Pershing County Development Code

The Pershing County Development Code comprises Title 17 of the Pershing County Code.

Adopted by the Board of County Commissioners
November 20, 2024

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DEVELOPMENT CODE HISTORY

The following is a summary of the legislative history of the Pershing County Development Code including original adoption and the revisions that have been made since.

JANUARY 6, 2003: BILL NO. 196 ORDINANCE NO. 196

An ordinance amending the Pershing County Code by adding provisions, to be know as Title 17, the "Pershing County Development Code." These provisions repeal and replace Title 16, entitled, "Subdivisions," and the existing title 17, entitled "Zoning." The Pershing County Development Code establishes regulations for the subdivision, development, and use of land and for administrative procedures.

The Pershing County Development Code is on file with this ordiannce in the County Clerk's Office is adopted by reference.

Proposed: December 20, 2002
Passed: January 6, 2003
Effective: January 17, 2003

DECEMBER 22, 2003: BILL NO. 205 ORDINANCE NO. 205

An ordinance amending Chapter 17.320 "Communication Facilities," of the Pershing County development Code. This ordinance renames Section 17.320.20 and adds new requirements for the placement of wireless communication facilities. Specific revisions are listed in the ordinance.

Proposed: November 12, 2003
Passed: December 22, 2003

JANUARY 19, 2005: BILL NO. 218 ORDINANCE NO. 218

An ordinance amending Title 17 of the Pershing County Code by enacting a revised version of the Pershing County Development Code. This ordinance makes revisions to several sections and chapters throughout the entire code. Revisions are made to:

Chapter 17.104, "Regulatory Land Use Districts." In Table 17.302.05-4, changes are made to the requirements for residential uses in the Neighborhood Commercial land use district.

Chapter 17.302, "Allowed Uses." In Table 17.302.05-4, changes are made to allow aggregate facilities.

Chapter 17.322, "Temporary Uses and Structures." In Section 17.322.20, changes are made to allow temporary camping in the AMH land use district.

Chapter 17.404, "Parcel Maps." In Section 17.404.10, changes are made to the septic system determination requirements. In Section 17.404.20, noticing requirements are removed. In section 17.404.25, the requirement for a certificate of title on maps is removed.

Chapter 17.412, "Division into Large Parcels." In Sections 17.412.10 through 17.412.20, the requirement for submittal of a tentative map is removed.

Chapter 17.808, "Definitions." In section 17.808.00, the dictionary reference is changed to *The American Heritage College Dictionary*, Fourth Edition.

Chapter 17.308, "Fabricated housing." In Section 17.308.05, changes are made to manufactured home age limits.

A portion of the revisions are specfiically listed in the ordinance. Additional revisions are made throughout the code which are not specifically listed in the ordinance.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: December 20, 2004
Passed: January 19, 2005
Effective: February 11, 2005

JANUARY 18, 2006: BILL NO. 223 ORDINANCE NO. 223

An ordinance amending the Pershing County Development Code by adding Chapter 17.812, entitled "Moratorium on Land Use Designation Changes for Certain Areas of County." This ordinance establishes a moratorium on requests for Master Plan amandments to change the land use designation of parcels in the AMH land use district located in certain areas east of Interstate 80 in the Oreana Groundwater Basin and in an area of curtailment of water appropriation as designated by the State Water Engineer and as specified in the ordinance. The purpose of this moratorium is to limit development while the County addresses issues in the County Code, holds public hearings to receive input, and develops a plan for development in the areas of the moratorium. Specific revisions are listed in the ordinance.

Proposed: December 21, 2005
Passed: January 18, 2006

FEBRUARY 1, 2006: BILL NO. 225 ORDINANCE NO. 225

An ordinance amending Chapter 17.308, "Fabricated Housing," of the Pershing County Development Code. This ordinance amends Section 17.308.05 by making changes to manufactured home age limits and other related requirements. Specific revisions are listed in the ordinance.

Proposed: December 21, 2005
Passed: January 18, 2006

SEPTEMBER 20, 2006: BILL NO. 228 ORDINANCE NO. 228

An ordinance amending Chapter 17.104, "Residential Land Use Districts," of the Pershing County Development Code. This ordinance amends Section 17.104.85 by making changing the name of the Agricultural-Mining-Housing (AMH) land use district to Agricultural-Mining-Recreation (AMR) land use district, establishing requirements for Master Plan Amendments, changing requirements for Division of Land in Large Parcels, and changing land use requirements for parcels in the AMR land use district. Specific revisions are listed in the ordinance.

Proposed: August 21, 2006
Passed: September 20, 2006
Effective: October 27, 2006

SEPTEMBER 20, 2006: BILL NO. 229 ORDINANCE NO. 229

An ordinance amending Chapter 17.104, "Residential Land Use Districts," of the Pershing County Development Code by adding section 17.104.100 entitled "General Rural Non-Agricultural Preservation Land Use District." This ordinance establishes the General Rural Non-Agricultural Preservation land Use District, the purpose, characteristics and boundaries of the district, and the noticing requirements for property onwers affected by the new district. Specific revisions are listed in the ordinance.

Proposed: August 21, 2006
Passed: October 4, 2006
Effective: November 3, 2006

OCTOBER 16, 2006: BILL NO. 230 ORDINANCE NO. 230

An ordinance amending the Pershing County Development Code by adding Chapter 17.503, "Building Requirements for Residential Construction in the Agriculture-Mining-Recreation Land Use District." This ordinance establishes the requirements for residential construction in the Agriculture-Mining-Recreation Land Use District. The ordinance provides the purpose for such requirements, the requirements for applications, site plans, and construction plans, and the review procedures. Specific revisisions are listed in the ordinance.

Proposed: August 21, 2006
Passed: October 16, 2006
Effective: November 3, 2006

OCTOBER 16, 2006: BILL NO. 231 ORDINANCE NO. 231

An ordinance amending Title 17 of the Pershing County Code by enacting a revised version of the Pershing County Development Code. This ordinance makes revisions throughout the entire code to change all references of the Agricultural-Mining-Housing (AMH) land use district to the Agricultural-Mining-Recreation (AMR) land use district, in accordance with the changes made by Bill No. 228 Ordinance No. 228.

Proposed: August 21, 2006
Passed: October 16, 2006

JUNE 20, 2007: BILL NO. 239 ORDINANCE NO. 239

An ordinance amending Chapter 17.304, "Use Classification System," of the Pershing County Development Code. This ordinance makes revisions to the provisions of several sections within this chapter. The ordinance adds provisions for use types not specifically listed in each section. Specific revisions are listed in the ordinance.

Proposed: May 16, 2007
Passed: June 20, 2007
Effective: July 6, 2007

JULY 3, 2007: BILL NO. 237 ORDINANCE NO. 237

An ordinance amending Chapter 17.712 entitled "Amendment of Master Plan," of the Pershing County Development Code. This ordinance makes revisions to the provisions of several sections and revises Chapter 17.712 in its entirety. The ordinance establishes new requirements and clarifies procedures. Specific revisions are listed in the ordinance.

Proposed: May 16, 2007
Passed: July 3, 2007
Effective: October 5, 2007

FEBRUARY 20, 2008: BILL NO. 248 ORDINANCE NO. 248

An ordinance amending the Pershing County Development Code by adding Section 17.404.13 entitled "Temporary Exemption from Subsequent Parcel Map Requirements for Parcels Involving General Commercial or Industrial Properties. This ordinance creates a temporary exemption to certain requirements established by subsection 17.404.10B, "Subsequent Parcel Maps," for subsequent parcel maps involving parcels in the General Commercial or Industrial land use districts. The exemption created by this ordinance is effective until September 1, 2008.

Proposed: February 6, 2008
Passed: February 20, 2008
Effective: February 20, 2008

JUNE 4, 2008: BILL NO. 251 ORDINANCE NO. 251

An ordinance amending Chapter 17.812, "Moratorium on Land Use Designation Changes for Certain Areas of County," of the Pershing County Development Code. This ordinancne amends Chapter 17.812 by changing the time frame in which continued evaluation of the need for the moratorium must take place. Additionally the ordinance creates an exemption to the moratorium requirements for certain parcels in Humboldt River Ranch, Phase B. The ordinance also waives certain fees for property owners affected by the exemption. The exemption created by this ordinance is effective until December 31, 2008.

Proposed: April 4, 2008
Passed: June 4, 2008

FEBRUARY 4, 2009: BILL NO. 261 ORDINANCE NO. 261

An ordinance amending Title 17 of the Pershing County Code by enacting a revised version of the Pershing County Development Code. This ordinance makes revisions to numerous sections and chapters throughout the entire code. The purpose of these revisions is to:

1. Provide improvement requirements for new development.
2. Bring the code into conformance with current state statutes.
3. Make the code more consistent with current planning practicies.
4. Make general revisions to rewrite unclear or complicated language and to fix incorrect information and grammatical errors to make the code more clear, consistent and user-friendly.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Details on all of the specific revisions made by this ordinance are provided in the report, "Appendix A: Summary of Development Code Revision Project," on file with this ordinance in the County Clerk's Office.

Proposed: September 30, 2008
Passed: February 4, 2009

APRIL 1, 2009: BILL NO. 265 ORDINANCE NO. 265

An ordinance amending Chapter 17.308.05 of Title 17 of the Pershing County Code by changing provisions relating to the permitted ages of manufactured homes; and other matters properly related thereto. Furthermore, Chapter 17.304 of Title 17 of the Pershing County Development Code also shall be amended. The purpose of these revisions is to:

1. Update placement standards for fabricated housing that is not located within a manufactured home park for both modular and manufactured homes.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: March 4, 2009
Passed: April 1, 2009

August 18, 2010: BILL NO. 272 ORDINANCE NO. 272

An ordinance amending the Master Plan Land Use Map of Pershing County for several parcels based upon approval of those changes by the Pershing Board of Commissioners during previous meetings. The Pershing County Regional Planning Commission and County Commission held hearings prescribed by law, notified all nearby property owners of the hearings and other requirements and acted on requests after determining that the Master Plan amendments would be compatible with nearby land uses and conform with the County's general plan for land use.

Details on all of the specific land use changes by parcel made by this ordinance are provided on file with this ordinance in the County Clerk's Office.

Proposed: July 7, 2010
Passed: August 18, 2010

April 6, 2011: BILL NO. 280 ORDINANCE NO. 280

An ordinance amending Chapter 17.308.05 of Title 17 of the Pershing County Code entitled "Placement Standards" by changing provisions relating to the permitted ages of manufactured homes and other matters properly relating thereto. The purpose of these revisions is to:

1. Update placement standards for fabricated housing that is not located within a manufactured home park for both modular and manufactured homes.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: March 2, 2011
Passed: April 6, 2011

June 1, 2011: BILL NO. 282 ORDINANCE NO. 282

An ordinance amending Chapter 17.502.05 of Title 17 of the Pershing County Code entitled "General Lot Dimensions" by changing minimum setbacks and other matters properly relating thereto as shown in Table 17.502.05-1. The lot standards apply in each regulatory land use district in which such uses are permitted. Setbacks apply on each lot or parcel where a building may be erected. The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: May 18, 2011
Passed: June 1, 2011

January 7, 2013: BILL NO. 296 ORDINANCE NO. 296

An ordinance adding Chapter 520 to Title 17 of the Pershing County Code/Pershing County Development Code by establishing the "Windmill Regulations" providing for purpose, applicability, information requirements, setbacks, tower access, rotor safety, electromagnetic interference, utility notifications, noise, roads, aesthetics, signs, electrical system, compliance with regulations, performance security, definitions, and other matters related thereto. The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: October 17, 2012
Passed: January 7, 2013

April 3, 2013: BILL NO. 297 ORDINANCE NO. 297

An ordinance amending Chapter 17.308.05 of Title 17 of the Pershing County Development Code by changing provisions relating to the permitted ages of manufactured homes and other matters related thereto. The purpose of these revisions is to:

1. Update placement standards for fabricated housing that is not located within a manufactured home park for both modular and manufactured homes.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: March 6, 2013
Passed: April 3, 2013

August 16, 2017: BILL NO. 329 ORDINANCE NO. 329

An ordinance amending Chapter 316 of Title 17 of the Pershing County Development Code entitled "Group Care Facilities" by changing provisions within Sections 17.316.00 Purpose, 17.316.05 Applicability, and Section 17.316.10 Definitions. The purpose of these revisions is to:

1. Clarify that land uses designated as residential group home, large residential group home, and group care facility shall be subject to the special regulations of Chapter 316.
2. Reconcile a contraction between Chapter 316, and Section 17.304.20(E) by expanding the definition of group care to include halfway houses and treatment facilities for drug and alcohol abusers.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: June 21, 2017
Passed: August 16, 2017

August 16, 2017: BILL NO. 336 ORDINANCE NO. 336

An ordinance amending Chapter 316 of Title 17 of the Pershing County Development Code within Chapter 302, Allowed Uses, at Section 17.302.05-3, Table of Uses (Commercial Use Types) to allow a new use type titled "Liquor manufacturing" in General Commercial and Industrial regulatory land use districts; within Chapter 304 (Use Classification System) at Section 17.304.30(P) to create a new use titled "Liquor Manufacturing" that would allow liquor manufacturing to occur in certain regulatory land use districts subject to a special use permit and local, state, and federal licenses; to allow a new use titled "Winery" to be established in the Low Density Rural, Medium Density Rural, Low Density Suburban, Agricultural-Mining-Recreation, General Rural, and General Rural Non-Agricultural regulatory land use districts; within Chapter 304 (Use Classification System) at Section 17.304.30(DD) to create a new use titled "Winery" that would all wineries to be established in certain regulatory land use districts subject to the special use permit and applicable local, state, and federal licenses.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: May 15, 2019
Passed: August 7, 2019

November 18, 2020: BILL NO. 344 ORDINANCE NO. 344

An ordinance amending Chapter 17.308.05 of Title 17 of the Pershing County Development Code by changing provisions relating to the permitted ages of manufactured homes and other matters related thereto. The purpose of these revisions is to:

1. Update placement standards for fabricated housing that is not located within a manufactured home park for both modular and manufactured homes.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: September 21, 2020
Passed: November 18, 2020

November 18, 2020: BILL NO. 345 ORDINANCE NO. 345

An ordinance adding Chapter 17.800 of Title 1 of the Pershing County Development Code regulating the time, place, and manner of signage and prohibiting the additional construction of billboards within Pershing County; and other matters properly relating thereto. The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: September 21, 2020
Passed: November 18, 2020

March 17, 2021: BILL NO. 346 ORDINANCE NO. 346

An ordinance amending Chapter 108 of the Pershing County Development Code by revising the provisions of Section 17.108.25 to authorize solar energy development in the Agricultural Preservation Overlay District with a special use permit; amending Chapter 702 of the Pershing County development Code by revising the provisions of Section 17.702.15 to incorporate and adopt the USDA, NRCS definition of Prime Farm Lane, and other matters properly relating thereto. The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: February 17, 2021
Passed: March 17, 2021

November 20, 2024: BILL NO. 346 ORDINANCE NO. 357

An ordinance adopting the updated Pershing County Development Code in its entirety. Modifications include a reorganization of the Table of Uses in alphabetical order by section, change all accessory residential uses in AMR to require a special use permit, add new housing types and industries, remove uses that do not pertain to agriculture, mining, or recreation from the AMR regulatory district, add more commercial and agricultual use types both to the definitions and in the Table of Uses. Provide a general text update, format and clarity for interpretation. Expand allowable uses in specific community plan areas with an administrative waiver approval.

The revised Pershing County Development Code on file with this ordinance in the County Clerk's Office is adopted by reference.

Proposed: October 2, 2024
Passed: November 20, 2024

Division One: Introduction and Organization

CHAPTER 100
TITLE AND CONTENTS

SECTIONS:

17.100.00 Title
17.100.05 Contents
17.100.10 List of Tables and Figures

Section 17.100.00 Title. Division One of Title 17 is entitled "Introduction and Organization."

Section 17.100.05 Contents. Division One consists of the following chapters:

Chapter 100 Title and Contents
Chapter 102 Introduction
Chapter 104 Regulatory System
Chapter 106 Regulatory Land Use Districts
Chapter 108 Agricultural Preservation Overlay District
Chapter 110 Airport Overlay District

Section 17.100.10 List of Tables and Figures.

