show:

- A. The names and addresses of record owners, sub dividers, and engineer or licensed surveyor.
- B. The name of the subdivision,
- C. Essential facts as to adjoining properties, such as street locations and widths, parcel numbers and names of owners;
- D. A small diagram or inset vicinity map with scale indicated, showing the general location of the subdivision with respect to nearby communities, holdings of the developer and principal highways;
- E. All boundary dimensions;
- F. All proposed streets, with widths, approximate radius of curves and grades;
- G. All lots, with approximate dimensions and numbers thereof;
- H. Proposed easements and building or setback lines with dimensions;
- I. Proposed parks and areas offered for dedication,
- J. Date, north point, and scale
- K. A topographic contour map showing accurately the existing terrain within the land development, approximate finished grade contours of all proposed roads, existing draining channels, roads, culverts, underground utility lines, wells and springs, major structures, irrigation ditches, utility poles and other improvements in their correct location which may affect the design of the development. The map shall be drawn to an engineer's scale large enough to show all information clearly.

13-22-5 Approval of Form.

Within thirty (30) days after submittal of the tentative map to the Planning Commission at a regular meeting which shall be the first review, it shall be determined whether the map is in compliance with the provisions of state law and this Title. If it is found not to be in compliance, it shall be immediately returned to the developer with a written specification of reasons why it does not comply. If such map is in compliance with state law and this Title, the filing date shall be the date upon which such map is received by the Planning Commission.

13-22-6 Number of Copies Required.

Twelve (12) copies of the tentative map (and additional copies as necessary) for any subdivision shall be filed with the Planning Commission. They shall be folded into 9 x 12, format for mailing.

13-22-7 Filing Fees.

Filing fees as set forth in the current schedule of fees on file in the County Planning Office shall be due and payable to Lincoln County as a prerequisite to the filing of a tentative map prior to any official consideration thereof. No part of the filing fee will be refunded in the event that the tentative map is not approved or for any other cause.

13-22-8 Distribution of Copies.

- A. A copy of the tentative map shall be submitted to the Lincoln County Flood Control Board for their review of potential flooding and inundation hazards, if there is not a flood control board seated, then the Planning Commission may require a Civil Engineer review for public safety to be paid for by the developer. The Flood Control Board shall have thirty (30) days to comment on the proposal.
- B. If any part of the proposed subdivision lies within one (1) mile of the boundary of any incorporated city, a copy of the tentative map shall be submitted to the city clerk or planning commission of such city, by the subdivider, as appropriate.
- C. Copies of the tentative map shall be sent by the planning commission to the division of water resources and the division of environmental protection of the state department of conservation and natural resources and the health division of the department of human resources for their review and comment on the proposal. Each reviewing agency shall have fifteen (15) days from receipt of the tentative map to file written comments recommending approval, conditional approval, or disapproval of the proposal and stating the reasons thereof.
- D. If a state highway traverses or borders upon or is located within one hundred (100) feet of any part of the proposed subdivision, a copy of the tentative map shall be submitted, by the subdivider, to the district office of the state department of transportation.
- E. A copy of the tentative map shall be submitted, by the planning commission, to the board of trustees of the county school district. The board of trustees shall have fifteen (15) days after the receipt of such copy to notify the planning commission whether a school site is needed within the area proposed for subdivision.
- F. If the proposed subdivision lies within an area included within a general improvement district, a copy of the tentative map shall be sent, by the planning commission, to the board of directors of the district for review and comment. The board of directors shall have thirty (30) days to comment on the proposal.
- G. If the proposed subdivision lies within an area included within an irrigation district, a copy of the tentative map shall be sent, by the planning commission, to the board of directors of the district for review and comment. The board of directors shall have thirty (30) days to comment on the proposal.
- H. When a tentative map proposes water or services for the disposal of sewage subject to the provisions of NRS 704.679, a copy of the map shall be sent, by the planning commission, to the Public Service Commission of Nevada for their information.

- I. If the proposed subdivision lies within the boundaries of an unincorporated town, a copy of the tentative map shall be sent to the advisory town board for review and comment. The sub divider must appear before the town board and obtain their approval prior to being approved by the Planning Commission. The advisory town board shall have thirty (30) days to approve/disapprove the proposal. Referral to Utility Agencies, Surveyor and Recorder. A copy of the tentative subdivision map shall be referred to each utility agency providing gas, telephone, power, culinary water and sanitary sewer and to the county surveyor and recorder for checking and recommendation concerning the availability of service, easements, required problems to be solved, etc.

13-22-9 Planning Commission Recommendation.

Within sixty (60) days after the second review of the tentative map the Planning Commission shall consider all such evidence as presented by the developer, the boards, agencies and others reviewing the map, and staff, and shall make such findings relative to the tentative map as are not consistent with the laws of the state or with this Title. The Planning commission shall recommend to the board of county commissioners to approve, disapprove or conditionally approve the tentative map by written report to said board stating the basis for their recommendation.

13-22-10 Planning Commission Review:

- A. The planning commission must review, at least, all of the following:
 1. Environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
 2. Availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision, and if served by a public water system, plans must be submitted for water meter installation to serve each water user.
 3. Availability and accessibility of utilities;
 4. Availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
 5. Conformity with the zoning ordinances and master plan, except that if any existing ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
 6. General conformity with the master plan of streets and highways;
 7. Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
 8. Physical land characteristics such as flood plain, slope, soil;
 9. The availability and accessibility of fire protection, including but not limited to, the availability and accessibility of water and services for the protection and containment of fires, including fires in wild land.
 10. Recommendations and comments of those entities reviewing the tentative map pursuant to Section 13-22-9 of this title.
- B. Any disapproval or conditional approval must include a statement of the reason for that action.
- C. The Planning Commission shall submit in writing to the County Commissioners Facts and Findings regarding the above requirements. The County Commission may accept or reject all or portions of this recommendation or they may add to it as they see fit regarding public safety, infrastructure impacts, roads, flood hazards and mitigation and other issues pertaining, but limited, to the implementation of the County Master Plan.

13-22-11 Action of Board of County Commissioners

- A. Within sixty (60) days of receipt of the Planning Commission's written Facts and Findings regarding the proposed map, after full review of the recommendation, the board of county commissioners shall, by a majority vote of the members present, approve, conditionally approve, or disapprove a tentative map filed with it.
- B. The board of county commissioners may consider:
 - 1. Any and all requirements that that the Planning Commission reviewed.
 - 2. Any public safety, health, school, infrastructure impacts, and make additional requirements, require a development agreement, a performance bond, or deny the tentative map based upon written findings.
- C. If the map is denied, the appropriate County entities shall be notified in writing by the County Commission and said map has been denied and cannot be recorded or lots sold from the map as denied by the County Commissioners.
- D. No map shall be considered for approval by the County Commissioners until, all required signatures up to this approval are on the Mylar and notarized.

13-22-12 Extension of Time

The time limitations specified in this Article for acting and reporting on a tentative map by the Planning commission and the Board of County Commissioners may be extended by mutual consent of the sub divider and the Planning Commission or Board of County Commissioners, as the case may be. The time limitation for action on a tentative map may be suspended for a period, not to exceed one (1) year, if during that time the State of Nevada or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the processing of a tentative map.

ARTICLE D: SUDIVISION-FINAL MAP STANDARDS

13-23-1 Presentation and Recordation of Final Map

- A. Unless the time is extended the sub divider shall present to the Board of County Commissioners the final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved, or one of a series of final maps, each covering a portion of the approved tentative map, within one (1) year or within successive one (1) year periods after the date of approval of the tentative map, if in the development agreement phrases were approved.
- B. At the time of filing a final map the Board of County Commissioners, the board may require the payment of a final map review fee to cover the costs of hiring a professional land surveyor or registered civil engineer to examine and evaluate the final map for the board in lieu of the county surveyor. The amount of the fee shall be determined by the Board of County Commissioners however, the total fee shall not exceed the actual costs incurred by the county to hire such expertise to review the final map.
- C. If the sub divider fails to record a final map for any portion of the tentative map within one (1) year after the date of approval of the tentative map, or within one (1) year after the date of approval of the most recently recorded final map, all proceedings concerning the subdivision are terminated. There shall be no refund of fees paid up to this date and all reviews will begin again with the Planning Commission.
- D. The Board of County Commissioners may grant an extension of not more than one (1) year for the presentation of any final map after the one (1) year period for presenting the entire final map or next successive final map has expired. If in the interim between approval of maps there is an entirely new Board of Commissioners, they may refer back to the Planning Commission for review and recommendation. They may also require documentation of approvals be presented with the map.
- E. The time limitation for action on a final map may be suspended for a period, not to exceed one (1) year, during which the State of Nevada or the Federal Government takes any action to protect the environment or an endangered species which prohibits, stops or delays the development, processing or recordation of a final map.
- F. If the sub divider is presenting in a timely manner a series of final maps, each covering a portion of the approved tentative map, no requirement 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.

13-23-2 Map Standards

The final subdivision map shall be clearly and legibly drawn upon tracing cloth of good quality or produced by the use of other materials of a permanent nature generally used for such purposes. All lines, letters and figures shall be made in permanent black ink. Certificates may be stamped or printed with permanent black ink. The size of each sheet of the map shall be twenty-four inches (24") by thirty-two (32"). A marginal line shall be drawn completely around each sheet. Leaving an entirely blank margin of one inch (1") at the top, bottom, and right edges, and of two inches (2") at the left edge along the twenty-four inch (24") dimension. The name, title, or other designation, and all drawings, affidavits, certificates, acknowledgments, endorsements, acceptance of dedication, and notarial seals shall be within the marginal line.

- A. The scale to which the drawing is made shall be large enough to show the details clearly and enough sheets shall be used to accomplish this end. Each sheet shall be numbered. The relation of one sheet to another shall be clearly shown, and the number of sheets used shall be set forth in the title of the map.

- B. In addition, the map must be submitted in Auto Cad 13 or later digital format as well as an image format (JPEG, TIF).

13-23-3 Title

- A. The first sheet shall contain the title conspicuously placed in the lower right hand corner of the map. Below the title shall be a subtitle consisting of a general description of all the property being subdivided, by reference to deeps or to maps which have been recorded, or to official United States Survey. In addition, the map must have the vicinity drawing on the first sheet.
- B. Every sheet comprising the map proper shall bear the title (but not subtitle), scale, north point, and sheet number. The title sheet shall show, in addition, the basis of bearings, the names of the engineer and sub divider, and a location diagram.

13-23-4 Certificates

Prior to recording, the following certificates and acknowledgments shall appear on the final map and may be combined when appropriate:

- A. A certificate signed and acknowledged by all owners of records and applicant(s):
 - 1. Consenting to the preparation and recordation of the final map.
 - 2. Offering for dedication that part of the land which the person wishes to dedicate for public use, subject to any reservation contained therein;
 - 3. Reserving any parcel from dedication;
 - 4. Granting any permanent easement for utility installation or access, as designated on the final map, together with a statement approving such easement, signed by the public utility or person in whose favor the easement is created or whose services are required.
- B. A certificate signed and acknowledged by a title company certifying that each person signing the final map owns a record of interest in the land and that all of the owners of record of the land have signed the final map, and that there are no liens of record per NRS 278.374.
- C. A certificate of the surveyor responsible for the survey and final map in the form specified in NRS 278.375.
- D. A certificate of the county surveyor, or the professional land surveyor or registered civil engineer reviewing such final map for the county, stating that he has examined the final map and that he is satisfied that the map is technically correct. If the required monuments have not been set, the certificate shall certify that a proper performance bond has been deposited guaranteeing their setting on or before a certain day.
- E. A certificate of the health division of the State Department of Human Resources indicating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities.
- F. A certificate of the division of water resources of the State Department of Conservation and Natural Resources indicating that the final map is approved concerning water quantity.
- G. A certificate by the clerk of the governing body stating that the final map was approved by the Board of County Commissioners or County Planning Commission, that the board has accepted or rejected on behalf of the public any parcel of land offered for dedication, and that the final map substantially complies with the tentative map and all conditions have been met.

13-23-5 Surveying Data-Lots.

Sufficient data must be shown to determine readily the bearing and length of every lot line, block line, and boundary line. Linear dimension shall be expressed in feet and decimals of a foot. No ditto marks shall be used. Lots containing two (2) acres or more must show acreage to the nearest hundredth of an

acre. Lots containing less than two acres (2) must have their area calculated in square feet. The length, radius and total delta and length of arc of all centerline curves on streets and lengths of arc and delta of each curved lot boundary must be shown.

13-23-6 Surveying Data-Streets.

The map shall show the centerline of all streets, the total width of each street, the width of the portion being dedicated and the width of existing dedication. The width of any railroad right-of-way, flood control or drainage channel, and any other easement appearing on the map shall be shown.

13-23-7 Easement Designation.

- A. The easement shall be clearly labeled and identified, and if already of record, proper reference to the records given. If the easement is being dedicated a separate map is required and it shall be properly set out in the owner's certificate of dedication.
- B. The map shall show the lines of all easements to which the lots are subject. Easement for storm drains, sewers, and other purposes shall be denoted by fine dashed or dotted lines. The width of the easement, and lengths and bearings of lines thereof, and sufficient dimensions and ties to locate the easement definitely with respect to the subdivision shall be shown.

13-23-8 Existing Monument Designation.

The map shall show clearly what stakes, monuments, or other evidence was found on the ground to determine the boundaries of the tract. The corners of all adjoining subdivisions or portions thereof shall be identified by lot number, tract name, and place of record, or by section, township, and range, or by other proper designation.

13-23-9 Other Map Requirements.

The exterior boundary of the land included within the Subdivision shall be indicated by graphic boarder. Each lot and block must be numbered or lettered in sequence and each street must be named.

13-23-10 Submission to Board of County Commissioners.

The final map, together with all certificates as required by law, shall be prepared and submitted in ten (10) copies and one reproducible copy to the clerk of the Board of County Commissioners. The clerk of the board shall submit one (1) copy each of the map to the Board of County Commissioners, the county surveyor, assessor and district attorney, planning office and other offices requiring updates.

13-23-11 Filing of Improvement Plans.

The sub divider shall file with the clerk of the Board of County Commissioners two (2) copies of the complete plans covering the improvements of streets, alleys, curb and gutters, sidewalks, proposal for surface drainage, culinary water supply and sewage disposal including water and sewer mains, hydrants, etc. and such other plans as may be required together with a detailed estimate of the one (1) copy of all plans and estimates to the county surveyor for a review and report on the accuracy and completeness of the plans and estimates filed. The county surveyor shall submit the report on the plans and estimates to the clerk of the Board of County Commissioners within twenty-one (21) days of receipt. The cost of this review is to be paid by the applicant.

13-23-12 Approval by Board of County Commissioners.

- A. The Board of County Commissioners at its next meeting, or within a period of not more than ten (10) days after the filing, approve the map if it conforms to all legal requirements; and the Board of County Commissioners shall, at that time also, accept or reject any or all offers of dedication, and may, as a condition to acceptance of any streets or easements, require that the sub divider, at his option, either improve or agree to improve the streets or easements.
- B. The Board of County Commissioners may also require as a condition precedent to the approval of any final map, that any or all of the parcels of land shown thereon and intended

for any public use shall be offered for dedication for public use, except those parcels, other than streets, intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

- C. If an agreement for a required improvement has been entered into, the Board of County Commissioners may require that the agreement be secured by a good and sufficient bond or other security in the amount determined by the Board of County Commissioners.

13-23-13 Clerk to Notify Sub Divider of Board's Action

The clerk of the Board of County Commissioners shall notify the sub divider, or his authorized agent, of the action of the Board of County Commissioners.

13-23-14 Filing for Recordation.

- A. A final map presented to the county recorder for recording must include a certificate by the clerk of the governing body, or planning commission, director of planning or other authorized person or agency:
 - 1. Approved the map.
 - 2. Accepted or rejected on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication: and
 - 3. If applicable, determined that a public street, easement or utility easement that will not remain in effect after a merger and re subdivision of parcels conducted, pursuant to NRS 278.4925, has been vacated or abandoned in accordance with NRS 278.480.
- B. The director of planning, shall certify on the final map that it substantially complies with the tentative map and all conditions have been met.
- C. The clerk of the planning commission shall cause the approved map to be presented to the county recorder for recording.

13-23-15 Compliance Required for Recordation.

- A. No final map of a subdivision as defined in Nevada Revised Statutes shall be accepted by the county recorder for recording unless all applicable provisions of the Nevada Revised Statutes and this title have been complied with.
- B. The county recorder may have not more than (10) days to examine the final map before accepting or refusing it for recordation.
- C. Any final map submitted for recordation shall be accompanied by a written statement signed by the county treasurer indicating that all property taxes on the land for the fiscal year have been paid.

13-23-16 Dedication of Property.

- A. Title to property dedicated or accepted for streets and easements passes when the final map is recorded if the roads are accepted by the County Commission.
- B. If at that time the final map is approved any streets are rejected, the offer of dedication shall be deemed to remain open and the Board of County Commissioners may by resolution at any later date and without further action by the sub divider, rescind its action and accept and open the streets for public use.
- C. Such an acceptance must be recorded in the office the county recorder and be accompanied by a separate map depicting every easement that is dedicated.