Table 17.106.15-1 Comparable Land Use Districts

CHAPTER 102
INTRODUCTION

SECTIONS:

17.102.00 Title
17.102.05 Purpose and Applicability
17.102.10 Minimum Standards
17.102.15 Conflicting Provisions
17.102.20 Infrastructure
17.102.25 Conformance with Master Plan
17.102.30 Common Definitions

Section 17.102.05 Purpose and Applicability. The purpose of Title 17 is to promote the public health, safety, and welfare of the community by providing appropriate and reasonable controls for the development and use of lands in Pershing County, while also protecting the rights of property owners. The authority to control land use and development comes from the State of Nevada as expressed in the Nevada Revised Statues (NRS). All development and subdivision of land within the unincorporated area of Pershing County shall be subject to the provisions of the Pershing County Development Code (PCDC). Any use not specifically enumerated as permitted in a regulatory land use district (zone) pursuant to the Development Code or interpreted by the Planning Director as permitted in a regulatory land use district pursuant to Section 17.304.15, Authority and Responsibility, shall be prohibited.

Section 17.102.10 Minimum Standards. In their interpretation and application, the provisions of Title 17 shall be held to be minimum requirements necessary for the promotion of public health, safety, and general welfare.

Section 17.102.15 Conflicting Provisions. Provisions of this title that conflict with those of the state or federal governments, the more restrictive provision will control, to the extent permitted by law. If the provisions of this Title are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances or County regulations, the more restrictive provision will control unless otherwise expressly stated.

Section 17.102.20 Infrastructure. The provision of infrastructure to support and service development is subject to the provisions of Title 17.

Section 17.102.25 Conformance With Master Plan. Pursuant to NRS 278, any action of the County relating to development, regulatory land use districts (zoning), the subdivision of land, or capital improvements must conform to the Pershing County Master Plan.

Section 17.102.30 Common Definitions. Unless otherwise provided, common definitions shall be used throughout the Development Code. These definitions are contained in Chapter 17.702, Definitions.

CHAPTER 104
REGULATORY SYSTEM

SECTIONS:

17.104.00 Purpose
17.104.05 Consistency with Pershing County Master Plan
17.104.10 Relationship to Other Regulations and Plans
17.104.15 Relationship to Private Restrictions
17.104.20 Pershing County Board of Commissioners
17.104.25 Pershing County Regional Planning Commission
17.104.30 Pershing County Master Plan
17.104.35 Pershing County Development Code

Section 17.104.00 Purpose. The purpose of Chapter 104, Regulatory System, is to establish the regulatory system for ensuring that growth within the county occurs in a responsible manner to protect the health, safety, and welfare of the public. These regulations are designed to:

A. Implement the goals and objectives of the Master Plan.

B. Preserve the quality of air and water resources in the County.

C. Promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.

D. Provide for recreational needs.

E. Protect life and property in areas subject to floods, landslides, and other natural disasters.

F. Develop a timely, orderly, and efficient arrangement of transportation and other public facilities and services.

G. Ensure that the development of land is commensurate with the character and the physical limitations of the land.

H. Consider the immediate and long-range financial impact of kinds of land development, and the relative suitability of such land to promote health and the general welfare.

I. Conserve the value of buildings and encourage the most appropriate use of land throughout the county.

J. Promote the health, safety, and the general welfare of the public.

Section 17.104.05 Consistency with Pershing County Master Plan. The provisions of this Title are intended to implement the standards, goals and policies of the Pershing County Master Plan and are hereby deemed to be consistent and in accordance with the adopted Master Plan for the County. Any amendments to the text or land use map or changes pursuant to such regulations shall be consistent with the Master Plan, as it may be amended from time to time.

A. In adopting any ordinance or regulation relating to development, land use districts (zoning), the subdivision of land, or capital improvements, the County shall make a specific finding that the ordinance conforms to the Master Plan.

B. Where development is permitted under the regulations that predate these regulations, such development shall not be deemed inconsistent with the Master Plan, if such development conforms to the requirements of Chapter 17.704 of this code.

C. Within one year after adoption of any portion of the Master Plan, the Board of County Commissioners shall review and, if necessary, amend the existing Development Code to ensure its conformity with the provisions of the Master Plan.

Section 17.104.10 Relationship to Other Regulations and Plans. The use of buildings and land within the County shall be subject to the regulations established by the Development Code and all other applicable provisions of the Pershing County Code, regardless of whether such other provisions are specifically cross-referenced in these regulations. Cross-references in the Development Code to other provisions of the County Code are for the convenience of the reader. Lack of a cross reference shall not be construed as an indication that other provisions of the County Code do not apply.

In applying the provisions of these regulations, they shall be construed to be the minimum requirements necessary for the promotion of public health, safety, and general welfare. Minimum values are not intended to be target values. In some instances, specific conditions may create the need to exceed stated minimum standards.

When the regulations of this code conflict with other local, State or Federal regulations, the more restrictive regulations shall be complied with.

Section 17.104.15 Relationship to Private Restrictions. The regulations established by this code are not intended to relate to any deed restriction, covenant, easement or any other private agreement or restriction regarding the use of land. When the regulations established by this code are more restrictive or impose higher standards than private restrictions, the regulations of this code shall be complied with. Private restrictions shall not be enforced by the County.

Section 17.104.20 Pershing County Board of Commissioners. The Pershing County Board of Commissioners is responsible for overall governance of the County. The Board is authorized to appoint members to entities such as the Regional Planning Commission. The Board of County Commissioners adopts the Master Plan and Development Code. It acts as an appeal body from decisions of the Regional Planning Commission and exercises other responsibilities as set forth in

this Development Code, including action on amendments to the Master Plan and Development Code, final interpretation of development regulations, action on requests for waivers to improvement standards, determination of vested rights, extension/revocation of development approvals, action on maps, and action on abandonments.

Section 17.104.25 Pershing County Regional Planning Commission. The Pershing County Regional Planning Commission acts as an advisory body to the Board of County Commissioners in such areas as adoption of the Master Plan and Development Code. It also makes recommendations on subdivision and parcel maps. The Regional Planning Commission makes decisions on special use permits and exercises other responsibilities as set forth in this Development Code.

Section 17.104.30 Pershing County Master Plan. The Pershing County Master Plan has been adopted by the Board of County Commissioners pursuant to NRS 278. This plan covers the entire unincorporated area of Pershing County and includes chapters that guide land use, transportation, public services, and conservation of natural resources. The purpose of the Master Plan is to conserve and promote the public health, safety, and general welfare of residents of Pershing County.

Section 17.104.35 Pershing County Development Code. T he Development Code has been adopted by the Board of County Commissioners pursuant to NRS 278 and 278A. The Development Code regulates the subdivision and development of land, and the use of land structures. The Development code must conform to the Master Plan pursuant to NRS 278.

CHAPTER 106
REGULATORY LAND USE DISTRICTS

SECTIONS:

17.106.00	Purpose
17.105.05	Establishment of Land Use Categories and Regulatory Land Use Districts
17.106.10	Sale of use of Land of Buildings
17.106.15	Minimum Acreage
17.106.20	Residential Land Use Category
17.106.25	Low Density Rural Regulatory Land Use District
17.106.30	Medium Density Rural Regulatory Land Use District
17.106.35	Low Density Suburban Regulatory Land Use District
17.106.40	Medium Density Suburban Regulatory Land Use District
17.106.45	High Density Suburban Regulatory Land Use District
17.106.50	Non-Residential Land Use Category
17.106.55	General Commercial Regulatory Land Use District
17.106.60	Neighborhood Commercial Regulatory Land Use District

17.106.65 Industrial Regulatory Land Use District
17.106.70 Public/Semi-Public Facilities Regulatory Land Use District
17.106.75 Agricultural-Mining-Recreation Regulatory Land Use District
17.106.80 General Rural Regulatory Land Use District
17.106.95 Open Space Regulatory Land Use District

Section 17.106.00 Purpose. The purpose of Chapter 106, Regulatory Land Use Districts, is to provide general descriptions of the Regulatory Land Use Districts of this Development Code, and the nature of the uses therein.

Section 17.106.05 Establishment of Land Use Categories and Regulatory Land Use Districts. The land use categories and regulatory land use districts described in Section 17.106.25 through Section 17.106.100 are hereby established.

A. **Official Regulatory Land Use District Map.** The areas and boundaries of the regulatory land use districts established by this chapter are defined on the official Regulatory Land Use District Map. This map is stored and maintained on the county computer system as a part of the county's Geographic Information System (GIS). The most current version of this map is hereby adopted by reference.

   (Reproductions of the official Regulatory Land Use District Map are published as part of the Master Plan as well as being posted in the Planning & Building Department office. The most current information can only be obtained by visiting or contacting the Planning & Building Department.)

B. **Interpretation of Boundaries.** When uncertainty exists as to the boundaries of the Regulatory Land Use Districts, the following rules shall apply in the order listed:

   1. Boundaries shown as following or approximately following any street shall be constructed as following the centerline of the dedicated right-of-way.

   2. Boundaries shown as following or approximately following any lot line or other property line shall be construed as following such line.

   3. Boundaries shown as following or approximately following section lines, half- section lines, or quarter-section lines shall be construed as following such line.

   4. Boundaries shown as following or approximately following natural features shall be construed as following such features.

C. **Further Uncertainties.** In the event of further uncertainty as to the boundaries of a Regulatory Land Use District, the Planning Director shall make an interpretation. All map interpretations, including minor technical clarifications that reflect prior Board of County Commissioner actions, shall be shown on the adopted Land Use Plan Map.

Section 17.106.10 Sale or Use of Land or Buildings. No person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his/her control except in accordance with all the applicable provisions of this Development Code. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

Section 17.106.15 Minimum Acreage. The minimum acreages for each land use district may include easements and roads.

Sections 17.106.20 Residential Land Use Category. The residential land use category includes the following regulatory land use districts: Low Density Rural, Medium Density Rural, Low Density Suburban, Medium Density Suburban, and High Density Suburban, LLSF, UAC/UAM/UAR/UAR2. The following criteria are common to the land use districts in the residential land use category:

A. **Site Suitability.** The areas designated have slope, soil, geology and other physical conditions that make it suitable for the density of residential development.

B. **Noise.** The following average daily noise levels are recommended for residential land uses. Sound attenuation measures shall be adhered to in areas where these levels are exceeded more than 10 percent of the time.

Residential Land Uses:	Outdoor	65 Ldn
	Indoor	50 Ldn

Section 17.106.30 Low Density Rural Regulatory Land Use District. The Low Density Rural (LDR) Regulatory Land Use District provides opportunities to develop large lot residential uses in a rural setting, with or without agricultural and livestock. This land use district generally offers limited public services and facilities. The **minimum lot area is one dwelling unit per 20 acres** but provides for residential uses on lots equal to or smaller than 40 acres. Agricultural services are permitted as are veterinary services related to agricultural. Commercial uses related to animal sales and services, such as kennels and stables, and commercial recreation uses are permitted with a special use permit; See Table 17.302.10 for a complete list of regulated uses with or without a discretionary permit.

Section 17.106.35 Medium Density Rural Regulatory Land Use District. The Medium Density Rural (MDR) Regulatory Land Use District designates areas large lot residential uses in a rural setting that may or may not include agricultural and livestock. This district is generally the same as LDR, except for a smaller parcel size range of 10-20 acre lots. The maximum density is **one dwelling unit per 10 acres.**

Section 17.106.40 Low Density Suburban Regulatory Land Use District. The Low Density Suburban (LDS) Regulatory Land Use District creates opportunities for single-family, detached homes on 2.5-acre lots providing residents with a semi-rural setting. The maximum number of dwelling units allowed in LDS is **one unit per 2.5 acres** but provides for residential uses on lots smaller than 10 acres. Secondary uses may include crop and animal production, and livestock grazing. Uses that

compliment a semi-rural setting, such as neighborhood centers, wineries, bread and breakfast inns, and group living quarters, may be permitted by special use permit.

Section 17.106.45 Medium Density Suburban Regulatory Land Use District. The Medium Density Suburban (MDS) Regulatory Land Use District establishes residential neighborhoods of predominant single-family, detached or attached dwellings on 2.5 acre lots with a **maximum density of one dwelling unit per acre.** Manufactured homes, manufactured home parks or subdivisions, and modular homes are all permitted. Supporting uses such as neighborhood centers, group living, community and cultural facilities may be permitted by special use permit.

Section 17.106.50 High Density Suburban Regulatory Land Use District. The High Density Suburban (HDS) Regulatory Land Use District organizes residential development in neighborhoods consisting of single-family, detached dwellings at a **maximum density of four units per acre** and up to seven units per acre for attached single family or manufactured home parks. The county typically requires residential development within this district to connect to municipal services. Permitted supportive uses include adult day care, family day care, and passive recreation. Complementary uses requiring a special use permit consist of neighborhood centers, personal services, outdoor sports and recreation , bed and breakfast inns, and animal sales and services.

Section 17.106.55 Non-Residential Land Use Category. The non-residential land use category includes the Regulatory Land Use districts: General Commercial, Neighborhood Commercial, Industrial, Public and Semi-Public Facilities, and Open Space. The following criteria are common to all non-residential use categories:

A. **Site Suitability.** The area designated has slope, soil, geology, and other physical conditions that make it suitable for the proposed use.

B. **Noise.** The average daily outdoor noise level shall not exceed 65 LDN for nonresidential land uses adjacent to residential land uses. The county requires sound attenuation measures in areas where the noise levels exceed the average daily LDN more than 10 percent in any 24-hour period.

Section 17.106.60 General Commercial Regulatory Land Use District. The General Commercial (GC) Regulatory Land Use District furnishes areas for a variety of wholesale and retail goods, professional services, community and cultural facilities, automotive and equipment sales and services, and commercial recreation. Live/work dwellings, congregate living, and transition living facilities are permitted in the General Commercial district with a special use permit. Permitted uses include adult day care, community centers, administrative services, health care facilities, utilities, offices, restaurants, theaters, banking services, and similar commercial activities. **The minimum lot area for this Regulatory Land Use District is 10,000 square feet**, unless the provisions of Section 17.106.55 are met.

Section 17.106.65 Neighborhood Commercial Regulatory Land Use District. The Neighborhood Commercial (NC) Regulatory Land Use District accommodates businesses that provide convenience goods (food, drugs, and sundries) and personal services (insurance, travel, and consulting), and

those which meet the daily needs of an immediate neighborhood trade area. Single-family dwellings are allowed with a special use permit. Multi-family dwellings, duplexes, live/work dwellings, group homes, and tiny homes also are allowed by special use permit. Limited gaming is allowed. Limited gaming is defined as an establishment which contains no more than 15 slot machines (and no other game or gaming device) where the operation of the slot machines is incidental to the primary business of the establishment.

Section 17.106.70 Industrial Regulatory Land Use District. The Industrial (I) Regulatory Land Use District designates areas for high intensity activities such as manufacturing, warehousing, mining, and construction. The Industrial designation creates environments which allows for industrial operations with minimal impact on the surrounding land uses and environment. **The minimum lot area for this Regulatory Land Use District is 10,000 square feet**, unless the provisions of Section 17.106.55 are met.

Section 17.106.75 Public/Semi Public Facilities Regulatory Land Use District. The Public/Semi-Public Facilities (PSF) Regulatory Land Use District classifies land areas for community and cultural facilities such as schools, churches, fire stations, hospitals, community centers, recreation, and utility services and facilities. This designation includes uses developed either by the public or private sectors resulting in uses which be accessible by the public or restricted, as in the case of private clubs. **There is no minimum lot area for this regulatory land use district.**

Section 17.106.80 Other Land Use Category. The other land use category includes the Agricultural-Mining-Recreation, General Rural, and Open Space Regulatory Land Use Districts.

Section 17.106.85 Agricultural-Mining-Recreation Regulatory Land Use District. The Agriculture-Mining-Recreation (AMR) Regulatory Land Use District allows agricultural, mining, and recreational uses. This designation applies to open areas with limited or no access to roads, water, sewer, emergency services, and education facilities. Single family dwellings are not recommended in this regulatory district due to a lack of services. **The minimum lot area in this regulatory land use district is 640 acres.**

A. **Characteristics.** The Regulatory Land Use District identifies areas that may have one or more of the following characteristics:

   1. **Public Ownership.** The parcel or area is under public ownership.