ARTICLE E: SUBDIVISION STANDARDS

13-24-1 Compliance with Article Required.

No tentative or final subdivision map shall be approved by the Board of County Commissioners until and unless the map or maps indicate full compliance with the requirements of this Article.

13-24-2 Relation of Block and Streets to Topography.

Topographic conditions shall determine the general pattern and alignment of streets, highways, and byways. Roads on maps shall conform to the topographic reality of the property.

13-24-3 Continuation of Street Center Lines.

The arrangement of streets shall provide for the direct continuation of the centerline of the principal existing streets or highways adjacent or adjoining subdivided areas. In general, such streets shall have a width at least as great as existing streets.

13-24-4 Street Names.

Streets that are extensions of or obviously in alignment with existing streets shall bear the names of the existing streets. The names of new streets shall be subject to the approval of the County Planning Commission and shall not duplicate existing streets, except as provided above.

13-24-5 Primary and Secondary Highway Widths.

The width of a primary highway shall not be less than one hundred (100') feet, and width of a secondary highway shall not be less than eighty (80') feet.

13-24-6 Street and Local Road Widths.

The standard width of all streets and local roads shall be consistent with the local community design and Lincoln County Road Department standards as included in the appendix to this code; or forty (40') feet, but the requirements that a forty (40') foot right-of-way be dedicated may be modified and a lesser width approved under such conditions as the Board of County Commissioners as advised by the Road Supervisor and Planning Commission may prescribe.

13-24-7 Street Grades.

Street grades shall not exceed seven percent (7%) unless topographical conditions make grades in excess of seven percent necessary. On primary and secondary highways the maximum grade shall be six percent (6%).

13-24-8 Intersections.

The intersections of streets shall be at an angle of ninety (90) degrees, or as close to such an angle as is practicable, but in no case shall an intersection be at an angle less than thirty (30) degrees.

13-24-9 Dead End Streets.

Where necessary to give access to or permit a satisfactory Subdivision of adjoining land streets shall run through to the boundary of the property and the resulting dead end streets may be approved without a turn-around, provided they are ninety (90') feet in width; but in all other cases a turn-around having a radius of sixty (60') feet or more shall be provided. All dead end streets must meet approval of emergency service providers in the area, and provide adequate space for turn around's and emergency services.

13-24-10 Reserve Strips.

Narrow parcels or reserve strips controlling access to streets or highways from adjoining property will not be approved, unless the control or disposal of such land is placed under the jurisdiction of the Board of County Commissioners subject to takings review, under conditions satisfactory to the board.

13-24-11 Alleys.

An alley having a minimum width of twenty (20') feet shall be laid out in the rear of proposed commercial lots. In residential blocks the provision of alleys is optional with the sub divider, but where they are provided, the minimum width shall be twenty (20') feet.

13-24-12 Easements.

Where alleys are not provided, public utilities easements not less than six (6') feet in width, shall be provided on each side of real lot lines and along side lines, where necessary. When an easement on only one side of a lot line is required, it shall have a width of twelve (12') feet. Easements of greater width will be required along natural watercourses, conforming substantially to the lines of such channel. These easements shall be defined in a development agreement and meet with any and all other plans in use at the time. Easements shall be defined on a case by case basis.

13-24-13 Lots.

The size and shape of lots shall be in conformance to any zoning regulations

- A. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial to the street if the street is curved
- B. Effective for the area of the proposed subdivision, provided that in areas in which no zoning regulations are in effect, lots shall not be less than sixty (60') feet in width nor less than six thousand (6,000') square feet in area, nor less than eighty (80') feet in depth, provided that for corner lots the width shall not be less than seventy (70') feet. In no case shall the depth be greater than three (3) times the width of a lot.
- C. No lot shall be divided by a city boundary line.
- D. Lot numbers or letter shall begin with the number "1" or letter "A" and shall continue consecutively throughout the block with no omissions or duplications. Clarification of the numbering system utilized may be required by the Planning Commission to avoid confusion, this may be done on the inset map showing all of the applicant's neighboring holdings.
- E. Lots without frontage on a public street will not be permitted.
- F. All lots shall be suitable for the purpose for which they are intended to be sold.

ARTICLE F: SUBDIVISION-SURVEYS AND MONUMENTS

13-25-1 Survey Required for Final Map.

Before a final map of a land development can be prepared or submitted, an accurate and complete boundary survey of the building sites, blocks, roads, easements, and boundaries shall be made by a professional land surveyor registered in the State of Nevada. The final monuments must be set before the recordation of the final map unless a performance bond or other suitable assurance has been provided as specified in Section 25-6 of this Article.

13-25-2 Monuments-Generally.

Monuments shall be set as specified in Section 6.2 of this Article and shall be permanently and visibly marked or tagged with the registration and license number of surveyor under whose supervision the survey was made and a description of each monument to be set subsequent to recordation shall be shown on the final map. Tags set in iron pipes shall be grouted with mortar. Minimum allowable error of closure shall be one-ten-thousandth. Closure for an exterior boundary traverse shall be one one-thousandth and the engineer shall furnish to the county engineer at the time of filing of the final map the traverse sheets showing mathematic closure together with such other data as may be required for checking. Temperature and tension correction shall be applied to all measured distances in conformance with the standard adopted by the Federal Board of Surveys and Maps in May, 1925.

13-25-3 Monument-Setting.

The engineer or surveyor in charge of surveys shall cause permanent monuments to be set in accordance with this section.

A. Class A monument shall be set as follows:

1. On each corner of the land development boundary;
2. Along boundary lines of the development at intervals of not more than one-fourth mile;
3. At street intersections or by reference thereto;
4. On all block corners

B. Class B monument shall be set on each building site corner.

13-25-4 Monuments-Specifications.

Monuments required in this Title shall be as follows:

- A. A Class A monument shall consist of a capped iron pipe having an inside Diameter of two (2") inches or more or a six (6") inch by twelve (12") inch concrete monument or malleable metal capped steel shaft or its equivalent thirty (30") long driven at least twenty-four (24") inches into the ground.
- B. Class B monument shall consist of an iron pipe having an inside diameter of three-fourths of an inch or more and at least eighteen (18") inches long, driven at least twelve (12") inches in the ground, extending between four (4") inches and six ((6") inches above the surface and having a stamped galvanized cap or a steel reinforcing bar with a minimum diameter of five-eighths of an inch and at least eighteen (18") inches long, driven in the ground at least twelve (12") inches and extending above the surface of the ground at least six (6") inches with the top painted red.
- C. Where a monument is set in a paved street, it shall be set with the top at least four (4") inches below finish grade and be covered with a cast iron cover set flush with the finished street grade.

- D. If a Class A monument cannot be set because of steep terrain, water, marsh or existing structures, or if it would be obliterated as a result of proposed construction, one or more reference monuments must be set. In addition to the physical requirement for a class A monument set forth in subsection 1, the letters "RM" and "WC" must be stamped in the tablet, disc or cap. If only one reference monument is used, it must be set on the actual line or a prolongation thereof. Otherwise, at least two reference monuments must be set.
- E. By order entered in the minutes, the Board of County Commissioners may authorize placement of other specified kinds of monuments in a special development.

13-25-5 Marking Lots for Identification Purposes.

The developer shall indicate or post markers which will show the approximate corners of building sites so as to enable a determination whether such development will comply with applicable sanitary, pollution and other provisions of county and state law.

13-26-6 Bond or Deposit to Guarantee Placement

- A. Where the certificate of the land surveyor states that all the monuments will be set on or before a specified later date, the developer shall furnish to the county a performance bond or other suitable assurance guaranteeing the subdivider will provide a professional land surveyor to set the monuments. The Board of County Commissioners shall determine the required amount of the performance bond, and;
- B. Within five (5) days after the final setting of all monuments has been completed by the land surveyor, written notice shall be given to the county engineer that final monuments have been set. After setting the final monuments, the developer shall present to the county engineer evidence of same together with a request that his bond be released or other assurance be returned. The county shall immediately thereafter release the bond or other assurance to the depositor.