   2. **Remote Location Lacking Infrastructure.** The parcel or area is in a remote location that does not have public infrastructure adjacent to or near the site.

   3. **Slopes.** The parcel or area has moderate slopes (between 15 and 30 percent) or steep slopes (30 percent or greater) based on surveyed topographic information provided by owner or applicant.

B. **Residential Uses Allowed.** One single family detached residential dwelling per 640 acres is allowed in conjunction with agricultural, mining, and recreational uses but not recommended due to the absence of services. If the parcel is less than 160 acres (or ¼ of a full section) and was created prior to June 30, 2007, the parcel has one residential building right which may be exercised only in conjunction with agricultural, mining, and/or recreational uses.

   Any person desiring to construct a single family detached residence on a parcel in the AMR regulatory district, which has a building right as set forth herein, regardless of the size of the parcel, must comply with the provisions of Chapter 17.503, Building Requirements for Residential Development in the Agricultural-Mining-Recreation Land Use District.

C. **Divisions into Parcels Smaller Than 1/4 Section after June 30, 2007.** Subsequent to June 30, 2007, all maps, creating parcels in the AMR regulatory district with fewer than 160 acres (or ¼ of a full section, shall include a provision on the recorded map explaining in clear language that parcels with fewer than 160 acres or ¼ of a section, have no residential building rights whatsoever.

D. **Master Plan Amendments.** Applications to amend the Master Plan to change AMR Regulatory Land Use District parcels to a different residential land use district will be granted as provided in this code unless:

   1. The proposed Master Plan amendment satisfies the requirements of Chapter 17.612.
   2. The applicant can show that the property:
      a. Has an emergency response time as determined by the County that is less than 35 minutes away from the nearest County Fire House/Station (Emergency Response Time shall be determined by calculating the time it takes to travel from the nearest County Firehouse/Station to the parcel/home, traveling at the current speed limits on the most direct route over County or State roads).
      b. Has a demonstrated supply of electricity and phone service.
      c. Has an adequate source of potable water for domestic use.
      d. Has road access that meets the requirements of Chapter 17.503.
      e. Has a plan for use of the property which will justify the change and signs an agreement to implement and finalize the plan for new land use within two years.

E. **Compatible Uses.** Compatible uses with Agricultural-Mining-Recreational Land Use District are agricultural, mining and milling structures, recreation, and to the extent provided herein, residential. Civic, commercial, and industrial uses are subject to a special use permit approval. Radio, television, and telecommunication facilities and antennas are also subject to a special use permit approval.

   [Section 17.106.85 amended by Ord. 228, passed 09/20/06, provisions eff. 10/27/06]

Section 17.106.90 General Rural Regulatory Land Use District. The General Rural (GR) Regulatory Land Use District is intended to identify areas that are: (1) within the agricultural areas; (2) remote and will have no or very low density development (i.e., one dwelling unit per 40 acres), (3) in transition from agricultural-mining-recreational land use and rural residential (LDR and MDR) land use on the fringe of existing development, and (4) remote but where unique developments may occur (e.g. destination resorts, gun clubs, bed and breakfast inns, telecommunications, commercial stables, wholesale nursery, mining and recreational facilities). This Regulatory Land Use District identifies areas that may have one or more of the following characteristics.

A. **Floodplains**. The parcel or area is within the 100-year floodplain identified on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRM).

B. **Potential Wetlands**. The parcel or areas are within a "potential wetland area" as identified by the Army Corps of Engineers (COE).

C. **Slopes**. The parcel or area has moderate slopes (between 15 and 30 percent) or steep slopes (30 percent or greater) based on surveyed topographic information provided by owner or applicant.

D. **Public Ownership**. The parcel or area is under public ownership.

E. **Remote Location Lacking Infrastructure**. The parcel or area is in a remote location that does not have public infrastructure adjacent to or near the site.

Section 17.106.95 Open Space Regulatory Land Use District. The Open Space (OS) Regulatory Land Use District protect areas of undeveloped landscape, including but not limited to, ridges, stream corridors, natural shorelines, scenic views, viewsheds, or other lands devoted exclusively to open-space uses. These areas include, but not limited to, the Humboldt River, Rye Patch, and Pitt Taylor Dams, and the Wildlife Refuge (see map on file with the County Clerk). Uses compatible with the Open Space Regulatory Land Use District designation include:

A. **Natural and Scenic Resource Preservation**. The preservation of land to conserve and enhance natural or scenic resources.

B. **Sensitive Area Protection.** The protection of streams and stream environment zones, watersheds, view-sheds, natural vegetation, and wildlife habitat zones.

C. **Flood Control.** The maintenance of natural and man-made features that control floods.

D. **Historic Resource Preservation.** The preservation of natural resources and sites designated as historic by the Division of Historic Preservation and Archaeology of the State Department of Conservation and Natural Resources.

E. **Recreation.** The development of active and passive recreational uses and nature centers.

CHAPTER 108
AGRICULTURAL PRESERVATION OVERLAY DISTRICT

SECTIONS:

17.108.00	Purpose
17.108.05	Applicability
17.108.10	Areas Covered
17.108.15	Policy
17.108.20	Permitted Uses
17.108.25	Uses Permitted by Special Use Permit
17.108.30	Dimensional Standards for Residential Dwellings
17.108.35	Lot of Record Provision
17.108.40	Rules Governing Density of Residential Development within AP Overlay District

Section 17.108.00 Purpose. The purpose of Chapter 108, Agricultural Preservation (AP) Overlay District, is to superimpose special standards over the base land use district, which provide compatibility with the surrounding agricultural uses and protect the agricultural economic base of the county.

Section 17.108.05 Applicability. The areas within the Agricultural Preserve (AP) overlay district are those portions of Pershing County which have soil suitable for agricultural purposes including prime and non-prime farmland. The principal purposes of this Overlay District are to:

A. Conserve and protect farms and other agricultural uses.

B. Provide an economic benefit to farmers by permitting the use of non-prime farmland for non-farm dwellings and agricultural service establishments.

C. Foster growth appropriate to rural areas.

D. Prevent urban and agricultural land use conflicts.

E. Discourage small lots or residential subdivisions where public facilities such as water, sewage disposal, parks and playgrounds, and governmental services such as police and fire protection are not available or could not be available for one reason or another.

F. Protect Agricultural, rural, and urban forms of development from incompatible uses.

G. Encourage the clustering of single-family dwellings together in areas of other than prime farmland to preserve prime farmland and natural amenities.

H. Provide housing opportunities for family members and other people involved with agricultural operations on the site. (Ord. 126 §4, 1992).

Section 17.108.10 Areas Covered. The boundaries of the AP Overlay District are set forth on the Land Use Map adopted as part of this code and found on file in the office of the Planning Department, and are coterminous (Ord. 126 §4, 1992).

Section 17.108.15 Policy. The Pershing County Board of Commissioners declares the following policies to be applicable within the AP Overlay District:

A. **Right to Farm.** The preservation of prime agricultural farmland within the AP District shall assure that the owners of such land have a continuing right to farm their property free from nuisance claims from non-compatible uses. Any person who requests a special use permit to place a non-farm dwelling on property which lies within the AP District is deemed to be knowledgeable of the traditional agricultural uses, activities, and farming practices that involve night farming, and generate noise from agricultural operations, and flying dust due to agricultural operations compounded by natural wind.

B. **Priority of Development on Non-prime Farmland.** Wherever possible, these regulations shall require development of non-farm dwellings, agricultural service establishments, and other uses permitted by special use permit on non-prime farmland prior to development of such uses on prime farmland (Ord. 126 §4, 1992).

Section 17.108.20 Permitted Uses. The following uses are permitted by right:

A. Farm dwellings, at a density of not more than one dwelling per 40 acres, or one dwelling per 1/16 of a section if the section is less than 640 acres.

B. Farms and uses associated with farm activities, including, without limitation:

   1. Commercial agricultural and horticulture.
   2. Corrals and noncommercial feedlots with less than 1,000 head (one-time capacity).
   3. Farm Buildings.
   4. Farm drainage and irrigation systems.

C. The following accessory uses and structures, which are customary and clearly incidental and subordinate to permitted uses and structures, are permitted:

   1. Private garages.
   2. Playhouses, swimming pools and storage buildings appurtenant to single-family dwellings.
   3. Landscaping and screening. (Ord. 126 §4, 1992).
   4. Accessory Uses and Structures as allowed in Chapter 17.306.
   5. Temporary Uses as allowed in Chapter 17.322.30 E, Temporary Occupancy for the Care of the Infirm.

Section 17.108.25 Uses Permitted by Special Use Permit. The following uses are permitted only where a special use permit has been approved by the Planning Commission in accordance with the standards and procedures of Chapter 17.606, Special Use Permits:

A. **Mining operations and industrial operations.** Accessory to and integral with the mining activities, provided such operations are implemented in accordance with all requirements of federal and state environmental regulations and may be conducted without interference with adjacent farming operations.

B. **Commercial Solar energy production.** Subject to the following conditions without limitation:

   1. The development of solar energy shall not occur on prime farmland nor interfere with agricultural production on prime farmland.

   2. All applications for a commercial solar energy system must include a decommissioning plan for implementation upon abandonment and/or in conjunction with removal of the commercial solar energy system. The decommissioning plan must include a performance bond in a form and amount satisfactory to the Planning & Building Director, which shall be based upon an estimate approved by an engineer satisfactory to the County, assuring the availability of adequate funds to restore the site to a useful, nonhazardous condition in accordance with the decommissioning plan. Prior to removal of the commercial solar energy system, the applicant must obtain a permit for from the Pershing County Building Department. The decommissioning plan shall include the following provisions, without limitation:

      a. Restoration of the surface grade and soil after removal of aboveground structures and equipment.

      b. Restoration of soil areas with native seed mixes and/or plant species suitable to the area, which shall not include any invasive species.

      c. Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the County.

      d. Restoration of the site for agricultural crops or forest resource land, as applicable.

      e. The disposal of all solid and hazardous waste shall be in accordance with all local, state, and federal waste disposal regulations.

      An applicant of a commercial solar energy system comprising more than 10 acres shall provide a form of surety, either through escrow account, performance bond or otherwise, to cover the cost of removal in the event the County must remove the installation and remediate the landscape, in an amount and form determined by the engineer selected by the County and provided in an estimate. A surety or performance bond will not be required for municipal or state-owned facilities.

The grantee of a special use permit and owner of the real property for which the special use permit is issued shall agree not to transfer water beyond the boundaries of the Agricultural Preservation Overlay District during the term of the special use permit.

C. **Clustered development.** Subject to the following conditions:

1. Where clustered development is to be located on prime farmland, a maximum of four dwelling units, including existing dwelling units, may be clustered for each 160 acres of contiguous land. The maximum lot size permitted shall be 1 acre. There shall be no more than four dwelling units per cluster.

2. Where clustered development is to be located on non-prime farmland, the number of dwelling units, including existing dwelling units, as determined under subsection 17.108.20 A of this chapter shall not exceed a ratio of one dwelling unit per 40 contiguous acres. There shall be no more than four dwelling units per cluster. No minimum or maximum lot size requirement applies, if land area requirements for water supply and sewage disposal systems are met.

3. Clustered dwelling units shall have suitable access, adequate draining and roadway facilities, utilities, and potable water.

4. Clustered development shall not be located on prime farmland, where suitable and equivalent non-prime farmland exists on the property. The availability of water rights, location of utilities and access for development shall be considered in determining relative suitability. In determining whether land within the AP District is prime farmland, the County may rely upon maps delineating prime farmland areas, or it may require investigation of site by State or Federal agencies.

5. For each dwelling unit approved in a clustered development, the property owner of the land on which the units are clustered shall execute an agricultural preservation easement restricting at least 40 contiguous acres of the property from further residential development, in a form substantially like Appendix B of the ordinance codified in this chapter and found on file in the office of the Planning Department. The property owner may include the area of the lots on which the dwelling units are to be situated in calculating the amount of land to which the easement applies. The easement shall provide for termination in the event that more than 50 percent of the property in the AP District is rezoned to a district that does not have as its primary purpose the preservation of agricultural land, or in the event of annexation of the property to the City of Lovelock.

6. A special use permit application shall include a subdivision map or parcel map depicting each lot for clustered development and showing the location of agricultural preservation easements granted.

D. **Non-farm dwelling unit.** Which is not part of a clustered development, subject to the following conditions:

1. If the dwelling unit is located on prime farmland, the maximum lot size shall be one acre. If the dwelling unit is located on non-prime farmland, no maximum lot size applies.

2. The unit shall have suitable access, and adequately served by water, wastewater, drainage, and roadway facilities.

3. The property owner shall execute an agricultural preservation easement, restricting at least forty contiguous acres of the property, including the lot on which the dwelling unit is to be located, from further residential development. The easement shall be in a form similar to Appendix B of the ordinance codified in this chapter and found on file in the office of the Planning Department. If the property owner subsequently requests to include the lot as part of a clustered development, the county may modify the easement in accordance with the provisions of subsection B of this section. The easement shall provide for termination if more than 50 percent of the property in the AP District is rezoned to a district that does not have as its primary purpose the preservation of agricultural land, or in the event of annexation of the property to the City of Lovelock.

4. The special use permit application must include a parcel map depicting the lot and the agricultural preservation easement granted.

E. **Agricultural service establishments.** Subject to the following conditions:

1. Agricultural service establishments shall be located on non-prime farmland wherever possible.

2. Agricultural service establishments shall be incidental and necessary to the conduct of agriculture within the AP District.

3. Agricultural service establishments shall be located at least 300 feet away from any driveway affording access to a farm dwelling or field and at least 500 feet away from any non-farm dwelling.

4. The Planning Commission may establish minimum acreage requirements and screening or buffering requirements on the perimeter of the agricultural service establishment, as may be necessary under the circumstances, taking into consideration whether the establishment will be owned and operated by the farm owner presently and in the future.

F. **Feedlots.** With 1,000 head or more one time capacity, commercial slaughterhouses, dairies, hog farms or other similar operations; provided, that such operation shall be located more than ½ mile from any dwelling, except those dwellings located on the owner's contiguous property and located at least two miles from the Lovelock city limits.

G. **Public utility and public service structures.** Including electric transmission and distribution lines, substations, gas regulator stations, communications equipment building, pumping stations and reservoirs; provided, that such facilities shall be located at such places and constructed in such manner that they will not segment land of any one farm, and will not interfere with the conduct of agriculture by limiting or interfering with

the access to fields, or the effectiveness and efficiency of the farmer and farm equipment, including crop-spraying aircraft.

H. **Bunkhouse/cook house complexes.** Similar structures for use by farm workers in conjunction with farming operations.

I. **Temporary structures.** For housing seasonal farm workers, subject to requirements applicable to temporary structures and temporary parking of mobile homes under this Title.

J. **Outdoor recreation areas.**

K. **Churches, cemeteries, schools, local government buildings and facilities.** Government-owned facilities for the maintenance of roads and highways. (Ord. 126 §4, 1992).

L. **Solar Energy Development.**

Section 17.108.30 Dimensional Standards for Residential Dwellings. Dimensional standards for farm dwellings and non-farm dwellings shall be as follows:

A. **Distance.** No part of any dwelling shall be closer than twenty feet from any other structure, except for customary accessory structures such as a garage, tool shed, etc.

B. **Setback Regulations.** The required setbacks are as follows:

1. Front yard: There shall be a front setback having a depth of not less than 30 feet from the property line.

2. Side yard: There shall be a side setback on each side of a building having a width of not less than 10 feet from the property line.

3. Rear yard: There shall be a rear setback having a depth of not less than 30 feet from the property line.

C. **Flag lots.** Residential dwellings within the AP District shall not be located on flag lots. (Ord. 126 §4, 1992.)

Section 17.108.35 Lot of Record Provision. Any lot less than 40 acres in size existing at the time of adoption of this Land Use Ordinance, which does not contain an existing dwelling unit, may construct one non-farm dwelling unit, provided that the following conditions are met:

A. The deed for the parcel was recorded prior to the effective date hereof.

B. Dimensional requirements set forth in Section 17.108.30 of this chapter are complied with.

C. The dwelling unit includes suitable access and water, wastewater, drainage, and roadway facilities. (Ord. 126 §4, 1992.)

Section 17.108.40 Rules Governing Density of Residential Development within AP Overlay District.

A. **Density of Farm Dwellings.** Farm dwellings, at a density of not more than one dwelling unit per 40 acres or one dwelling unit per 1/16 of a section if the section is less than 640 acres.

B. **Density.**

1. Except for development authorized on lots of record pursuant to Section 17.108.35 of this chapter, the number of residential units which may be developed on the effective date hereof for any parcel of land within the AP District shall be determined by multiplying the number of acres by the base density, one unit per 40 acres, reducing that number by existing dwelling units on the property and by the number of nonconforming lots pursuant to Section 17.108.35 of this chapter.

2. For purposes of this Section, a complex of farm dwellings located on a single parcel of farm property which is used as part of farming operations shall be considered as a single dwelling unit. However, if any dwelling unit in such a complex subsequently becomes a separate lot for purposes of sale or division, such unit shall be counted in determining density allowed under this Section.

C. **Maximum Number of Dwelling Units.** Not more than two dwelling units may be constructed on any 160 acres of contiguous land within the AP District with approval of a special use permit.

D. **Special Use Permit.** The number of dwelling units which may be developed on any parcel in the AP Overlay District shall be reduced by the number of building permits issued for dwelling units permitted by right or by the number of units authorized by the granting of a special use permit for the property.

E. **Record of Dwelling Units.** The County shall keep a record of the number of building permits issued for new residential dwellings on each parcel of land within the AP District (Ord. 126 §4, 1992.)

CHAPTER 110
AIRPORT OVERLAY DISTRICT

SECTIONS:

17.110.00 Purpose
17.110.05 Definitions
17.110.15 Derby Field Height Restriction Zoning

Section 17.110.00 Purpose. The purpose of the overlay district is to maintain, preserve, and enhance the viability of the County's airport operations while being sensitive to surrounding land uses.

Section 17.110.05 Definitions. As used in this chapter, unless the context otherwise requires:

Airport - Derby Field

Airport Elevation – The highest point of an airport's usable landing area measured in feet from mean sea level. This elevation is three thousand nine hundred three feet (3,903) MSL as of the date hereof.

Approach Surface – A surface longitudinally centered on the extended runway center line, extending outward and upward from the end of the primary surface and at the same slope as the approach zone height limitation slope set forth in section 17.110.25 of this chapter. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Transition, Horizontal, and Conical Zones – These zones are set forth in section 17.110.15 of this chapter.

Conical Surface – A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty to one (20:1) for a horizontal distance of four thousand feet (4,000').

Hazard to Air Navigation – An obstruction determined to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Height – For the purpose of determining the height limits in all zones set forth in this chapter and shown on the zoning map, the datum shall be mean sea level elevation unless otherwise specified.

Heliport Primary Surface – The primary surface coincides in size and shape with the designated takeoff and landing area of a heliport. This surface is a horizontal plane at the elevation of the established heliport elevation.

Horizontal Surface – A horizontal plane one hundred fifty feet (150') above the established airport elevation, the perimeter of which in plane coincides with the perimeter of the horizontal zone.

Larger Than Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of greater than twelve thousand five hundred (12,500) pounds maximum gross weight and jet powered aircraft.

Nonconforming Use – any preexisting structure, object of natural growth, or use of and which is inconsistent with the provisions of this chapter or an amendment thereto.

Non-precision Instrument Runway – A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight in, non-precision instrument approach procedure has been approved or planned. It also means a runway for which a non-precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Obstruction – Any structure, growth, or other object, including a mobile object, which exceeds a limiting height set forth in section 17.110.25 of this chapter.

Person – An individual, firm, partnership, corporation, company, association, joint stock association, or governmental entity; includes a trustee, a receiver, an assignee, or a similar representative of any of them.

Precision Instrument Runway – A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS), a precision approach radar (PAR) or a global positioning system (GPS). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

Primary Surface – A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of that runway; for military runways or when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface is set forth in Section 17.110.25 of this chapter. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway center line.

Runway – A defined area on a airport prepared for landing and takeoff of aircraft along it length.

Structure – An object, including mobile object, constructed, or installed by man, including, but without limitation, buildings, towers, cranes, smokestacks, earth formation, and overhead transmission lines.

Transitional – These surfaces extend outward at ninety-degree (90º) angles to the runway center line and the runway center line extended at a slope of seven feet (7') horizontally for each foot vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional surfaces for those portions of the precision approach surfaces, which project through and beyond the limits of the conical surface, extend five thousand feet (5,000') measured horizontally from the edge of the approach surface and at ninety-degree (90º) angles to the extended runway center line.

Tree – Any object of natural growth.

Utility Runway – A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds maximum gross weight and less.

Visual Runway – A runway intended solely for the operation of aircraft using visual approach procedures. (Ord. 177§ 2,2000)

Section 17.110.15 Derby Field Height Restriction Zoning. To carry out the provisions of this chapter, certain zones are established which include all the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces that apply to Derby Field. Such zones are shown on the Derby Field part "77" airspace drawing consisting of one sheet, prepared by Armstrong consultants, and dated January 5, 1994, which is attached to Ordinance 177, on file and available for inspection in the office of the county clerk and made a part hereof. Any area located in more than one of the following zones is only in the zone with the more restrictive height limitation.

A. **Zone Definitions.**

1. **Precision Instrument Runway Approach Zone.** The inner edge of this approach zone coincides with the width of the primary surface and is one thousand feet (1,000') wide. The approach surface expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface. The center line of the approach zone is the continuation of the center line of the runway.

2. **Non-precision Instrument Runway Approach Zone (Utility Runway).** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of two thousand feet (2,000') at a horizontal distance five thousand (5,000') from the primary surface. Its center line is the continuation of the center line of the runway.

3. **Non-precision Instrument Runway Approach Zone (Larger than Utility Runway).** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500') wide. The approach zone expands outward uniformly to a width of three thousand five hundred feet (3,500') at a horizontal distance ten thousand feet (10,000') from the primary surface. Its center line is the continuation of the center line of the runway.

4. **Visual Runway Approach Zone (Utility Runway).** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500′) wide. The approach surface expands uniformly to a width of one thousand two hundred and fifty feet (1,250′) at a horizontal distance of five thousand feet (5,000′) from the primary surface. The center line of the approach zone is a continuation of the center line of the runway.

5. **Visual Runway Approach Zone (Larger than Utility Runway).** The inner edge of this approach zone coincides with the width of the primary surface and is five hundred feet (500′) wide. The approach surface expands uniformly to a width of one thousand five hundred feet (1,500′) at a horizontal distance of five thousand feet (5,000′) from the primary surface. The center line of the approach zone is a continuation of the center line of the runway.

6. **Transitional Zones.** The transitional zones are the areas beneath the transitional surfaces.

7. **Horizontal Zones.** The horizontal zone is established by swinging arcs of ten thousand feet (10,000′) radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transitional zones.

8. **Conical Zone.** The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of four thousand feet (4,000′). (Ord. 177 §3, 2000).

B. **Airport Zone Height Limitations.** Except as otherwise provided in this chapter, no structure shall be erected, altered, or maintained, and no tree shall be allowed to grow in any zone created by this chapter to a height greater than the applicable height limit established for such zone. The applicable height limitations established for each of zones is as follows:

1. **Precision Instrument Runway Approach Zone.** Slopes fifty feet (50′) outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000′) and continues for forty thousand feet (40,000) at a slope of forth feet (40′) outward for each foot upward along the extended runway center line.

2. **Non-precision Instrument Runway Approach Zone (Larger Than Utility Runway).** Slopes thirty-four feet (34′) outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of ten thousand feet (10,000′) along the extended runway center line.

3. **Visual Runway Approach Zone.** Slopes twenty feet (20′) outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of five thousand feet (5,000′) along the extended runway center line.

4. **Transitional Zones.** Slopes seven feet (7′) outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface and extending to a height of one hundred fifty feet (150′) above the airport elevation. In addition to the foregoing, there are established height limits sloping seven feet (7′) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending to where they intersect with the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet (7′) outward for each foot upward beginning at the sides of and at the same elevation as the approach surface and extending a horizontal distance of five thousand feet (5,000′) measured at ninety-degree (90º) angles to the extended runway center line.

5. **Horizontal Zone.** Established at one hundred fifty feet (150′) above the airport elevation or at a height of four thousand fifty-three feet (4,053′) above mean sea level (MSL).

6. **Conical Zone.** Slopes twenty feet (20′) outward for each foot upward beginning at the periphery of the horizontal zone and at one hundred fifty feet (150′) above the airport elevation (4,053 feet MSL) and extending to a height of three hundred fifty feet (350′) above the airport elevation (4,253 feet MSL). (Ord.177 §4, 2000).

C. **Use Restrictions.** Notwithstanding any other provisions of this chapter, no use may be made of land or water within any zone established by this chapter in such a manner as to create electrical interference with navigational signals or radio communication between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, takeoff, or maneuvering of aircraft intending to use the airport. (Ord. 177 §5, 2000).

D. **Nonconforming Uses.**

1. **Regulations Not Retroactive.** The regulations prescribed by this chapter shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of nonconforming use. Nothing contained herein shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date hereof and is diligently prosecuted.

2. **Marking and Lighting.** Notwithstanding the preceding provision of this section, the owner of any existing nonconforming structure or tree is hereby required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by Pershing County to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport obstruction. Such markers and lights shall be installed, operated, and maintained at the expense of Derby Field. (Ord. 177 §6, 2000).

E. **Permit Future Uses.** Except as specifically provided in subsections A1 and A2 of this section, no material change shall be made in the use of land, no structure shall be erected or otherwise established, and no tree shall be planted in any zone hereby created unless the county granted a permit. Applications for permit shall indicate the purpose with sufficient information to determine whether the regulating use, structure, or tree would conform to the regulations prescribed. An FAA form 7460-1, notice of proposed construction or alteration, shall also be submitted with the permit application. If such determination is affirmed, the permit shall be granted. No permit for a use inconsistent with the provisions of this chapter shall be granted unless a variance has been approved in accordance with subsection D of this section.

1. An FAA form 7460-1 shall not be required for any tree or structure of vertical height less than 200 hundred feet (200') above ground level and lower in height than an imaginary surface sloping one foot (1') vertical for every one hundred feet (100') horizontal from the nearest point of the nearest runway; except when, because of terrain, land contour, or topographic features, such tree or structure would extend above the height limits prescribed in section 17.110.25 of this chapter.

2. No permit shall be required for any tree or structure which meets the standards for exception of notification in subsection A1 of this section and is less than thirty-five feet (35') in vertical height above the ground; except when such tree or structure would extend above the height limits prescribed in section 17.110.25 of this section.

3. Nothing contained in any of the foregoing exceptions shall be construed as permitting or intending to permit any construction, or alteration of any structure, or growth of any tree more than any of the height limits established by this chapter.

    a. Exiting Uses. No permit shall be granted that would allow the establishment or creation of any obstruction or permit a nonconforming use, structure, or tree to become a greater hazard to air navigation than it was on the effective date hereof or any amendments thereto or than it is when the application for a permit is made. Except as indicated, all applications for such a permit shall be granted.

    b. Nonconforming Uses Abandoned or Destroyed. Whenever Pershing County determines that a nonconforming tree or structure has been abandoned or more than eighty percent (80%) torn down, physically deteriorated, or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

    c. Variances. Any person desiring to erect or increase the height of any structure, or permit the growth of any tree, or use property, not in accordance with the regulations prescribed in this chapter, may apply to the planning commission for a variance from such regulations. The application shall be accompanied by a determination from the federal aviation administration as to the effect of a proposal on the operation of air navigation facilities

and the safe, efficient use of navigable airspace. Such variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in unnecessary hardship and relief granted, will not be contrary to the public interest, will not create a hazard to air navigation, will do substantial justice, and will be in accordance with the spirit of this chapter.

Additionally, no application for variance to the requirements of this chapter may be considered by the planning commission unless a copy of the application has been furnished to City of Lovelock for advice as to the aeronautical effects of the request. If the city does not respond to the application within fifteen (15) days after receipt, the planning commission may act on its own to grant or deny said application.

d. Obstruction Marking and Lighting. Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to install, operate, and maintain, at the owner's expense, such markings and lights as condition may be modified to require the owner to permit Derby Field at its own expense, to install, operate, and maintain the necessary markings and light. (Ord. 177§ 7, 2000).

F. **Enforcement.** It shall be the duty of Pershing County to administer and enforce the regulations prescribed herein. Applications for variances shall be made to the county upon a form published for that purpose. Applications required by this chapter to be submitted to the county shall be promptly considered and granted or denied.

G. **Appeals.** Any person aggrieved, or any taxpayer affected, by any decision of Pershing County made in the administration of this chapter, may appeal to the board of county commissioners.

1. All appeals hereunder must be taken within a reasonable time as provided by the rules of the planning commission, by filing with the Pershing County clerk a notice of appeal specifying the grounds thereof. Pershing County shall forthwith transmit to the board of county commissioners all the papers constituting the record upon which the action appealed from was taken.

2. An appeal shall stay all proceedings in furtherance of the action appealed from unless Pershing County certifies to the board of county commissioners, after the notice of appeal has been filed with it, that by reason of the facts stated in the certificate a stay would in the opinion of Pershing County cause imminent peril to life or property. In such case, proceeding shall not be stayed except by the order of the board of county commissioners on notice to Pershing County and on due cause shown.

3. The board of county commissioners shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney.

4. The board of county commissioners may, in conformity with the provisions of this chapter, reverse or affirm, in whole or in part, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decisions, or determination as may be appropriate under the circumstances. (Ord 177§ 10, 2000.)

H. **Judicial Review.** Any person aggrieved, or any taxpayer affected, by any decision of the planning commission, may appeal to the sixth judicial district court (Ord. 177§ 11, 2000).

I. **Penalties.** Each violation of this chapter or of any regulations, order, or ruling promulgated hereunder shall constitute a misdemeanor and shall be punishable by a fine or not more than one thousand dollars ($1,000.00) or imprisonment for not more than six (6) months or both; and each day a violation continues to exist shall constitute a separate offense. (Ord. 177§ 12,200).

J. **Conflicting Regulations.** Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulations applicable to the same area, whether the conflict be with respect to the height of structures or trees, and the use of land, or any other matter, the more stringent limitations or requirements shall govern and prevail. (Ord. 177§ 13, 2000).

Division Two: Area Plan Regulations

CHAPTER 200
TITLE AND CONTENTS

SECTIONS:

17.200.00 Title
17.200.05 Contents

Section 17.200.00 Title. Division Two of Title 17 is entitled "Area Plan Regulations."

Section 17.100.05 Contents. Division Two consists of the following chapters:

Chapter 200	Title and Contents
Chapter 202	Town of Imlay Area Plan Regulations
Chapter 204	Imlay-Mill City Frontage Road Area Plan Regulations
Chapter 206	Humboldt River Ranch Area Plan Regulations
Chapter 208	Grass Valley Area Plan Regulations
Chapter 210	Appeals

CHAPTER 202
TOWN OF IMLAY AREA PLAN REGULATIONS

SECTIONS:

17.202.00 Purpose
17.202.05 Applicable Regulations
17.202.10 General Provisions
17.202.15 Regulatory Land Use Districts
17.202.20 Residential Regulatory Land Use Districts
17.202.25 Neighborhood Commercial Regulatory Land Use District
17.202.30 General Commercial Regulatory Land Use District
17.202.35 Industrial Regulatory Land Use District
17.202.40 Agricultural Use Types
17.202.45 Nonconformance

Section 17.202.00 Purpose. The purpose of Chapter 202, Town of Imlay Area Plan Regulations, is to establish special regulations for new development in the Town of Imlay that differ from the County and reflect the input from the residents of the Town and the larger area due to the area's environment, development pattern and rural setting.