ARTICLE G SUBDIVISION-REQUIRED IMPROVEMENTS

13-26-1 Generally

- A. As a condition precedent to the acceptance of any features offered for dedication to the public, and prior to the approval of the final map, the developer shall agree to improve at his own expense and within a stated time, all land so dedicated with such improvements required which may include underground utilities or other public safety or community standardization, and the final map of any such land development shall not be approved until either such features have been improved as required or the developer has executed an agreement to so improve such features as secured by a bond or cash deposits set forth in Section 26-3 of this Article. Trunk sewer lines, other improvements not solely for the benefit of the subject subdivision, and full improvements of primary and secondary routes shall not be required unless included within the developer's agreement; however, the developer shall be held to his proportion of all of these improvements. The amount of said fair participation shall be decided by the Board of County Commissioners.
- B. Whenever the installation of roads, sewers, water systems or drainage facilities is required of the developer, and such improvements are of benefit and value to land other than that located within the development, the Board of County Commissioners may enter into an agreement with the developer to reimburse him in whole or part for the use of such improvements by the lands other than those improved by the developer and the Board of County Commissioners may impose and collect a charge for use of such facilities.

13-26-2 Development Agreement to Make Improvements.

- A. If, at the time the final map of the land development is considered for approval, any of the improvements required by this Title have not been completed, the developer shall submit an agreement to complete all of such improvements prior to the date fixed by the county and specified in the agreement.
- B. The agreement to complete such improvements shall provide for the acceptance of the work as it progresses, and for withdrawal of that portion of any security posted as required equal to ninety percent (90%) of the estimated cost of that portion of the work so accepted, as shown by the certificate of the county surveyor under the rules established by resolution of the Board of County Commissioners.
- C. The agreement shall also provide that the developer shall repair, at his sole cost and expense, any hidden defect in workmanship or materials which appears in the work within one year following acceptance of the work by the Board of County Commissioners and for retention of ten percent (10%) of the original amount of the security posted as required to secure developer's obligation to repair such defects.

13-26-3 Performance Bond or Deposit.

- A. The performance of any agreement to make improvements or to form an assessment district in a land development shall be secured by a corporate surety bond issued by a surety company authorized to do a general surety business in the state, in a form approved by the district attorney, and a penal sum equal to the established cost of complete required improvements computed by the county surveyor. In lieu of such bond, the developer may submit a cash deposit in the like amount as security for performance of such agreement.
- B. Where all or part of the improvement required by this title are made by assessment district proceedings providing for an awarded contract to construct such improvements and the faithful performance of such contract is secured by a surety bond approved by the district attorney in the amount of the contract price, the amount of the bond or cash deposit required by this Title may be reduced by an amount equal to seventy-five percent (75%) of such faithful performance bond from and after filing of such approved faithful performance bond with the Board of County Commissioners.

13-26-4 Assessment District Proceedings.

- A. In lieu of the agreement to make the improvements required by the Board of County Commissioners, the developer shall submit an agreement to initiate and consummate proceedings under an appropriate special assessment act or acts for the formation of a special assessment district which includes the development, or a part thereof, for the financing and construction of the improvements required.
- B. Any such agreement shall also incorporate the requirements and procedures contained in the resolution establishing procedures for acquisition of public improvements by assessment district proceedings and any revision thereof adopted by the Board of County Commissioners.
- C. The agreement to consummate assessment district proceedings shall provide for the acceptance of the work as it progresses and partial withdrawal of any deposit made, in money or bond, to secure the faithful performance of the agreement upon the certificate of the county surveyor. Any such agreement shall be in a form approved by the district attorney.

13-26-5 Acceptance of Work.

- A. Any unexpended cash deposits not required for completion of the work shall be refunded.
- B. When all improvement work required by the improvement plans, or a complete unit thereof, is complete to the satisfaction of the county planner, he/she shall issue a certificate to the Board of County Commissioners stating that such a portion of the work has been satisfactorily completed and that he recommends the acceptance by the Board of County Commissioners of the completed portion of the work.
- C. Upon satisfactory completion of all work required to meet the requirements of this title, and its acceptance by the Board of County Commissioners, the commission shall file a notice of completion as to the required improvements in the office of the county recorder.

13-26-6 Inspection and Control.

- A. All work done in constructing improvements and all materials furnished shall be subject to the inspection of the county building department, and is subject to building permits and fees for inspections.
- B. The county building department shall have access to work at all times during its construction and shall be furnished with each and every reasonable facility for ascertaining that the materials as used and the workmanship are in accordance with the requirements of this Title.
- C. If any of the work on improvements is done by the developer prior to the approval of the improvement plans or prior to the inspection of the improvements as required by the county building department, such work may be rejected and shall be deemed to have been done at the risk and peril of the developer.

13-26-7 Inspection Fee.

- A. The cost of improvements as such shall be based on the estimated Construction cost, or on a construction contract if awarded prior to the filing of the final map with the Board of County Commissioners. If any portion of the work has been done at the time of depositing the fee, the developer shall pay to the county building department all necessary costs plus fifteen (15%) thereof for the inspection and testing required to verify the actual quantity and quality of the work done.

- B. Prior to the commencement of construction, the developer shall pay to the county building department the cost for the inspection of the work and checking and testing of the materials at the following rates:

Inspection Fee	Improvement Cost
3-1/2%	\$0-\$50,000
3-1/4%	\$50,000-\$100,000
3%	\$100,000-\$200,000
2-3/4%	\$200,000-\$300,000
2-1/2%	\$300,000 and up

13-26-8 Prosecution of Work - Forfeit of Deposit.

- A. Delay in the completion of the work beyond the period by the Board of County Commissioners and the surety company, may result in forfeiture of the cash deposit and/or security or a portion thereof for the completion of the work.
- B. The developer shall prosecute the work to completion without undue delay except for inclement weather or other reasonable cause.

13-26-9 Improvement Standards for Submissions.

- A. The Board of County Commissioners or at the recommendation of the County Road Supervisor may require, whether recommended by the planning commission or not, the improvement, construction and/or installation of streets, curbs; gutters; sidewalks; drainage channels, ditches or bar ditches, including culverts or other facilities; water supply and distribution system, including water mains, water service connections and fire hydrants; sewage collection and disposal systems, including mains and laterals; street name signs; and underground utilities for any subdivision.
- B. The application and requirements of improvements and facilities shall be determined by the Board of County Commissioners based upon location, need for improvements, topographic conditions, soil compaction in tests, existing improvements in the vicinity and proposed use of the lots created by the subdivision.
- C. The standards of improvement may be up to and including those specified in Article H of this Title.
- D. The Board of County Commissioners may require all improvements specified in Article H of this Title to be applied to a subdivision or may require some of the improvements, or may require a level or standard of improvements than that specified.
- E. A sub-divider may construct or install improvements and facilities in a subdivision which may be in excess or to a higher standard than that required by the Board of County Commissioners.

ARTICLE H: SUBDIVISION - IMPROVEMENT STANDARDS

13-27-1 Streets.

All streets shown on the final map to be dedicated to, and if accepted by, the county shall be constructed and improved to the following minimum standards prior to acceptance by the county as a public street:

- A. Have a right-of-way extending at least two (2) feet beyond those places where the natural surface of the ground must be excavated or covered with fill dirt and materials in constructing such cuts and fills which are necessary to provide the roadbed and drainage ditches required.
- B. The entire width of the right-of-way shall be cleared of all brush, trees, stumps or other debris except that sound trees twelve (12) inches or more in diameter may be left standing with the approval of the road supervisor when within the right-of-way and within three (3) feet of the right-of-way.
- C. Have a minimum paved surface of twenty (20) feet in case of one-half right-of-way boundary streets;
- D. Where native soil is not suitable, the developer or contractor shall excavate as needed and replace with a minimum of eight inches (8") of approved and tested pit-run or bank-run material to bring sub-grade to proper elevation. Sub-base to be scarified to not less than nine inches (9"), watered, and re-compacted to not less than ninety (90%) of the maximum density.
- E. Be provided with necessary drainage ditches, culverts and structures, built according to a drainage plan approved by the road supervisor, who may require a drainage plan be prepared by a civil engineer registered in the state and duly approved prior to commencement of road grading.
- F. The base course shall consist of base materials that are crushed gravel, screened riverbed gravel, or decomposed granite meeting the gradation requirements specified by the road supervisor. The base thickness shall be determined by the soil classification of the sub grade, and in no case shall be less than six inches (6") for residential streets or nine inches (9") for collectors and major streets. The road supervisor may require classification test data to be submitted with the construction drawings, at the rate of one test for every one thousand feet (1000') of roadway being developed. On the basis of these tests, and/or with field observations of the soils, the road supervisor shall determine base thickness required.
- G. Where a higher surface treatment is required by the Board of County Commissioners:
 1. A paved surface of plant-mixed or road-mixed asphalt shall be applied to the roadbed and be compacted to a thickness of at least two and one-half (2 ½") inches. The design of the mix shall have the written approval of the road supervisor before placing pavement. Where curbs and gutters are involved, road-mixed pavement will not be satisfactory; plant mix A.C. pavement is mandatory.
 2. A liquid asphalt prime coat of SC 250 grade liquid asphalt may must be applied at the rate of at least two-tenths (.2) of a gallon per square yard to the entire width of the base coat.
 3. In subdivisions where it is established that each lot therein contains at least two (2) acres and is restricted to single-family use without re subdivision possibility, or reduction in area or separation of ownership, and where each lot has adequate water supply available, this provision may be waived.
- H. Road shoulders shall extend at least three (3') feet past the edge the base course at the same elevation and slope as the roadway. The outside edges of shoulders shall be sloped no greater than a two to one slope. Shoulders shall be compacted to not less than ninety percent (90%) of the maximum density.