Section 17.202.05 Applicable Regulations. The areas of land subject to the provisions of this chapter must comply with all regulations established by the Development Code except where one or more of such regulations are specifically waived, replaced, or modified by the provisions of this chapter. The establishment of these special regulations in no way prohibits the County from taking action to modify these regulations or to waive their strict enforcement by means of a Master Plan amendment, special use permit, or other similar procedure established and permitted by the Development Code.

Section 17.202.10 General Provisions.

A. **Building Height.**

1. Requirements of this chapter shall not apply to church spires, domes, chimneys, flues, flagpoles, radio towers and the like, except where such may be deemed a hazard.
2. Building height greater than 35 feet or two stories in residential or neighborhood commercial zones, or greater than 55 feet in general commercial or industrial zones, shall require approval of a special use permit.

B. **Area Regulations.**

1. In commercial, industrial, or residential areas, the minimum lot size for new construction is 10,890 square feet if sanitary is provided by an individual septic disposal system.
2. Individual lots that connect to the Imlay Sewer System are excluded from B.1.

C. **Residential Front Yard Requirements.**

1. Front yards shall have a minimum 10-foot setback in residential regulatory land use districts. Porches, cornices, canopies, chimneys, eaves, or other similar architectural features may extend into a required front yard not to exceed fifty percent (50%) of the setback distance. In the event the property line falls at the center of a roadway easement, the front yard setback shall be measured from the edge of the roadway, and not the centerline.

D. **Residential Side Yard Requirements.**

1. The minimum side yard setback is 5-feet from the property line.
2. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required side yard for a distance not to exceed three (3) feet.
3. Cornices, canopies, chimneys, eaves, or similar architectural features may extend into a required side yard not to exceed two (2) feet in one side yard only.

E. **Residential Rear Yard Requirements.**

1. The minimum rear yard setback shall be ten (10) feet.
2. Outside stairs or landing places, if unroofed or unenclosed, may extend into a required rear yard for a distance not to exceed three (3) feet.
3. Cornices, canopies, chimneys, or eaves or other similar architectural features may extend into a required rear yard not to exceed three (3) feet.

F. **Lighting – Residential or Commercial.** All exterior lighting shall include shields over the light source to minimize glare and reflect away from adjoining properties. Upward-directed lighting that allows spillage into the sky and mercury vapor and low-pressure sodium lighting are prohibited.

G. **Lot Entrances – Residential or Commercial.** A culvert will be placed at each lot entrance where runoff water may impact adjacent streets. The road department superintendent will make this determination.

H. **Alleys.** Alleys must be a minimum of 24 feet wide.

I. **Accessory Buildings.** A detached accessory building shall be located not closer than five (5) feet to any main building, side yard, or rear property line. No accessory building shall exceed 15 feet in height without a special use permit.

J. **Parking Requirements.** Requirements shall be determined by the regulatory land use district and the provisions of the Development Code.

Section 17.202.15 Regulatory Land Use Districts. The unincorporated Town of Imlay shall have the following regulatory land use districts: Medium Density Suburban, High Density Suburban, Neighborhood Commercial, General Commercial, and Industrial.

A. Boundaries are intended to parallel street lines or follow property lines as they exist at the time of passage of this chapter or amendments hereto, unless specifically shown otherwise. Where a regulatory land use district boundary line divides a parcel in single ownership, the regulations of the least restrictive portion of the parcel prevails for an extension of not more than fifty feet into the most restrictive portion.

Section 17.202.20 Residential Regulatory Land Use Districts. The residential regulatory land use districts, including Medium Density Suburban and High Density Suburban provide for detached residential uses. Additional uses are allowed, allowed with a special use permit, or not allowed in accordance with **Table 17.302.10-1** through **5**, inclusive.

Special provisions for the Town of Imlay allow for uses that may not be allowed or require a special use permit in other areas of the County, but with approval of an administrative review by the Planning & Building Director are defined as follows:

A. **Uses Requiring an Administrative Review and Approval by the Planning & Building Official.**

1. One (1) tiny home used as a detached accessory dwelling unit in conjunction with a primary residence and connected to the existing water and sanitary sewer.
2. One (1) tiny home used as a Vacation Rental by Owner (VBRO) in conjunction with a primary residence and connected to the existing water and sanitary sewer.
3. A primary residence used as Vacation Rental by Owner (VBRO).

Section 17.202.25 Neighborhood Commercial Regulatory Land Use District. The neighborhood commercial regulatory land use district provides for commercial centers and services customarily associated with, and complimentary to residential development. It is the intent of this district to allow for smaller scale buildings for personal goods and/or services to minimize vehicular travel distances and maintain a neighborhood feel with the introduction of these uses. Additional uses not listed below may be allowed, allowed with a special use permit, or not allowed in accordance with **Table 17.302.10-1** through **5**, inclusive. Special provisions for Town of Imlay are defined as follows:

A. **Uses Requiring an Administrative Review and Approval by the Planning & Building Official.**

1. Drive through coffee kiosks.

B. **Uses Requiring Special Use Permits.**

1. Adult Day Care.
2. Family Day Care.
3. Convenience stores.
4. Full Service Restaurants.

Section 17.202.30 General Commercial Regulatory Land Use District. The general commercial regulatory land use district provides for general commercial centers and service enterprises as defined in Section 17.106.60.

A. **Uses Requiring an Administrative Review and Approval by the Planning & Building Official.**

1. Automobile Repair Establishment.
2. Commercial Kennels.
3. Corn Maize.
4. Motel.
5. Recreational Vehicle Park.

B. **Uses Requiring a Special Use Permit.**

1. Other businesses not listed in **Table 17.302.10-1** through **5**, inclusive not permitted by right deemed compatible with other commercial development or nearby residential uses by the Planning & Building Director for purposes of processing a discretionary permit.

C. **Setbacks**

1. Front: 10 feet.
2. Side: buildings must be placed on the property line if the adjacent use is a developed commercial business, or a minimum of 10 feet from the property line if the building is located immediately adjacent to a property with a residential land use.
3. Rear: 10 feet.

Section 17.202.35 Industrial Regulatory Land Use District. The industrial regulatory land use district provides for intensive activities and land uses which have the most potential for off-site impacts. This regulatory zone requires access to roadway and/or railway transportation systems.

A. **Uses Requiring an Administrative Review and Approval by the Planning & Building Official.**

1. Communication Facilities.
2. Custom manufacturing, assembly, and fabrication business indoors, limited to a maximum of 2,500 square feet.
3. Major Services and Utilities.
4. Maintenance, repair, and renovation business indoors, limited to a maximum of 2,500 square feet.
5. Office and Professional Services.
6. Wholesaling, Warehousing, Storage & Distribution (heavy).

B. **Uses Requiring a Special Use Permit.**

1. Other uses not listed in **Table 17.302.10-1** through **5**, inclusive not permitted by right deemed compatible with surrounding commercial development by the Planning & Building Director for purposes of processing a discretionary permit.

C. **Height Limitation.** 55 feet, without special use permit.

D. **Minimum Lot Size and Width.** One acre minimum area; 150 feet average width.

E. **Setbacks**

1. **Front:** 20 feet.
2. **Side:** 10 feet. If the building is located adjacent to a property with an existing residential use or residential land use designation, the minimum setback shall be 30 feet.
3. **Rear:** 20 feet. If the building is located adjacent to a property with an existing residential use or residential land use designation, the minimum setback shall be 30 feet.

Section 17.202.40 Agriculture Land Use Types. The agriculture regulatory land use types provide for a variety of activities that support the rural, agriculture environment in the County. These area plan regulations allow the following uses with a minimum lot size of 10 acres in size. In all cases, the use must reflect a reasonable and prudent use of the land area.

A. **Uses Requiring an Administrative Review and Approval by the Planning & Building Official.**

1. Vine Crops.
2. Winery.

Section 17.202.45 Nonconformance. A lawful use of land or building not in conformance with the regulations prescribed in this chapter, existing at the time of the adoption of the Development Code may be continued in accordance with Chapter 17.704, Nonconformance.

CHAPTER 204
IMLAY – MILL CITY FRONTAGE ROAD AREA PLAN REGULATIONS

SECTIONS:

17.204.00 Purpose
17.204.05 Applicable Regulations
17.204.10 Land Use Regulations

Section 17.204.00 Purpose. The purpose of Chapter 204 is to establish special regulations for the Frontage Road area that extends between Imlay and Mill City. These special regulations for new development may differ from the County and reflect the input from the residents of the Town and the larger area due to the area's environment, development pattern and rural setting.

Section 17.204.05 Applicable Regulations. The areas of land subject to the provisions of this chapter must comply with all regulations established by the Development Code except where one or more of such regulations are specifically waived or replaced by the provisions of this chapter.

The establishment of these special regulations in no way prohibits the County from taking action to modify these regulations or to waive their strict enforcement by means of a Master Plan amendment, special use permit, variance or other similar procedure established and permitted by the Development Code.

Section 17.204.10 Land Use Regulations.

A. The provisions of this chapter apply to an area that extends 1/4 mile from the centerline of the Frontage Road on the north side of Interstate 80 in that area between Imlay and Mill City.

B. Permitted commercial uses shall include those uses permitted in both the General Commercial land use district as described in Section 17.106.60 and the Neighborhood Commercial land use district as described in Section 17.106.65.

C. A special use permit may be required for general commercial or neighborhood commercial uses. Refer to Chapter 17.302, Allowed Uses, T**able 17.302.10-3, Commercial Use Types**.

D. Residential uses are permitted. Refer to Chapter 17.302, Allowed Uses, **Table 17.302.10-1, Residential Use Types**.

CHAPTER 206
HUMBOLDT RIVER RANCH AREA PLAN REGULATIONS

SECTIONS:

17.206.00 Purpose
17.206.05 Applicable Regulations
17.206.10 Humboldt River Ranch Commercial District
17.206.15 Main Structure Required Prior to Accessory Structures

Section 17.206.00 Purpose. The purpose of Chapter 206 is to establish special regulations for new development in the Humboldt River Ranch area that may differ from the County and reflect the input from the community to ensure compatibility with the area's environment, development pattern, and rural setting.

Section 17.206.05 Applicable Regulations. The areas of land subject to the provisions of this chapter must comply with all regulations established by the Development Code except where one or more of such regulations are specifically waived or replaced by the provisions of this chapter. The establishment of these special regulations in no way prohibits the County from taking action to modify these regulations or to waive their strict enforcement by means of a Master Plan amendment, special use permit, or other procedure established and permitted by the Development Code.

Section 17.206.10 Humboldt River Ranch Commercial District. Commercial development within the Humboldt River Ranch Commercial District is allowed. These areas are in Phase A of the development, more specifically described as follows:

A. The Humboldt River Ranch Commercial District development standards apply to lot numbers A-E, 1-41, 201-226, 475-496 and 498-511 of Phase A of the development.

B. Commercial uses allowed shall be those uses allowed in both the General Commercial land use district as described in Section 17.106.60 and the Neighborhood Commercial land use district as described in Section 17.106.65.

C. A special use permit may be required for general commercial or neighborhood commercial uses. Refer to Chapter 17.302, Allowed Uses, **Table 17.302.05-3**, **Commercial Use Types**.

D. Residential uses are permitted. Refer to Chapter 302, Allowed Uses, **Table 17.302.05-1, Residential Use Types.**

Section 17.206.15 Main Structure Required Prior to Accessory Structures. It is prohibited to construct or locate private garages or other accessory structures on any property within Humboldt River Ranch that is located within any "Rural" or "Suburban" Residential Regulatory Land Use District, prior to the existence of a permissive main structure on such property. This requirement applies to all areas of Humboldt River Ranch.

CHAPTER 208
GRASS VALLEY AREA PLAN REGULATIONS

SECTIONS:

17.208.00 Purpose
17.208.05 Applicable Regulations
17.208.10 Residential Regulatory Land Use District
17.208.15 Neighborhood Commercial Land Use District
17.208.20 Agriculture-Mining-Recreation Land Use District
17.208.25 Open Range Lands

Section 17.208.00 Purpose. The purpose of Chapter 208 is to establish special regulations for new development in the Grass Valley area that may differ from the County and reflects the input from the community to ensure compatibility with the area's environment, development pattern, and rural setting.

Section 17.208.05 Applicable Regulations. The areas of land subject to the provisions of this chapter must comply with all regulations established by the Development Code except where one or more of such regulations are specifically waived or replaced by the provisions of this chapter. The establishment of these special regulations in no way prohibits the County from taking action to modify these regulations or to waive their strict enforcement by means of a Master Plan amendment, special use permit, or other procedure permitted by the Development Code.

Section 17.208.10 Residential Regulatory Land Use Districts. The residential regulatory land use districts, including Low Density Rural (1 du/20 ac), Medium Density Rural (1 du/10 ac), Low Density Suburban (1 du/2.5 ac), Medium Density Suburban (1 du/1 ac), and High Density Suburban (max 4 du/ac or minimum lot size of 10,890 square feet) provide for attached and detached residential dwellings on parcels with accessory structures. Additional uses are allowed,

allowed with a special use permit, or not allowed in accordance with **Table 17.302.10-1** through **5**, inclusive. The residents of the Grass Valley area identified special provisions to allow for uses that may not be allowed or require a special use permit in other areas of the County. With approval of an administrative review by the Planning & Building Director, the following uses are allowed in all residential regulatory land use districts:

A. **Uses Requiring an Administrative Review and Approval by the Planning & Building Official.**

1. One (1) tiny home used as a detached accessory dwelling unit with a primary residence and connected to the existing water, sanitary sewer, and electrical services.
2. One (1) tiny home used as a Vacation Rental by Owner (VRBO) with a primary residence and connected to the existing water and sanitary sewer.
3. One (1) recreational vehicle may be placed on an individual parcel for temporary living quarters for up to one (1) year provided the owner of the property is in possession of a valid building permit for a permanent residential dwelling unit. Residential construction must be completed within the time frame specified by the building permit. The Planning & Building Director may extend the use of the recreation vehicle for temporary living quarters at his/her discretion due to extenuating circumstances with residential construction.
4. Winery.
5. Crop Production, including vine crops.

Section 17.208.15 Neighborhood Commercial Regulatory Land Use District. The neighborhood commercial regulatory land use district provides commercial centers and services customarily associated with, and complimentary to residential development. It is the intent of this district to allow for smaller scale buildings for personal goods and/or services to minimize vehicular travel distances and maintain a neighborhood feel with the introduction of these uses. Additional uses not listed below may be allowed, allowed with a special use permit, or not allowed in accordance with **Table 17.302.10-1** through **5**, inclusive. Special provisions for Grass Valley are defined as follows:

A. **Uses Requiring an Administrative Review and Approval by the Planning & Building Official.**

1. Breweries & Hard Cider Facilities.
2. Cemeteries (without crematorium).
3. Commercial campground/Recreational Vehicle Park.
4. Community Center.
5. Convenience Store.
6. Cultural and Library Services.
7. Drive through coffee kiosks.
8. Grocery sales.
9. Microbrewery.
10. Postal Services.

Section 17.208.20 Agriculture-Mining-Recreation Regulatory Land Use District. The agriculture-mining-recreation (AMR) regulatory land use district provides for the production and sales of agriculture, animals, feed lots, mining and related operations, and recreation activities. Residential uses including single family attached, single family detached, manufactured homes, modular homes, and farm dwellings are permitted by with a special use permit only in areas that are not included within an over appropriated hydrographic basin. The only exception to this limitation is an approval by the State Engineer to transfer of water rights from one hydrographic basin into an over-appropriated hydrographic basin.

A. **AMR Uses Requiring Special Use Permits.**

1. Aggregate facilities and mining operations.

Section 17.208.25 Open Range Lands. Van Diest Road approximately divides the Grass Valley area in two, running north to south from the Pershing County line. This area includes a variety of residential regulatory land use districts as well as neighborhood commercial. The area west of Van Diest Road is designated as "Open Range" which in accordance with Nevada Open Range Law requires disclosure to any buyer of property adjacent to open land that livestock grazing on the adjacent land may be permitted to enter the property (under consideration for purchase).

CHAPTER 210
APPEALS

SECTIONS:

17.210.00 Purpose
17.210.05 Applicable Regulations

Section 17.210.00 Purpose. The purpose of Chapter 210, Appeals, is to establish the procedure to appeal a decision made by Planning and Building Official to deny an administrative review application as permitted in Division Two.