- I. Bar ditches shall be no greater than twelve inches (12") deep unless otherwise approved and shall be installed only as necessary to provide adequate drainage.
- J. All engineering costs, compaction tests and soil analysis tests are the responsibility of, and shall be paid for, by the developer or contractor.
- K. The developer or contractor shall be responsible for the condition and maintenance of all streets and alleys constructed for a period of twelve (12) months following completion of the streets and alleys. Any damage or settling of the streets or alleys shall be repaired or replaced at the developer's or contractor's expense.

13-27-2 Curbs and Gutters.

Where required by the Board of County Commissioners for drainage or safety or other reasons curbs and gutters shall be installed to the following standards:

- A. Flow line of curb and gutter shall have a minimum grade of three-tenths of one percent.
- B. Curb returns shall have a minimum radius of ten (10) feet.
- C. Curbs and gutters shall be three-thousand (3,000) PSI concrete and shall be "L" type construction with five (5) inch Type II gravel sub base. Minimum width varies with street design.
- D. Valley gutters shall be three-thousand (3,000) pound concrete, six (6) feet in width at street intersections and two and one-half (2 ½) feet in width at alleys where required by the road commissioner, both to be six (6) inches thick.

13-27-3 Drainage.

- A. In the event that a proposed subdivision or any part thereof is traversed by any major watercourse channel, the sub divider shall dedicate adequate easements or rights-of-way for storm water drainage purposes.
- B. No subdivision plat shall be considered for final approval until the sub divider submits to the Board of County commissioners a report prepared by a registered engineer as to the ability of existing watercourse channels, drainage tiles, gutters, culverts and other works pertaining to drainage or flood control within the subdivision to handle the additional runoff which will likely be generated by the development of the land within the subdivision.
- C. The following standards shall apply:
 - 1. Drainage channels shall be so designed as to maintain a minimum velocity of two (2) feet per second and a maximum velocity of eight (8) feet per second.
 - 2. The sub divider shall submit to the county clerk for checking by the county surveyor sufficient information in the form of maps and profiles prepared by his surveyor or engineer to indicate the proper drainage of the surface water to natural drainage courses or into city, county or state drainage systems. If the same is across lands intended to be used as private lots, rights-of-way or easements must be indicated in the proposed lot. The location and width of easements must be indicated on the plat to be recorded and marked "Easement Reserved for Surface Drainage." If it is deemed necessary by the county, ditching shall be provided. If it is deemed expedient, the drain shall be enclosed in pipe made to designed size and specification, and laid to the grade and depth required by the county surveyor.
 - 3. Circular culverts shall be reinforced concrete pipe with cement joints or corrugated metal or metal arch pipe.
 - 4. No drainage structure shall be permitted with a diameter of pipe less than fifteen (15) inches.

5. Standard head walls shall be placed on all circular culvert up to seventy-two (72) inches in diameter.
6. The design, size and material used shall comply with the specifications of the county in all cases.

13-27-4 Sidewalks.

Sidewalks shall be installed where in the opinion of the Board of County Commissioners they are necessary for reasons of traffic safety or public protection and welfare. Where required, sidewalks shall be constructed of four (4) inch Portland cement concrete or two (2) inch asphaltic concrete on prepared sub grade. Sidewalks shall have a minimum width of three (3) feet.

13-27-5 Water Supply

- A. All water supply features shall be constructed and installed in compliance to the Standards of the American Water Works Association, the Standard Specifications and Details for Public Works Construction ("The Orange Book"), and the Regulations for Construction of Public Water Systems (NAC 445) administered by the Nevada Division of Health, as appropriate.
- B. In addition to these requirements, if a new community water system is to be installed, the method of financing, system of construction, maintenance and operations must be outlined.
- C. The Board of County Commissioners may require a bond or similar security to the value of these improvements be held in escrow until such time as the system is installed to the standards approved at the time of subdivision review.

13-27-6 Wastewater Disposal.

- A. All wastewater features shall be constructed and installed in compliance to the Standard Specifications and Details for Public Works Construction ("The Orange Book"), the International Plumbing Code and the Regulations Governing Individual Sewage Disposal Systems (NAC 444) administered by the Nevada Division of Health, as appropriate.
- B. In addition to these requirements, if a new community wastewater system is to be constructed, the applicant must outline the method of financing all system construction, operation and maintenance.
- C. The Board of County Commissioners may require a bond or similar security to the value of these improvements be held in escrow until such time as the system is installed to the standards approved at the time of the subdivision review.

13-27-7 Fire Hydrants.

If required by the Board of County Commissioners, fire hydrants shall be installed in compliance to the Standard specifications and Details for Public Works Construction.

13-27-8 Street Name Signs.

All addresses and at least one street sign of a type and character as approved by the Planning Director shall be placed at each street intersection by the developer.

13-27-9 Underground Utilities.

- A. If required by the Board of County Commissioners for public safety or continuity of surrounding community, all utilities for direct service to land developments, building sites and structures shall be installed underground. The owner or developer is responsible for complying with the requirements of this section and shall make all the necessary arrangements for the installation of such facilities.
- B. For the purposes of this section, appurtenances and associated equipment, such as, but not limited to, surface mounted transformers, pedestal-mounted terminal boxes, and meter cabinets and concealed ducts in underground systems can be placed above ground.

- C. All underground utilities, sanitary sewers and storm drains installed in streets, service roads, alleys or highways shall be constructed before the surfacing of such street, service road, alley or highway. Service connections for all underground utilities and sanitary sewers shall be laid so as to obviate the necessity for disturbing the street or alley improvements when service connections are made thereto.

ARTICLE I: DIVISION INTO LARGE PARCELS

13-28-1 Generally.

All divisions into large parcels shall be accomplished in the manner set forth in Sections 28.1 through 28.9 of this Article.

13-28-2 Application of Article.

- A. A proposed division of land is subject to the provisions of this Article if each proposed lot is at least;
- B. One-sixty-fourth (1/64) of a section, as described by a government land office survey, or
- C. Ten (10) acres in area, including roads and easements.
- D. A proposed division of land into lots or parcels, each of which contains not less than one section or six hundred forty (640) acres, is not subject to this Article.

13-28-3 Filing Procedure.

Prior to proposed division of Land as described in Section 28.2 of this Article, the owner must file a tentative division into large parcels map with the planning commission. The planning commission, upon application, may waive the requirement for filing a tentative map. If a tentative map is waived the applicant shall file a final map with the planning commission subject to the requirements in Section 28.5 of this Article. A tentative map filed shall:

- A. Be submitted to the planning commission in a minimum of forty-five (45) days prior to the planning commission meeting at which the owner wishes to be considered.
- B. Indicate all contiguous holdings of the owner including land in the "same ownership," with an indication of the portion which is proposed to be subdivided;
- C. Be prepared in conformance with Section 28.4 of this Article
- D. Includes such other information necessary for review of the tentative map that the planning commission may regularly require, including takings checklist (see appendix) and review for potential takings law suits;
- E. Be accompanied with a filing fee as established by the current fee schedule on file in the planning office.
- F. Filings will not be considered complete and will not be set for consideration until all the information required herein is submitted.
- G. Ten (10) copies of the tentative map shall be filed with the planning commission.

13-28-4 Tentative Division of Division of land into Large Parcels Map-Requirements.

- A. This map must show: The approximate, calculated or actual acreage of each lot and the total acreage of the land to be divided;
- B. This map must be entitled "Tentative Map of Division into Large Parcels", and prepared and certified by a professional land surveyor.
- C. Any roads or easements of access which exist including RS 2477 right of ways, are proposed in an applicable master plan, or are proposed by the person who intends to divide the land.
- D. Any easements for public utilities which exist or which are proposed;
- E. Any existing easements for irrigation or drainage, any normally continuously flowing watercourses and all flood ways and flood hazard areas as shown on maps prepared by the Federal Emergency Management Agency and which otherwise are known to exist;

- F. Any indication of any existing road or easement which the owner does not intent to dedicate;
- G. The name and address of the owner(s) of the land.

13-28-5 Planning Commission Action

- A. All tentative maps must be considered by the planning commission. The planning commission shall, within sixty (60) days after receiving a tentative map, review the map to determine if the requirements enumerated in Section 28.4 of this Article have been complied with. When the planning commission has determined that all requirements have been met satisfactorily complied with the planning commission they may approve the map.
- B. The planning commission may within the sixty (60) day period, designate the location and width of any easements for roads and public utilities as shown on the master plan, if there is one applicable to the area to be divided, or designate the location and width of any easements for roads and public utilities which may be reasonably necessary to serve the area to be divided.
 - 1. After the planning commission has approved the tentative map or waived the requirement of its filing, or after the expiration of sixty (60) days from the date of its filing, whichever is sooner, the owner who proposes to divide the land may file a final map of the division with the planning commission.
 - 2. The final map must be accompanied by 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.
 - C. The planning commission must approve, conditionally approve or disapprove the map filed, basing its action on the requirements of NRS 278.472 and Section 28-6 of this Article within forty-five (45) days after its filing. Except as otherwise provided in subsection 4 and 5 the county planning commission neither approved nor disapproves the map within forty-five (45) days, the map shall be deemed approved unconditionally.
 - D. If the final map divides the land into sixteen (16) lots or more, a map shall be deemed approved, unless:
 - 1. Each lot contains an access road that is suitable for use by emergency vehicles; and
 - 2. The corners of each lot are set by a professional land surveyor.
 - E. If the final map divides the land into fifteen (15) lots or less, the planning commission may, if reasonably necessary, require the map to comply with the provisions of subsection 4.
 - F. If the map is disapproved, the planning commission shall return the map to the owner who proposes to divide the land, with the reason for its action and statement of what changes would be necessary to render the map acceptable.
 - G. Any planned unit developments will include a 60 day period for determining completeness of the application and 90 days for the planning commissions to act. Any incomplete items must be re-submitted by the applicant with 30 days of said notice.

13-28-6 Final Land Division Map-Requirements

- A. This map must be:
 - 1. Entitled "Map of Division into Large Parcels";
 - 2. Filed with the planning commission within one year (1) from the date that the tentative map was first filed with the planning commission or when the requirement for filing a tentative map was waived;
 - 3. Prepared by a professional land surveyor;
 - 4. Based upon an actual survey by the preparer and show the date of such survey and contain the certificate of the surveyor required pursuant to NRS 278.375;

5. Clearly and legibly drawn in black permanent black ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink;
 6. Twenty-four (24") by thirty-two (32") inches in size with the marginal line drawn completely around each sheet, leaving an entirely blank margin of one (1") inch at the top, bottom, and right edges, and of two inches (2") at the left edge along the twenty-four (24") inch dimension;
 7. Of scale large enough to show clearly all details and in addition the required maps be submitted in a digital format compliant with the count GIS format.
- B. The particular number of the sheet and the total sheets comprising the map must be stated on each of the sheets, and its relation to each adjoining sheet must be clearly shown.
- C. This map must show and define:
1. All subdivision lots by number and actual acreage of each lot, if under 2 acres must show square footage
 2. Any roads or easements of access which exist and which the owner intends to offer for dedication, any roads or easements of access which are shown on the applicable master plan, and all roads or easements of access which are specially required by the planning commission or Board of County Commissioners; placing dedications on a map does not mean that the county has to accept or will accept roads, easements or right of way for dedications.
 3. Any easement for public utilities which exist or are proposes.
 4. Any existing easements for irrigation or drainage, any normally continuously flowing watercourse, and all flood ways and flood hazard areas as on maps prepared by the Federal Emergency Management agency and which otherwise are know to exist.

13-28-7 Filing With the County Recorder.

The map filed with the county recorder will include:

- A. A certificate signed and acknowledged by the owners(s) of the land consenting to the dedication of the roads and granting of the easements;
- B. A certificate signed by the clerk of the Board of County Commissioners that the map was approved, or the affidavit of the owner presenting the map for filing and the time limited by Section 28.5 of this Article for the action by the Board of County commissioners has expired and the requirements of subsection 4 and 5 have been met;
- C. 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. A report from a title company which lists the names of:
 1. Show that there are no liens of record against the subject property.
 2. Each owner of record of the land to be divided, and
 3. Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.
- E. The signature of each owner of record of the land to be divided.
- F. Written consent of each holder of record of a security interest listed pursuant to subparagraph (B) or paragraph (4), to the preparation and recordation of the final map. A holder of record may consent by signing:
 1. The final map; or

2. A separate document that is filed with the final map and declares his consent to the division of the land.

13-28-8 Recording the Map.

It shall be the responsibility of the owner to file the original map with the county recorder within thirty (30) days after approval. Simultaneously with the filing of the map, the owner shall cause such other legal documents as shall be required to be recorded by the county, such as grants of easements, new deeds, NDOT or county roadway permits, or copies of deed restrictions.

13-28-9 Effect of Recordation.

- A. Recordation of the final map with the county recorder shall operate as the continuing.
 1. Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the Board of County Commissioners may accept in whole or in part at any time or from time to time; but which are not automatically accepted by recordation of the map;
 2. Offer to grant the easements shown for public utilities, which any public utility may similarly accept, with the approval of the Board of County Commissioners, without excluding any other public utility whose presence is physically compatible.
- B. After map has been filed with the county recorder, any lot shown thereon may be conveyed by reference to the map, without further description.
- C. The county recorder shall charge and collect, for recording the final map the fee currently shown on the schedule of fees on file in the recorder's office.

ARTICLE J: PARCEL MAPS

13-29-1 Generally.

- A. Any person who proposes to divide any land for transfer or development into four (4) lots or less shall file twelve (12) copies of the proposed parcel map with the planning commission, unless such division is exempted by Section 29.2 of this Article or the parcels to be created are all in excess of ten (10) acres in area and are subject to the requirements of Article I of this Title.
- B. The map must be accompanied by a written statement by the treasurer of the county indicating that all property taxes on the land for the fiscal year have been paid.
- C. A filing fee as shown on the schedule of fees on file in the planning office shall be paid to Lincoln County upon the filing of the proposed parcel map. The fee is non-refundable.

13-29-2 Exemptions.

- A. A parcel map is not required when the land division is for the express purpose of:
 1. Creation or realignment of a public right-of-way by a public agency.
 2. Creation or realignment or an easement;
 3. Adjustment of a boundary line between two abutting parcels or the transfer of land between two owners of abutting parcels which does not result in the creation of any additional parcels, when the provisions of Section 10.6 of this Article have been complied with;
 4. Purchase, transfer or development of space within an apartment building, condominium, cooperative, or an industrial or commercial building;
 5. Carrying out an order of any court or dividing land as a result of an operation of law.
- B. A parcel map is not required for any of the following transactions involving land:
 1. Creation of a lien, mortgage, deed of trust, or any other security instrument.
 2. Creation of a security or unit of interest in any investment trust regulated under the law of the State of Nevada or any other interest in an investment entity;
 3. Conveying an interest in oil, gas, minerals or building materials, which is severed from the surface ownership of real property;
 4. Conveying an interest in land acquired by the Department of Transportation pursuant to Chapter 408 of NRS;
 5. Filing a certificate of amendment to correct an error or omission in any sub division plat, record of survey, parcel map, map or division into large parcels, or reversionary map where the correction does not change the physical location of any survey monument, property line or boundary line as specified in NRS 278.473.
- C. The provisions for the division of land by parcel map do not apply to a transaction exempted by paragraph 8 of subsection 1 of NRS 278.320 or Section 21.4 of this Title.

13-29-3 Survey Requirements.

A parcel map must be based on a survey conducted professional surveyor made for that purpose, unless this requirement is waived by the Board of County Commissioners. Before waiving a survey for a parcel map, a determination must be made by the county surveyor or another professional surveyor that a survey is not required.

13-29-4 County Action on Parcel Map.

- A. When a parcel map application is filed, the planning commission shall send copies of parcel maps to the appropriate utility companies, the Lincoln County Road Department, local fire department, the Lincoln County Surveyor, the Lincoln County Flood control Board and the respective town board if located within a town boundary for the purpose of review. If no comments or questions by these entities are received by the planning commission within thirty (30) days of receipt of the parcel map, it shall be deemed as approved by these entities.
- B. The planning commission shall review the parcel map to determine its conformity to zoning requirements, the requirements of Sections 29.5 and 29.6 of this Article, any county zoning requirements and the comments received from the entities to which copies of the map were sent. Following such review, the planning commission shall then approve conditionally, approve or disapprove a parcel map in a written report with findings, subject to takings review on application.
- C. The approval or conditional approval of a parcel map and the associated division of land shall be noted on the map in the form of a certificate attached thereto and executed by the planning commission. The clerk shall not sign the certificate until all improvements which may be required as part of the map approval have been completed or compiled with or that assurances for completion as specified in Section 26.3 of this Title have been made.