Section 17.210.05 Appeal. Any person who is aggrieved by a decision of the Planning & Building Official may appeal such decision to the Board of County Commissioners in accordance with the regulations and procedures outlined in Chapter 17.710, Appeals.

Division Three: Regulation of Uses

CHAPTER 300
TITLE AND CONTENTS

SECTIONS:

17.300.00 Title
17.300.05 Contents
17.300.10 List of Tables and Figures

Section 17.300.00 Title. Division Three of Title 17 is entitled "Regulation of Uses."

Section 17.300.05 Contents. Division Three consists of the following chapters:

Chapter 300 Title and Contents
Chapter 302 Allowed Uses
Chapter 304 Use Classification System
Chapter 306 Accessory Uses and Structures
Chapter 308 Fabricated Housing
Chapter 310 Manufactured Home Parks
Chapter 312 Commercial Campground/Recreational Vehicle Parks
Chapter 314 Bed and Breakfast Establishments
Chapter 316 Group Care Facilities
Chapter 318 Child Care Facilities
Chapter 320 Communication Facilities
Chapter 322 Temporary Uses and Structures
Chapter 324 Home Occupations
Chapter 326 (Reserved - Aggregate Extraction and Processing)

Section 17.300.10 List of Tables and Figures.

Table 17.302.05-1 Residential Use Land Types
Table 17.302.05-2 Civic Use Types
Table 17.302.05-3 Commercial Use Types
Table 17.302.05-4 Industrial Use Types
Table 17.302.05-5 Agricultural Use Types
Table 17.310.10-1 Manufactured Home Park Development Standards

Table 17.312.10-1 Commercial Campground/Recreational Vehicle Park Development Standards
Table 17.320.10-1 Communication Facility Design Standards
Table 17.324.10-1 Home Occupation Requirements

CHAPTER 302
ALLOWED USES

SECTIONS:

17.302.00 Purpose
17.302.05 General Provisions
17.302.10 Tables of Allowed Uses
17.302.15 Explanation of Table Abbreviations
17.302.20 Use Classification System
17.302.25 Classification of New and Unlisted Uses
17.302.30 Accessory Uses and Structures
17.302.35 Temporary Uses and Structures
17.302.40 Airfield Protection Areas
17.302.45 Excavation and Grading

Section 17.302.00 Purpose. The purpose of Chapter 302, Allowed Uses, is to prescribe the uses that are allowed in each regulatory land use district.

Section 17.302.05 General Provisions. Variances to the Table of Uses (Tables 17.302.05-1 to 17.302.05-5) are prohibited by Chapter 17.702, Variances.

Section 17.302.10 Table of Allowed Uses. The uses that are allowed in each regulatory land use district are set forth in **Table 17.302.10-1** through **Table 17.302.10-5** as follows:

A. Low Density Rural is indicated as "LDR"
B. Medium Density Rural is indicated as "MDR"
C. Low Density Suburban is indicated as "LDS"
D. Medium Density Suburban is indicated as "MDS"
E. High Density Suburban is indicated as "HDS"
F. General Commercial is indicated as "GC"

G. Neighborhood Commercial is indicated as "NC"

H. Industrial is indicated as "I"

I. Public/Semi-Public Facilities is indicated as "PSF"

J. Open Space is indicated as "OS"

K. General Rural is indicted as "GR"

L. Agricultural-Mining-Recreation is indicated as "AMR"

Table 17.302.10-1 Residential Land Use Types
(See Chapter 17.304 for definitions)

Residential Use Types (Chapter 17.304.20)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
Household Living												
Accessory Dwelling, Attached	A	A	A	A	A	--	--	--	--	--	S	S
Accessory Dwelling, Detached	S	S	S	S	S	--	--	--	--	--	S	S
Accessory Structure, Detached	A	A	A	A	A	--	A	--	--	--	S	S
Barndominium	S	S	S	S	S	--	--	--	--	--	S	S
Duplex	--	--	--	S	S	--	S	--	--	--	--	--
Farm Dwelling	--	--	--	--	--	--	--	--	--	--	A	S
Fourplex	--	--	--	S	S	--	S	--	--	--	--	--
Live/Work Dwelling	--	--	--	S	S	S	S	--	--	--	--	--
Manufactured Home	A	A	A	A	A	--	--	--	--	--	A	S
Manufactured Home Park or Subdivision	A	A	A	A	A	--	--	--	--	--	--	--
Modular Home	A	A	A	A	A	--	--	--	--	--	A	S
Multi Family	--	--	--	--	S	--	S	--	--	--	--	--
Single Family Attached	--	--	--	A	A	--	S	--	--	--	A	S
Single Family Detached	A	A	A	A	A	--	S	--	--	--	A	S
Tiny Home	A	A	A	A	A	--	--	--	--	--	A	S
Triplex	--	--	--	S	S	--	S	--	--	--	--	--
Group Living												
Congregate Living	--	--	--	S	S	S	S	--	S	--	--	--
Group Home	S	S	S	S	S	--	--	--	--	--	--	--
Large Group Home	S	S	S	S	S	--	--	--	--	--	--	--
Residential Group Home	S	S	S	S	S	--	S	--	--	--	S	--
Transitional Living Facility	--	--	--	--	S	S	S	--	S	--	--	--

Key: -- = Not Allowed; A = Allowed; S = Special Use Permit

Table 17.302.10-2 **Public and Civic Land Use Types**
(See Chapter 17.304 for definitions)

Public and Civic Use Types (Chapter 17.304.25)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
Community & Cultural Facilities												
Adult Day Care	A	A	A	A	A	A	A	--	--	--	A	S
Church	S	S	S	S	S	S	S	S	S	--	S	--
Community Center	--	--	S	S	S	A	--	--	A	--	S	S
Cultural and Library Services	S	S	S	S	S	A	A	--	A	--	A	S
Group Care	S	S	S	S	S	S	S	--	--	--	--	--
Religious Assembly	S	S	S	S	S	S	S	S	S	--	S	--
Safety Services	S	S	S	S	S	S	S	S	S	--	S	S
Child Care												
Child Daycare Facility	S	S	S	S	S	S	S	--	S	--	S	--
Family Daycare	A	A	A	A	A	--	--	--	--	--	A	--
Large-Family Daycare	A	A	A	A	A	--	--	--	--	--	A	S
Education Facilities												
Education	S	S	S	S	S	S	S	--	S	--	S	--
Government Facilities												
Administrative Services	--	--	--	--	--	A	A	A	A	--	--	--
Minor Public Facilities	--	--	S	S	S	A	--	--	A	--	S	S
Major Public Facilities	--	--	--	--	--	S	--	S	S	--	S	S
Postal Services	--	--	--	--	--	A	A	A	A	--	--	--
Public Parking Services	--	--	--	--	--	A	A	A	A	--	--	--
Safety Services	S	S	S	S	S	S	S	S	S	--	S	--
Utility Services	S	S	S	S	S	S	S	S	S	S	S	S
Healthcare Facilities												
Blood Donation Center	--	--	--	--	S	A	A	--	A	--	--	--
Convalescent Services	--	--	S	S	S	S	S	--	S	--	--	--
Hospital, Acute and Overnight	--	--	--	--	--	A	A	--	A	--	--	--
Medical Facility, Day Use	--	--	--	--	S	A	A	--	A	--	--	--
Parks and Recreation												
Active Recreation	S	S	S	S	S	A	A	S	A	A	S	S
Passive Recreation	A	A	A	A	A	A	A	A	A	A	A	A
Nature Center	--	--	--	--	--	S	S	--	S	A	A	A

Key: -- = Not Allowed; A = Allowed; S = Special Use Permit

Table 17.302.10-3 **Commercial Land Use Types**
(See Chapter 17.304 for definitions)

Commercial Use Types (Chapter 17.304.30)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
Administrative Offices	--	--	--	--	--	A	A	A	A	--	--	--
Animal Sales and Services												
Commercial Kennel	S	S	S	--	--	S	--	S	--	--	A	S
Commercial Stable	S	S	S	--	--	--	S	--	--	--	A	S
Grooming and Pet Store	--	--	S	S	S	A	A	--	--	--	S	-
Pet Cemetery	--	--	--	--	--	S	--	--	A	--	--	--
Veterinary Services, AG	A	A	A	--	--	S	--	--	--	--	A	S
Veterinary Services, Pets	--	--	S	S	S	A	A	S	--	--	S	S
Automotive and Equipment												
Automotive Repair Establishment	--	--	--	--	--	S	--	A	--	--	--	--
Automotive Sales and Rentals	--	--	--	--	--	A	A	A	--	--	--	--
Cleaning, Car Wash	--	--	--	--	--	A	S	S	--	--	S	--
Commercial Parking	--	--	--	--	--	A	A	A	S	--	--	--
Equipment Repair and Sales	--	--	--	--	--	S	--	A	--	--	--	--
Gasoline Sales - Service Station	--	--	--	--	--	A	A	A	--	--	S	--
Fabricated Housing Sales	--	--	--	--	--	A	--	A	--	--	--	--
Storage of Operable Vehicles	--	--	--	--	--	A	--	A	--	--	--	--
Building Maintenance Services	--	--	--	--	--	A	A	A	--	--	--	--
Commercial Centers												
Neighborhood Centers	--	--	S	S	S	A	A	A	--	--	--	--
Community Shopping Centers	--	--	--	--	--	S	S	--	--	--	--	--
Regional Centers	--	--	--	--	--	S	--	--	--	--	--	--
Commercial Recreation												
Commercial Campground/ Recreational Vehicle Park	--	--	--	--	--	S	--	--	--	--	S	S
Destination Resort	--	--	--	--	--	A	--	--	--	--	A	S
Indoor Gun Range	--	--	--	--	--	S	--	A	--	--	S	--
Indoor Entertainment	--	--	--	--	--	A		--	S	--	--	--
Indoor Sports and Recreation	--	--	--	--	--	S	S	S	S	--	--	--
Limited Gaming Facilities	--	--	--	--	--	S	S	S	--	--	--	--
Marina	--	--	--	--	--	S	--	--	S	S	S	S
Outdoor Entertainment	--	--	--	--	--	--	--	S	S	--	--	--
Outdoor Sports & Recreation	S	S	S	S	S	S	S	S	S	--	S	S
Outdoor Sports Club	S	--	--	--	--	--	--	--	S	--	S	S
Unlimited Gaming Facilities	--	--	--	--	--	S	--	--	--	--	--	--

Key: -- = Not Allowed; A = Allowed; S = Special Use Permit

Commercial Use Types (Chapter 17.304.30)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
Commercial Education Services	--	--	--	--	--	A	A	A	A	--	--	--
Communications Facilities	S	S	S	S	S	S	S	S	S	S	S	S
Construction Sales & Services	--	--	--	--	--	S	--	A	--	--	--	--
Convention - Meeting Facilities	--	--	--	--	--	S	S	--	S	--	--	--
Eating and Drinking Establishments												
Bar, Lounge	--	--	--	--	--	A	A	S	--	--	--	--
Breweries & Hard Cider Facilities	--	--	--	--	--	S	--	S	--	--	--	--
Convenience Restaurant (no bar)	--	--	--	--	S	A	A	S	--	--	--	--
Full Service Restaurant	--	--	--	--	--	A	A	S	--	--	--	--
Microbrewery	--	--	--	--	--	S	--	S	--	--	--	--
Winery	S	S	S	--	--	--	--	--	--	S	S	S
Farmers' Market	--	--	--	--	--	S	S	S	S	S	S	S
Funeral & Interment Services												
Cemeteries	S	S	--	--	--	--	--	--	A	--	S	S
Undertaking	--	--	--	--	--	A	A	--	--	--	--	--
Helicopter Services												
Heliport	--	--	--	--	--	S	--	S	S	--	S	S
Helistop	S	--	--	--	--	S	S	S	S	--	S	S
Liquor Manufacturing	--	--	--	--	--	A	--	S	--	--	--	--
Liquor Sales												
Off-premises	--	--	--	--	--	A	A	S	--	--	--	--
On-premises	--	--	--	--	--	A	A	S	--	--	--	--
Lodging Services												
Bed & Breakfast Inns	S	S	S	S	S	A	A	--	--	--	S	--
Hostels	--	--	--	--	--	A	A	S	--	--	--	--
Hotels & Motels	--	--	--	--	--	A	S	--	--	--	--	--
Hotel with Restricted Gaming	--	--	--	--	--	S	--	--	--	--	--	--
Vacation Time Shares	--	--	--	--	--	A	S	--	--	--	--	--
Vacation Rental by Owner (VRBO)	A	A	S	S	S	A	S	--	--	--	A	--
Medical Services	--	--	--	--	--	A	A	--	A	--	--	--
Nursery Sales												
Retail	--	--	--	--	--	A	A	A	--	--	--	--
Wholesale	S	S	--	--	--	A	S	A	--	--	S	S
Office & Professional Services												
Call Center	--	--	--	--	--	A	S	A	--	--	--	--
Financial Services	--	--	--	--	--	A	A	A	--	--	--	--
Office, General	--	--	--	--	--	A	A	A	--	--	--	--

Key: -- = Not Allowed; A = Allowed; S = Special Use Permit

Commercial Use Types (Chapter 17.304.30)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
Personal Services												
Cleaners, Commercial	--	--	--	--	--	A	S	A	--	--	--	--
Personal Services, General	A	A	A	A	A	A	A	A			A	--
Personal Storage	--	--	--	--	--	A	S	A	--	--	--	--
Repair Services, Consumer	--	--	--	--	--	A	A	A	--	--	--	--
Studio, Tattoo, Body Art, Piercing and Similar Uses	--	--	--	--	--	A	A	A	--	--	--	--
Wedding Chapel	--	--	--	--	--	A	A	A	--	--	--	--
Recycle Center												
Full Service Recycle Center	--	--	--	--	--	--	--	A	--	--	--	--
Remote Collection Facility	S	S	S	--	--	S	S	A	--	--	S	S
Residential Hazardous Substance Recycle Center	--	--	--	--	--	S	--	S	--	--	--	--
Septage Storage	--	--	--	--	--	--	--	S	--	--	--	--
Retail												
Building Materials, Supplies & Sales	--	--	--	--	--	S	A	A	--	--	--	--
Convenience Store			S	S	S	A	A	A	--	--	--	--
Specialty Store	--	--	--	--	--	A	A		--	--	--	--
Comparison Shopping Center	--	--	--	--	--	A		--	--	--	--	--
Pawn Shop	--	--	--	--	--	A	A	--	--	--	--	--
Secondhand Sales	--	--	--	--	--	A	A	--	--	--	--	--
Transportation Services												
Automobile, Truck, Boat, Trailer Sales or Rental	--	--	--	--	--	A	--	--	--	--	S	--
Truck Stop or Travel Plaza	--	--	--	--	--	S	--	A	--	--	--	--

Table 17.302.10-4 **Industrial Land Use Types**
(See Chapter 17.304 for definitions)

Industrial Use types (Chapter 17.304.35)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
Aggregate Facilities, Permanent or Temporary	S	--	--	--	--	--	--	S	--	--	S	A
Asphalt or Concrete Batch Plant	--	--	--	--	--	--	--	A	--	--	S	--
Custom and Craft Manufacturing	S	S	--	--	--	S	--	A	--	--	S	--
Data Center	--	--	--	--	--	--	--	A	S	--	S	--
Energy Production	S	S	--	--	--	--	--	S	S	--	S	S
Food Processing	--	--	--	--	--	--	--	S	--	--	S	--

Key: -- = Not Allowed; A = Allowed; S = Special Use Permit

Industrial Use types (Chapter 17.304.35)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
General Industrial												
Limited	--	--	--	--	--	--	--	A	--	--	--	--
Intermediate	--	--	--	--	--	--	--	A	--	--	--	--
Heavy	--	--	--	--	--	--	--	S	--	--	--	--
High Technology Industry	--	--	--	--	--	S	S	A	--	--	S	--
Indoor Manufacturing, Processing, Assembly or Fabrication	--	--	--	--	--	S	--	A	--	--	S	--
Inoperable Vehicle Storage	--	--	--	--	--	--	--	S	--	--	--	--
Junk/Salvage Yards	--	--	--	--	--	--	--	S	--	--	--	S
Laundry Services (large scale)	--	--	--	--	--	S	--	A	--	--	--	--
Mining Operations	S	--	--	--	--	--	--	S	--	--	S	A
Petroleum Gas Extraction	--	--	--	--	--	--	--	S	--	--	S	S
Warehousing, Storage, Distribution, and Wholesaling												
Light	--	--	--	--	--	--	--	A	--	--	S	--
Heavy	--	--	--	--	--	--	--	S	--	--	--	--

Table 17.302.10-5 **Agricultural Land Use Types**
(See Chapter 17.304 for definitions)

Agricultural Use Types (Chapter 17.304.40)	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	OS	GR	AMR
Aquaculture, Commercial	--	--	--	--	--	--	--	--	--	--	A	A
Agriculture, Commercial	S	--	--	--	--	A	--	A	--	--	A	A
Agriculture Services												
Agriculture Processing	--	--	--	--	--	--	--	A	--	--	S	S
Animal Processing, AG	A	A	S	--	--	--	--	S	--	--	A	A
Animal Processing Commerce*	A	A	--	--	--	A	--	S	--	--	S	S
Animal Production	A	A	A	--	--	--	--	--	--	S	A	A
Crop Production	A	A	A	--	--	--	--	--	--	S	A	A
Dairy*	--	--	--	--	--	--	--	--	--	--	S	S
Feedlot, Commercial*	--	--	--	--	--	--	--	--	--	--	S	S
Feedlot, Non-Commercial*	--	--	--	--	--	--	--	--	--	--	A	A
Forest Product	S	S	--	--	--	--	--	--	--	S	--	--
Game Farms	S	S	--	--	--	--	--	--	--	S	S	S
Hog/Pig Farm*	--	--	--	--	--	--	--	--	--	--	S	S
Produce Sales	S	S	S	--	--	A	A	A	--	--	A	A
Urban Farm/Agriculture	S	S	S	S	--	--	--	--	--	--	--	--

Key: -- = Not Allowed; A = Allowed; S = Special Use Permit

*Commercial or non-commercial feedlots, commercial or non-commercial animal processing, dairies, hog farms or other similar operations must be located at least 1/2 mile from any dwelling, except those dwellings located on the owner's contiguous property and located at least two miles from the Lovelock City limits.

Section 17.302.15 Explanation of Table Abbreviations. Defines the designations in each cell within **Table 17.302.05-1** through **Table 17.302.05-5**, Table of Uses.

A. **Allowed Uses by Right.** An "**A**" designation indicates that the use is allowed by right in the respective regulatory land use district. Permitted uses are subject to all other standards in this Code.

B. **Special Use Permit Required.** A "**S**" designation indicates that the use is allowed in the respective zoning district only with approval of a special use permit pursuant to Chapter 17.606, Special Use Permits. The use shall comply with all applicable use-specific standards referenced in the summary use table. Uses requiring a special use permit are also subject to all other applicable standards in this Code. The "S" designation does not constitute authorization or ensure that a special use permit will be approved for that use. Each application shall be evaluated on its own merit based on the findings in Chapter 17.606.40.

C. **Prohibited Uses.** A blank cell in **Table 17.302**, Table of Allowed Uses indicates that the use if prohibited in the respective regulatory land use district.

Section 17.302.20 Use Classification System. The zoning categories that are listed in **Table 17.302.05-1** through **Table 302.05-5** are defined in Chapter 17.304, Use Classification System.

Section 17.302.25 Classification of New and Unlisted Uses. The following procedure applies if an application is submitted for a use category or use type that is not specifically listed in **Table 17.302**, Table of Allowed Uses. Submission and approval of such an application shall be required prior to approval of any other permit or development approval associated with the use.

A. **Planning & Building Director Determination of Appropriate Use Category and Use Type.** The Planning & Building Director shall determine the appropriate use category and use type for the proposed use. The Planning & Building Director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, or storage, and typical operations, employment characteristics, potential nuisances, requirements for public utilities, and transportation requirements.

B. **Establish use-Specific Standards if Necessary.** When establishing a use category and specific use type, the Planning & Building Director shall also determine whether additional use-specific standards are necessary to reduce potential impacts to surrounding properties or the community.

C. **Uses Requiring a Code Text Amendment.** In deciding on a new or unlisted use, the Planning & Building Director may determine that such new use or unlisted use requires a text amendment to this Code. A text amendment to this Code shall follow the procedures in Chapter 612, Amendment of Master Plan.

D. **Appeal of Planning & Building Director's Determination.** An appeal of the Planning & Building Director's determination may be made pursuant to the procedures in Chapter 17.710, Appeals.

Section 17.302.30 Accessory Uses and Structures. Accessory uses and accessory structures are governed by Chapter 17.306, Accessory Uses and Structures.

Section 17.302.35 Temporary Uses and Structures. Temporary uses and temporary structures are governed by Chapter 17.322, Temporary Uses and Structures.

Section 17.302.40 Airfield Protection Area. In addition to the provisions of this chapter, uses with the following characteristics shall be prohibited in the immediate area of Derby Airfield:

A. **High Density.** Uses with large numbers of residents, labor, or other high population concentration characteristics of a permanent or extended duration.

B. **Special Populations.** Uses that concentrate people unable to respond to emergency situations such as children, elderly, and handicapped persons.

C. **Area wide Utilities.** Uses that involve the provisions of utilities and services provided for area wide population where disruption would have an adverse impact (such as water, sewer, fiber, telephone, gas, etc.).

D. **Hazardous Characteristics.** Uses that involve explosives, fire toxic materials, corrosive materials, or other hazardous characteristics.

E. **Hazards to Aircraft.** Uses that pose hazards to aircraft, as identified, and adopted by the Pershing County Commissioners or the Pershing County Airport Advisory Board.

Section 17.302.45 Excavation and Grading. In addition to the uses identified in **Table 17.302-05-1** through **17.302.05-5**, any excavation, grading, earthwork construction, earthen structures, and storage of earth, including fills and embankments, as described in Section 17.302.35 A, requires a special use permit reviewed by the Planning Commission as prescribed in Chapter 17.606, Special Use Permits, unless exempted as noted in Section 17.302.35 B.

A. **A special use permit is required if:**

1. The disturbed area exceeds 25,000 square feet per parcel.
2. More than 1,000 cubic yards of earth will be imported and placed as fill below the flood hazard area or limited flooding area.
3. More than 5,000 cubic yards of earth will be imported and placed as fill.
4. More than 1,000 cubic yards of earth will be excavated, whether the earth will be exported from the property.
5. A permanent earthen structure will be established over 4.5 feet high.
    a. "*Permanent*," as applied to earthen structures, means earthen structures; (1) which the plans show will remain at the completion of the work; or (2) which will remain

indefinitely under separate permit and approval for purposes or storage until a use is found elsewhere.

b. "*Temporary*", as applied to earthen structures, means earthen structures which the plans show will not remain at the completion of the work.

c. *Height of earthen structures* is measured from the land surface as it existed prior to applying for the permit or from grade shown on plans, whichever is lower.

6. The provisions of (2) and (3) above are applicable whether the material is intended to be permanently located on one site or temporarily stored on a site for relocations to another, final site.

B. **A special use permit is exempted if:**

1. Earth excavated from a slope greater than seven percent and retained on the slope immediately adjacent to the excavation, where such excavation is for the foundation of a building.

2. Earthwork performed by the developer of an approved subdivision, major project or other projects that have completed a hearing process and review pursuant to which mitigation conditions could have been attached in the same manner as in the special use permit process.

3. Excavation and grading related to agricultural uses.

CHAPTER 304
USE CLASSIFICATION SYSTEM

SECTIONS:

17.304.05 Purpose
17.304.10 Classification Rules
17.304.15 Authority and Responsibility
17.304.20 Residential Use Types
17.304.25 Civic Use Types
17.304.30 Commercial Use Types
17.304.35 Industrial Use Types
17.304.40 Agricultural Use Types

Section 17.304.05 Purpose. The purpose of Chapter 304, Use Classification System, is to classify uses according to a limited number of use types on the basis for regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Development Code.

Section 17.304.10 Classification Rules. Uses will be classified into use types based upon the descriptions in Section 17.304.15 through Section 17.304.40, inclusive. The classifications shall comply with the provisions of this section.

A. **Types of Uses Regulated.** Only principal uses are included within the use classification system. Accessory uses and temporary uses are regulated by Chapter 17.306, Accessory Uses and Structures, and Chapter 17.322, Temporary Uses and Structures, respectively.

B. **Typical Uses within Use Types.** The description of the use types in this section often contains usual and customary uses classified within that use type. These usual and customary uses are examples and do not include all uses that may properly be classified within the use type.

C. **Classifying New Uses.** New uses shall be classified into use types based upon the description of the use types and upon characteristics like other uses already classified within the use type, subject to the applicable provisions of subsection D of the section.

D. **Classifying Several Uses on the Same Parcel.** The principal uses conducted on a single parcel shall be classified separately.

Section 17.304.15 Authority and Responsibility. The Planning & Building Director shall have the following authority and responsibilities with respect to the use classification system as described in Section 17.302.25, Classification of New and Unlisted Uses.

Section 17.304.20 Residential Use Types. Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis but exclude institutional type living arrangements, e.g., those providing twenty-four-hour skilled nursing, psychiatric, or medical care, or accommodating substance use disorders, or providing forced residence, such as prisons or restitution centers.

A. **Household Living.** Residential use type that refers to the occupancy of living quarters by one or more families. Traditional accessory uses include recreational activities, raising household pets, personal gardens, personal storage buildings, hobbies, and resident parking. Specific household living use types include:

1. **Accessory Dwelling, Attached.** Attached accessory dwelling refers to a portion of a single-family dwelling that may provide complete, independent living facilities for living, sleeping, eating, cooking and sanitation within the main dwelling unit, but which is separate from the main dwelling unit's cooking area, bathroom(s) and living areas. An attached accessory dwelling shall not exceed 25 percent of the total square footage of the main dwelling unit. Typical uses include guestrooms, guest apartments and "granny flats." These units shall not be used for rental purposes.

2. **Accessory Dwelling, Detached.** Detached accessory or non-farm dwelling refers to a dwelling unit on the same lot as the primary dwelling unit, but physically separated from the primary dwelling unit. An accessory dwelling unit may provide complete, independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation. A detached accessory unit shall not exceed 1,200 square feet of living space or 50 percent of the floor area of the main unit, whichever is smaller. Typical uses include guesthouses, second units, "granny flats" and caretaker's quarters. These units shall not be used for rental purposes.

3. **Accessory Structure, Detached.** Refers to a building or structure on the same lot as the main residential structure and devoted to a use incidental to that main residential structure. A detached accessory structure is not designed or used for human habitation. Typical uses include storage buildings and sheds, barns, and detached garages.

4. **Barndominium.** Refers to a barn-like structure that has been converted into a home or accessory detached living space. A barndominum may be a converted structure or a new building with the structural components of a barn.

5. **Duplex.** Refers to the use of a parcel for two dwelling units in a single structure.

6. **Farm Dwelling.** Refers to single family dwelling or employee dwelling located on a farm and used in connection with agricultural or aquacultural activities.

7. **Fourplex.** Refers to the use of a parcel for four dwelling units in a single structure to be occupied by four families living independently.

8. **Live/Work Dwelling.** A residential dwelling unit that combines residential living space and an integrated workspace principally used by one or more residents. A live/work dwelling may consist of a storefront, workspace or studio, or public display area on the ground floor, with residential living space on the second floor or in the back of the workspace.

9. **Manufactured Home**. Refers to a type of factory-built or prefabricated residence constructed after June 15, 1976, that can be placed on a piece of land and permanently affixed to a foundation. A travel trailer or recreational vehicle shall not be construed as a manufactured home for permanent habitation within any regulatory land use district.

10. **Manufactured Home Park or Subdivision**. Refers to a parcel of land or contiguous parcels divided into two or more manufactured home lots for rent or sale for permanent residential use. The tract(s) of land shall include the necessary roadway, utilities, building, structure, vehicle, accessory usable open space, or enclosure used or intended for use as part of the facilities for the park.

11. **Modular Home**. Refers to a prefabricated residence constructed in sections or modules in a controlled factory environment and transported to the subject project and installed on permanent foundation by company professionals. Their appearance is indistinguishable from traditional site-built homes.

12. **Multi-family**. The use of a parcel for three or more dwelling units within one or more buildings, including condominium developments.

13. **Single Family Attached**. Two or more dwelling units are constructed with a common or abutting wall with its own front and rear access, no unit is located over another unit, and each is located on its own separate parcel.

14. **Single Family Detached**. The use of a parcel for a separate and individually owned single dwelling unit. No single-family home may have more than one kitchen and all rooms used for human habitation must have interior access to one another, except for an attached accessory dwelling as permitted in this Development Code.

15. **Tiny Home**. Refers to a fully functioning residential home with a living room, kitchen, bathroom, and sleep area that is a minimum of 400 square feet and less than 1,000 square feet. Tiny homes must be constructed on a permanent foundation, connected to either individual or municipal water and sanitary services, and satisfy all county building code requirements.

16. **Triplex**. Refers to the use of a parcel for three dwelling units in a single structure to be occupied by three families living independently.

B. Group Living

1. **Congregate Living**. Congregate living refers to residential facilities for unrelated older individuals who may have healthcare needs that prevent them from living alone, In traditional assisted living facilities, or skilled nursing facilities. The monthly service fee typically includes the living unit, one to three meals per day, in-unit housekeeping, personal laundry service and the individual costs for medical attention and medicine. This type of facility may care for patients who have been recently discharged from a hospital with an intended short-term stay. This type of facility may also care for patients as they age and require more intensive care through the aging process.

2. **Group Home.** Refers to care services provided in residential facilities which accommodate 11 or more persons or in facilities authorized to provide services but excludes those

uses classified under major services and utilities. Typical uses include halfway houses, intermediate care facilities, or senior citizen board and care homes.

3. **Large Residential Group Home.** Large residential group home use type refers to, on a weekly or longer basis, the occupancy of living quarters by and the care for a group of 6 to 12 unrelated individuals – not defined as families, excluding caregiver(s).

4. **Residential Group Home.** The residential group home use type refers to the occupancy of living quarters by, and for the care of, a group of 1-6 unrelated individuals on a weekly or longer basis, such as adult day care and/or treatment centers. Caregiver(s) are excluded in the group home occupancy count.

5. **Transitional Living Facility.** This type of group housing is considered supportive, but temporary designed to help individuals transition to a permanent housing situation. Individuals may be experiencing homelessness, mental illness, addiction, or recent release from incarceration. This housing model provides structure, supervision, support, education and/or training for residents. This type of group housing may be referred to as halfway housing.

Section 17.304.25 Public and Civic Use Types. Public and Civic use types include the performance of utility, educational, cultural, medical, protective, governmental, and other uses which are strongly vested with public or social importance.

A. Community and Cultural Facilities

1. **Adult Day Care**. Refers to a center or facility designed to provide care and companionship for older adults who need assistance or supervision during the day. This use type may include social day care activities or adult day health care offering intensive health, therapeutic and social services.

2. **Church**. A building or structure, or group of buildings and structures that by design are constructed primarily for conducting religious services and associated accessory uses.

3. **Community Center**. Community center use type refers to recreational, social, or multi-purpose uses within buildings with no fixed seats and occupancy limited to 500 or fewer. Typical uses include public or private, non-commercial clubs.

4. **Cultural and Library Services**. Refers to non-profit, museum like, preservation and exhibition of objects of permanent interest in one or more of the arts and sciences, gallery exhibition of works of art or library collection of books, manuscripts, etc., for study and reading.

5. **Group Care.** Refers to care services provided in residential facilities which accommodate eleven (11) or more persons or in facilities authorized to provide services, but excludes those uses classified under Government Services. Typical uses include halfway houses, intermediate care facilities, or the board and care of seniors.

6. **Religious Assembly**. Refers to services involving public assembly that customarily occurs in synagogues, temples, and churches.

7. **Safety Services**. Refers to public safety and emergency services, including police and fire protection services, and emergency medical and ambulance services.