13-29-5 Form and contents of a Parcel Map.

- A. A parcel map must indicate the owner of any adjoining land, or any right-of-way if owned by the person dividing the land.
- B. The parcel map must be legibly drawn in a permanent black ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for that purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with permanent black ink. The size of each sheet must be twenty-four (24") inches by thirty-two (32") inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1") inch at the top, bottom and right edges, and of two (2") inches at the left edge along the twenty four (24") inch dimension.
- C. A parcel map must show:
 1. The area of each parcel or lot and the total area of the land to be divided in the following manner.
 - a. In square feet if the area is less than two (2) acres.
 - b. In acres, calculated to the nearest one-hundredth of an acre, if the area is two (2) acres or more; or
 2. All monuments found, set, reset, replaced or removed, describing their kind, size and location and giving other data relating thereto.
 3. Bearing or witness monuments, the basis of bearings, bearing and length of lines and the scale of the map.
 4. The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.
 5. Any easements granted or dedications made.
 6. Any other data necessary for the intelligent interpretation of the various items and locations of the points, lines and area shown.
- D. A parcel map must include:
 1. The memorandum of oaths described in NRS 625.320.

2. Certificate of the surveyor required pursuant to NRS 278.375.
3. A report from a title company which lists the names of;
 - a. Each owner of record of the land to be divided, and
 - b. Each holder of record of a security interest in the land to be divided, if the security interest was created by a mortgage or a deed of trust.
4. The written consent of each holder of record of a security interest listed pursuant to subparagraph (2) of paragraph (C) to the preparation and recordation of a parcel map. A holder of record of a security interest may consent by signing;
 - a. The parcel map; or
 - b. A separate notarized document that is recorded with the parcel map declares his consent to the division of land, if the map contains a notation that a separate document has been recorded to this effect.
5. A vicinity map inset showing the general location of the parcel map and the means of access from the parcel map to the nearest county maintained street or highway, with appropriate distances and dimensions shown thereon. If necessary a copy of the grant of easement must be recorded with the map. No map will be approved without recorded grants of easement.

13-29-6 Requirements Which May Be Imposed By the Planning Commission.

- A. Street grading, drainage provisions and lot designs as are reasonably necessary;
- B. If the Planning Commission anticipates that the parcels will be used for residential, commercial or industrial purposes, may require off-site access, street alignment, surfacing and width, water quality, water supply and sewerage provisions as are reasonably necessary and consistent with the existing use of any land zoned for similar use which is within 660 feet of the proposed parcel.
- C. If the proposed parcels are less than one (1) acre, the Planning Commission may require additional improvements which are reasonably necessary and consistent with the use of the land if it is developed as proposed. Lots that are not served by either city water or sewer shall not be less than 1 acre. If a lot has to have its own sewage system and a well, it must be documented that this can be accomplished safely on that size of lot, by developer. A plot plan of locations of each proposed septic and well must be on plot plan of parcel map to ensure setbacks for all future residents.

For a second or subsequent parcel map with respect to:

1. A contiguous tract of land under the same ownership, any reasonable improvement, but not more than would be required if the parcel map were a subdivision.
2. A single parcel; or
3. Show Master Plan of property so that any upgrades necessary may be imposed with special attention to roads, flood hazards, water use, and sewage disposal.
- D. All improvements required shall be specified on the map or be referenced to in the certificate of approval of the Planning Commission.
- E. All required improvements shall be completed prior to recordation of the parcel map. In lieu of completed improvements the applicant for the parcel map may comply with the provisions specified in Section 26.3 of this Title as they apply to subdivisions.

13-29-7 Adjustment of Boundary Lines.

For a boundary line to be adjusted or for land to be transferred pursuant to subsection (1) (c) of Section 29.2 of this Article, a professional land surveyor must have performed a field survey, set monuments and filed a record or survey pursuant to NRS 625.340.

- A. A record of survey filed to adjust a boundary line must contain

1. Certificate by the professional land surveyor who prepared the map stating that:
 - a. He has performed a field survey of the boundaries of the affected parcels;
 - b. All corners and angle points of the adjusted boundary line have been set; and
 - c. The map is not in conflict with the provisions of NRS 278.010 to 178.630 inclusive and will not create any new parcels.
 - d. All property taxes on the land for the fiscal year have been paid; and
 - e. Any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line on the transfer of the land.
- B. A certificate by the County commission or the Planning Director approving the adjustment of the boundary line and stating that this does not create any non conforming parcels or structures according to current zoning of area.

13-29-8 Filing and Recording of an Approved Parcel Map.

Filing and recording of an approved parcel map must be in accordance with NRS 278.4725.

- A. If a parcel map is approved, the preparer of the map shall:
 1. Record the approve map in the office of the county recorder within one (1) year after the date the map met all conditions required for approval. The map must include a written statement signed by the treasurer of the county in which the land to be divided is located indicating that all property taxes on the land for the fiscal year have been paid.
 2. Pay the current fee to the county recorder for filing and indexing.
- B. Upon receipt of the parcel map, the county recorder shall file the map in a suitable place. The recorder shall keep proper indexes of parcel maps by name of tract, subdivision or United States subdivision.
- C. Reference to the parcel number and recording data of a recorded parcel map is a complete description of the land contained in the parcel.

13-29-9 Effect of Recordation.

Recordation of the approved parcel map with the county recorder shall operate as the continuing:

- A. Offer to dedicate for public roads the areas shown as proposed roads or easements of access, which the Board of County Commissioners may accept in whole or in part at any time or from time to time, offer of dedication does not mean the county is obligated or will ever accept dedication.
- B. A separate map is required to be on file which depicts the dedicated roads once they are accepted.
- C. Offer to grant easements shown for public utilities, which any public utility may similarly accept, with the approval of the Board of County Commissioners without excluding any other public utility whose presence is physically compatible.

ARTICLE K: AMENDMENT OF PLATS, SURVEYS

13-30-1 Correction of Error or Omission in Plat, Survey of Map for Minor Changes.

- A. To correct an error or omission in, or to amend any recorded subdivision plat, record of survey, parcel map, map of division into large parcels, or reversionary map, if the correction or amendment does not change or purport to change the physical location of any survey monument, property line or boundary line, a certificate of amendment must be requested and recorded pursuant to this section.
- B. A certificate of amendment may be requested by the county surveyor or the planning commission.
- C. If a certificate of amendment is requested to correct or amend a record of survey, the surveyor who make the survey which is to be amended, or is responsible for the error or omission which is to be corrected, shall prepare and record the certificate of amendment within ninety (90) days after he receives notification of the request made pursuant to subsection (2). If the surveyor or a professional land surveyor is no longer professionally active, the county surveyor or a professional land surveyor appointed by the Board of County Commissioner shall prepare and file the certificate.
- D. The certificate of amendment must:
 1. Be in the form of a letter addressed to the county surveyor, the professional land surveyor, if so appointed by the Board of County Commissioners, or the planning commission, and the appropriate fee paid to the planning office for expenses incurred in processing.
 2. Specify the title, legal description and recording date of the document being corrected or amended;
 3. Concisely state the date being changed and the correction or amendment.
 4. Be dated, signed and sealed by the surveyor preparing the certificate.
 5. Contain the following statement, dated and signed by the county surveyor, the professional land surveyor if so appointed by the Board of County Commissioners, or the planning commission:

"I hereby certify that I have examined the certificate of amendment and that the changes to the original document specified therein are provided for in applicable sections of NRS 278.010 to 278.630, inclusive 625.340 to 625.380, inclusive and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of amendment so amends or corrects the document as to make it technically correct."
- E. Upon the recording of a certificate of amendment, the county recorder shall cause proper notation to be entered upon all recorded sheets of the original document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

13-30-2 Correction of Error or Omission in Plat, Survey Map Which Requires Major Changes.

- A. To correct an error or omission in any recorded subdivision plat, record of survey, parcel map, map of division into large parcels, reversionary map, if the correction changes or purports to change the physical location of any survey monument, property line or boundary line, an amended plat, survey or map must be requested and recorded pursuant to this section.
- B. An amended plat, survey or map, which corrects an error or omission, may be requested by the county surveyor or the planning commission.

- C. Except as otherwise provided in this subsection, a surveyor who performed the survey is responsible for the error or omission which is to be corrected and shall prepare and record the amended plat, survey or map within ninety (90) days after he receives notification of the request made pursuant to subsection 2. The time within which the surveyor must prepare and record the amended plat, survey or map may be extended by the county surveyor, the Board of County commissioners or the planning commission. If the surveyor is no longer professionally active, the county surveyor or a professional land surveyor appointed by the Board of County Commissioners shall prepare and file the amended plat, survey or map.

13-30-3 Procedures and Requirements for Amending Plats, Maps and Surveys.

- A. In addition to the requirements of subsection 2, an amendment of a recorded subdivision plat, parcel map, map of division into large parcels, or record of survey which changes or purports to change the physical location of any survey monument, property line or boundary line is subject to the following requirements:
 1. If the proposed amendment is to a parcel map, map of division into large parcels, or record of survey, the same procedures and requirements apply as in the original filing.
 2. If the proposed amendment is to a subdivision plat, only those procedures for the approval and filing of a final map.
- B. Any amended plat, map or survey required pursuant to subsection 1 must:
 1. Be identical in size and scale to the document being amended, drawn in the manner and on the materials provided by law;
 2. Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended;
 3. Have a blank margin for the county recorder's index information;
 4. Have a three (3) inch square adjacent to and on the left side of the existing square for the county recorder's information and stamp;
 5. Contain or be accompanied by the report of a title company and the certificate required by NRS 278.374 or an order of the district court of the county in which the land is located that the amendment may be approved without all the necessary signatures if the order is based upon a finding that a bona fide effort was made to communicate with the necessary persons, that all persons who responded have consented thereto and that the amendment does not adversely affect the persons who did not respond.
 6. Contain a certificate of the professional land surveyor who prepared the amendment stating that it complies with all pertinent sections of NRS 278.010 to 278.630, inclusive, and 625.340 to 625.380, inclusive and with this title
 7. For a survey recorded in support of an adjusted boundary, contain a certificate executed by the county surveyor, or a registered civil engineer stating that he has examined the document and that it is technically correct.
- C. Upon recording the amended document, the county recorder shall cause a proper notation to be entered upon all recorded sheets of the document being amended, if the county recorder does not maintain a cumulative index for such maps and amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

ARTICLE L: VACATION OR ABANDONMENT OF STREET OR EASEMENT

13-31-1 Action of Planning Commission.

- A. Any abutting owner or local government desiring the vacation or abandonment of any street or easement owned by the county or any portion thereof, shall file a petition in writing with the planning commission.
- B. No street, public way or easement owned by the county or portion thereof may be closed or abandoned until the location, character or extent of such requested closure or abandonment has been reviewed and approved by the planning commission within forty (40) days from the date of publication by the planning commission. Failure of the planning commission to act within forty (40) days shall be deemed to be an approval of the proposal. Any utility easements must be reviewed and approved by the proper and affected utility.
- C. The planning commission shall report its findings and recommendations on the proposed closure or abandonment to the Board of County Commissioners.

13-31-2 Action of the Board of County Commissioners.

- A. Upon the receipt of a recommendation by the planning commission on a proposal to vacate or abandon any street or easement, or after forty (40) days have elapsed since a proposal for such vacation or abandonment was submitted to the planning commission, the Board of County Commissioners shall notify by certified mail each owner of property abutting the proposed abandonment and cause a notice to be published at least once in a newspaper or general circulation in the city or county, setting forth the extent of the proposed abandonment and setting a date for public hearing, which must be not less than ten (1) days and not more than forty (40) days after the date the notice is first published.
- B. Except as provided in subsection 3, if, upon public hearing, the Board of County Commissioners is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The Board of County Commissioners may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed.
- C. If a utility has an easement over the property, the Board of County Commissioners shall provide in its order for the continuation of that easement.
- D. The order must be recorded in the office of the county recorder, if all the conditions of the order have been fulfilled, and upon the recordation title to the street or easement reverts to the abutting property owners in the approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the un-vacated portion of it, the Board of County Commissioners may sell the vacated portion upon such terms and conditions as it deems desirable and in the best interests of the county. If the Board of County Commissioners sells the vacated portion, it shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his property, but no action may be taken by the Board of County Commissioners to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property.
- E. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for the title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the Board of County Commissioners may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration as the Board of County Commissioners determines that the vacation has a public benefit, it may apply the benefit as an offset against any determination of reasonable consideration which did not take into account the public benefit.

- F. If an easement for light and air owned by the county is adjacent to a street vacated under the provisions of this section, the easement is vacated upon the vacation of the street.
- G. In any vacation or abandonment of any street owned by the county or any portion thereof, the Board of County Commissioners may reserve and except there from any easements, rights or interests therein which the Board of County Commissioners deems desirable for the use of the county or any public utility.

ARTICLE M: REVERSION OF MAPS

13-32-1 Procedures and Requirements for Reversion of Divided Land to Acreage.

- A. Any owner or governing body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof to acreage or to revert the map or portion thereof shall submit a written application accompanied by a map of the proposed reversion which contains the same survey dimensions as the recorded map to the planning commissioners. Application must describe the requested changes.
- B. A filing fee as provided for in the fee schedule on file in the county planning office shall be paid to Lincoln County upon the filing of the proposed map. The fee is non-refundable.
- C. The map reversion must contain the appropriate certificates as required by NRS 278.376 and 278.377 for the original division of the land, any agreement entered into for a required improvement pursuant to NRS 278.380 for the original division of the land, and the certificates required by subsection of this Article. If the map includes the reversion of any street or easement owned by the county or the state, the provisions of Article L of this title must be followed before the approval of the map.
- D. The final map of reversion must be:
 1. Prepared by a professional land surveyor registered pursuant to Chapter 625 of NRS. The professional land surveyor shall state in his certificate that the map has been prepared from information on a recorded map that is being reverted. The professional land surveyor may state in his certificate that he assumes no responsibility for the existence of the monuments or for the correctness of other information shown on or copies from the document. The professional land surveyor shall include in his certificate information which is sufficient to identify clearly the recorded map being reverted.
 2. Clearly and legibly drawn in black permanent ink upon good tracing cloth or produced by the use of other materials of a permanent nature generally used for such a purpose in the engineering profession. Affidavits, certificates and acknowledgments must be legibly stamped or printed upon the map with black permanent ink a map in digital format must be supplied to the county planning office.
- E. The size of each sheet of the final map must be twenty-four (24") inches by thirty-two (32") inches. A marginal line must be drawn completely around each sheet, leaving an entirely blank margin of one (1") inch at the top, bottom and right edges, and of two (2") inches at the left edge along the twenty-four (24") inch dimension.
- F. The scale of the map must be large enough to show all details clearly and enough sheets must be used to accomplish this end.
- G. The particular number of the sheet and the total number of sheets comprising the map must be stated on each of the sheets and its relation to each adjoining sheet must be clearly shown.

13-32-2 County Action on a Map of Reversion.

At its next meeting, or within a period of not more than thirty (30) days after the filing of the map reversion, whichever occurs later, the Board of County Commissioners shall review the map and approve, conditionally approve or disapprove it.

13-32-3 Recording of an Approved Map or Reversion.

- A. Upon approval of the map of reversion, it must be recorded in the office of the county recorder. The county recorder shall make a written notation of the fact on each sheet of the previously recorded map affected by the later recording, if the county recorder does not maintain a cumulative index for such maps amendments. If such an index is maintained, the county recorder shall direct an appropriate entry for the amendment.

- B. A map of reversion presented to the county recorder for recording must include a certificate by the planning commission stating that it approved the map.
- C. A map of reversion presented for recording must include a certificate signed and acknowledged, pursuant to NRS 111.270, by each person who is an owner of the land consenting to the preparation and recordation of the map for the purpose of reversion.
- D. A map of reversion presented for recording must include a report from a title company which lists the names of:
 - 1. Each owner of record of the land; and
 - 2. Each holder of record of a security interest in the land, if the security interest created by a mortgage or a deed of trust.
- E. A map of reversion presented for recording must include the written consent of each holder of record of a security interest listed pursuant to subparagraph (B) of paragraph (4), to the preparation and recordation of the map of reversion. A holder of a security interest may consent by signing.
 - 1. The map of reversion; or
 - 2. A separate document that is recorded with the map of reversion and declares his consent to the reversion, if the map contains a notation that a separate document has been recorded to this effect.
- F. For the purpose of this section, the following shall be deemed not to be an interest in land:
 - 1. A lien for taxes or special assessment.
 - 2. A trust interest under a bond indenture.

END OF DOCUMENT