B. Child Care

1. **Child Care Facility.** Child Care facility use type refers to the use of a building or a portion thereof for the daytime care of individuals less than 18 years of age. Childcare use types are subject to the regulations and permission of the State of Nevada, Division of Child and Family Services, Bureau of Child Care. This use type includes nursery schools, preschools, daycare centers and similar uses, but excludes those classified under education. The following are childcare use types.

2. **Family Daycare**. Family daycare refers to daycare services provided for six or fewer full-time children, including those of the childcare facility licensee who are under the age of seven years, except that care may also be provided for up to three additional part-time children for three hours before schools are in session, subject to the regulations and permission of the State of Nevada Division of Child and Family Services, Bureau of Services of Child Care.

3. **Large-family Daycare**. Large-family daycare refers to services provided for more than six full-time children, including those of the childcare facility licensee who are under the age of seven years.

C. Education Facilities

1. **Education**. Education use type refers to educational services provided by public, private or parochial institutions, but excludes uses classified under commercial education services. Typical uses include elementary, junior high, and senior high schools, and junior colleges. Curriculum must be approved by the State Department of Education.

D. Government Facilities

1. **Administrative Services**. Administrative service use type refers to consulting, record keeping, clerical or public contact services that deal directly with the citizen, together with incidental storage of necessary equipment and vehicles.

2. **Minor Public Facilities.** Refers to public facilities that are smaller in scale than major public facilities that do not have a substantial impact on the surrounding neighborhoods or community. Uses may include health clinics, community centers, neighborhood fire stations and other safety services.

3. **Major Public Facilities**. Refers to public facilities that provide a significant service and have a substantial impact on the community. Typical uses are sanitary sewer treatment, water treatment, landfills, airports, stormwater detention facilities, correctional institutions, and public transportation maintenance facilities.

4. **Postal Services**. Refers to mailing services, excluding major processing, as provided by the United Stated Postal Service, including branch post offices and public and private facilities.

5. **Public Parking Services**. Refers to parking services involving buildings and lots which may be privately and/or publicly owned and operated and are assigned to meet a specified parking demand. Commercial parking is that which is not designated for a specific identified use.

6. **Safety Services.** Refers to public safety and emergency services, including sheriff and fire protection services, and emergency medical and supporting transportation services.

7. **Utility Services**. Refers to infrastructure for the provision of electricity, stormwater, sewer, water or other liquids, natural gas, or petroleum through transmission lines, substations, wires, pipes, photovoltaic panels, or ditches by a utility provider and involving major structures that have flexibility in location.

E. Healthcare Facilities

1. **Blood Donation Center**. Refers to a physical location where individuals can voluntarily donate blood, plasma, platelets, antibodies or other components for testing and storage for individuals in need.

2. **Convalescent Services**. Refers to provision of bed care and in-patient services for persons requiring regular medical attention but excludes a facility providing surgical or emergency medical services and a facility providing care for alcohol or drug addiction.

3. **Hospital, Acute and Overnight**. Refers to medical, psychiatric, or surgical services for sick or injured persons primarily on an in-patient basis, including ancillary facilities for out-patient and emergency medical services, diagnostic services, training, research, administration and services to patients, employees, or visitors.

4. **Medical Clinic, Day Use**. Refers to a medical facility, such as an urgent care center, where minor illnesses and injuries can be treated for walk-in patients on an out-patient basis.

F. Parks and Recreation. Parks and recreation use types refer to publicly owned parks, recreation facilities, and open space facilities within the recreation areas. These may be operated by the County or a concessionaire. The following are park and recreation use types:

1. **Active Recreation**. Refers to public park recreational uses that may have a potential impact on the area or adjacent land uses. Uses include participant sports and developed family recreational areas. Typical uses include group picnicking, tennis courts, swimming pools, softball diamonds, group campgrounds, and community centers operated by a public entity.

2. **Passive Recreation**. Refers to public park recreational uses that have no or a minimal impact on the area and adjacent land uses. Uses include child tot lots, open grass areas, individual picnic areas, hiking, nature study, wildlife refuge, fishing and viewing. No active uses, such as group picnicking, camping, and sporting activities, are permitted.

3. **Nature Center.** Refers to an area set aside for the public viewing and display of indigenous or exotic wildlife and/or indigenous or exotic plant life on either a for-profit or non-profit basis in a structured setting. Typical uses include zoos, wildlife sanctuaries, arboretums, and gardens.

Section 17.304.30 Commercial Use Types. Commercial use types include the distribution and sale or rental of goods, and the provisions of services other than those classified as civic or industrial use types.

A. **Administrative Offices.** Administrative offices use type refers to offices or private firms or organizations which are primarily used for the provisions of executive, management, or administrative services. Typical uses include administrative offices and services including travel, secretarial services, telephone answering, photocopying and reproduction, business offices of public utilities, organizations and associations, or the use classifications when the service is rendered is that customarily associated with administrative office services.

B. **Animal Sales and Services.** Animal sales and services use type refers to establishments or places of business primarily engaged in animal-related sales and services. Animals kept as domestic pets or as accessory uses to a residential use are regulated by the accessory use provisions of Chapter 17.306, Accessory Uses and Structures. The following are animal sales and services use types:

1. **Commercial Kennel.** Commercial kennels refers to kennel services for dogs, cats, and similar animals. Typical uses include commercial animal breeding with four or more animals (dogs), boarding kennels, pet motels, or dog training centers. Commercial kennels require a parcel size of 2.5 acres, regardless of the regulatory land use district within which it is located.

2. **Commercial Stable.** Commercial stables refer to boarding or raising of three or more horses, but excludes horses used primarily for agricultural operations which are classified under animal production. Typical uses include commercial stables, riding clubs and riding instruction facilities.

3. **Grooming and Pet Store.** Grooming and pet stores refers to grooming or selling dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons, pet grooming shops, or pet stores and shops.

4. **Pet Cemetery.** Pet cemetery refers to services involving the preparation of deceased animals for burial and the long-term storage of animals on cemetery grounds.

5. **Veterinary Services, Agricultural.** Veterinary services, agricultural refers to veterinary services specializing in the care and treatment of large animals. Veterinary services, agricultural requires a parcel size minimum of 2.5 acres regardless of the regulatory zone within which it is located. Typical uses include veterinary offices for livestock.

6. **Veterinary Services, Pets.** Veterinary services, pets refer to veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals.

C. **Automotive and Equipment.** Automotive and equipment use type refers to establishments or places of business primarily engaged in automotive-related or heavy equipment sales or services. The following are automotive, and equipment use types:

1. **Automotive Repair Establishment.** Refers to repair of automobiles and the sale, installation and servicing of automobile equipment and parts. Typical uses include muffler shops, automobile repair garages or automobile glass shops.

2. **Automotive Sales and Rentals.** Refers to on-site sales and/or rentals of automobiles, non-commercial trucks, motorcycles, motor homes and trailers together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicle sales and rental agencies.

3. **Cleaning, Car Wash.** Cleaning refers to washing and polishing automobiles. Typical support uses include vacuum services and vending machines.

4. **Commercial Parking.** Refers to parking of operable motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Commercial parking is that which is not designated for any identified use. Typical uses include commercial parking lots or garages.

5. **Equipment Repair and Sales.** Refers to repair of motor vehicles such as aircraft, boats, recreational vehicles, trucks, etc.; the sale, installation and servicing of automobile equipment and parts; and body repair, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, motor freight maintenance groups or agricultural equipment sales.

6. **Gasoline Sales - Service Station.** An area used exclusively for retail sales of fuels or oils, having storage tanks and pumps located on the premises and may include minor automotive repairs, washing, and the sale of food, drinks, and sundry items.

7. **Fabricated Housing Sales.** Fabricated Housing Sales refers to the sales of new and used modular housing, manufactured homes and/or mobile homes; and ancillary minor repair of modular housing, manufactured homes and/or mobile homes sold from the same location as the new or used units. Typical uses include mobile home sales lots and minor repairs of units sold on site that do not include changes in walls and do not include changes in undercarriage plumbing or support systems.

8. **Storage of Operable Vehicles.** Storage of operable vehicles refers to storage of operable vehicles, recreational vehicles, and boat trailers. Typical uses include car and truck rental lots.

9. **Truck Stops.** Truck stops refers to businesses engaged in the sale of fuel and lubricants primarily for trucks, routine repair, and maintenance of trucks, and associated uses such as selling food, automobile accessories and personal services such as showers.

D. **Building Maintenance Services.** Building maintenance services use type refers to establishments primarily engaged in the provisions of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape and maintenance or window cleaning services.

E. **Commercial Centers.** Commercial centers use type refers to a group of unified commercial establishments built on a site which is planned, developed, owned, and managed as an operating unit. The following are commercial center use types.

1. **Neighborhood Centers.** Neighborhood centers refer to sales of convenience goods (food, drugs, and sundries) and personal services, those which meet daily needs of an immediate

neighborhood trade area. A neighborhood center typically includes convenience retail and services approximately 500 to 1,500 people.

2. **Community Shopping Centers**. Community Shopping Centers refers to shopping establishments containing some services of the neighborhood center plus other services providing a greater depth and range of merchandise than contained in the neighborhood center. A community shopping center may include a variety store as the major tenant. A community shopping center generally serves the larger trade area.

3. **Regional Centers**. Regional centers refer to centers that provide shopping goods, general merchandise, apparel, furniture and home furnishing in full depth and variety. They usually are built around more than one department store. Typical design uses the pedestrian mall, either open or enclosed, as a connector between major anchor stores. A regional center serves as a major commercial center for the entire region and typically has more than 150,000 square feet of gross leasable area.

F. Commercial Recreation. Commercial recreation use type refers to commercial establishments or places of business primarily engaged in the provisions of sports, entertainment or recreation for participants or spectators. The following are commercial recreation use types:

1. **Commercial Campground Facilities/RV Park**. Commercial campground facilities/RV Park refers to areas and services for two or more campsites, accommodating camping vehicles and tents, which are used by the public as temporary living quarters for recreational purposes. Typical uses include recreational vehicle campgrounds.

2. **Destination Resorts**. Destination resorts refer to commercial enterprises for recreation that can include lodging. Typical uses include dude ranches, hunting and fishing lodges, horse pack outfitters, and/or ski facilities.

3. **Gun Range, Indoor**. An indoor shooting range, firing range, gun range, or shooting ground designed for firearm usage, training and practice, or competition. The facility may be owned and operated by an individual, association, or corporation.

4. **Indoor Entertainment**. Indoor entertainment refers to predominantly spectator uses conducted within an enclosed building. Typical uses include motion picture theaters, meeting halls and dance halls.

5. **Indoor Sports and Recreation**. Indoor sports and recreation refer to participatory sports, conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, ice- and roller-skating rinks, indoor racquetball courts, and athletic clubs.

6. **Limited Gaming Facilities**. Limited gaming facilities refers to establishments which contain no more than 15 slot machines (and no other game or gaming device) where the operation of the slot machine is incidental to the primary business of the establishment.

7. **Marina**. Marinas refers to docking, storage, rental, and minor repair of recreational and fishing boats. Typical uses include recreational boat marinas and boat rental establishments.

8. **Outdoor Entertainment.** Outdoor Entertainment refers to predominantly spectator-type uses conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, racing facilities and amusement parks.

9. **Outdoor Sports and Recreation.** Outdoor sports and recreation refer to predominantly participant sports conducted in public facilities that are open or partially enclosed or screened facilities. Typical uses include driving ranges, miniature golf courses, golf courses, paint ball shooting ranges, shooting ranges, swimming pools and tennis courts.

10. **Outdoor Sports Club.** Outdoor sports club refers to the use of agricultural land or open space for private membership activities including hunting, paint ball, shooting, or fishing purposes. Typical uses include duck clubs, hunting clubs, skeet clubs and rifle ranges.

11. **Unlimited Gaming Facilities.** Unlimited gaming facilities refer to an establishment which contains 15 or more electronic gaming devices or operation of other gaming devices as authorized by the State of Nevada.

G. **Commercial Education Services.** Commercial educational services use type refers to educational services provided by private institutions or individuals with the primary purposes of preparing students for jobs in trade or profession. Typical uses include businesses and vocational schools, music schools, and hair styling schools.

H. **Communication Facilities.** Communication facilities use type refers to establishments primarily engaged in the transmission and/or receiving of electromagnetic waves. Typical uses include television stations, radio stations, satellite dishes, antennas, and wireless communication facilities.

I. **Construction Sales and Services.** Construction sales and services use type refers to establishments or places of business primarily engaged in construction activities and incidental storage, as well as the retail or wholesale sale from the premises, of materials used in the construction of buildings or other structures. This use type does not include retail sales of paint, fixtures, and hardware, or those uses classified as one of the automotive and equipment use types. This type does not refer to actual construction sites. Typical uses include tool and equipment rental, or sales and building material stores.

J. **Convention and Meeting Facilities.** Convention and meeting facilities use type refers to establishments which primarily provide convention and meeting facilities.

K. **Eating and Drinking Establishments.** Eating and drinking establishments use type refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on-premises consumption but excludes those uses classified under the liquor sales use type. The following are eating and drinking establishments use types:

1. **Bar, Lounge.** Bar, lounge refers to establishments that serve alcoholic and non-alcoholic beverages and possibly food but do not offer live music or dancing.

2. **Breweries & Hard Cider Facilities.** A brewery or hard cider facility use type refers to an establishment which manufactures malt beverages or a wine that contains not less than one-half of one percent of alcohol by volume and not more than 8.5 percent that

is produced from the fermentation of the juice of sound, ripe apples, or pears, or both, but does not sell those beverages at retail. All products must be sold to a state licensed importer/wholesaler. A brewery or hard cider facility with the capacity to produce more than 16 million gallons/year of beer or hard cider may be considered large enough to require an air permit due to the emission of ethanol from the Nevada Division of Environmental Protection.

3. **Convenience Restaurant**. Convenience refers to establishments or places of business primarily engaged in the preparation and retail sale of food and beverages and have a short customer turnover rate (typically less than one hour). Typical uses include drive-in and/or drive-through fast-food restaurants, coffee shops, bakeries, ice cream/yogurt shops, sandwich shops, and delicatessens.

4. **Full Service Restaurant**. Full service refers to establishments or places of business primarily engaged in the sale of prepared food and beverages on the premises, which generally have a customer turnover rate of one hour or longer, and which include sales of alcoholic beverages at the table or at a bar as an accessory or secondary service. Typical uses include full-service restaurants.

5. **Microbrewery**. A brewery refers to a factory where specialty beer is made for commercial purposes. The difference between a brewery and a microbrewery is a matter of scale. Microbreweries can make no more than 15,000 barrels of beer per year according to U.S. regulations.

6. **Winery**. The winery use type refers to a facility comprising the building(s) or space used to make wine as an alcoholic beverage obtained by the fermentation of the natural content of fruits or other agricultural products containing sugar. A winery includes crushing of fruit, fermenting, bottling, blending, bulk and bottle storage, aging, shipping, and receiving of wine making materials, laboratory equipment, associated maintenance equipment, and administrative office functions related to the operation of the winery. A winery may or may not have a vineyard associated with it and may include a public tasting room and the sale of merchandise related directly to the winery. A winery may only sell at retail by the bottle or serve by the glass on its premises. Wine produced, blended, *or* aged on site by the winery is subject to any limitations set forth in NRS 597.240.

   A winery may be established as a stand-alone principal use type or in combination with residential or other authorized use types. The growing of grapes for use in a winery use type or in wine making is classified as Crop Production, a separate Agricultural Use Type. Any allowed winery use type requires a special use permit and issuance of the appropriate Pershing County business and liquor licenses in accordance with Title 5, Chapters 5.04 and 5.08 respectively, of the Pershing County Code. The special use permit application process may include review by any general improvement district within the Jurisdiction, the fire department of the jurisdiction, in addition to the regulations found within Chapter 606 of this Code.

L. **Farmers' Market**. A temporary retail marketplace designed to sell foods directly by farmers, including urban farming, to consumers. The marketplace may consist of booths, tables, or

stands offering produce, animal products, prepared food, and beverages.

M. **Funeral and Internment Services**. Funeral and internment services use type refers to provisions of services involving the care, preparation, or disposition of human dead. The following are funeral and internment services use types:

1. **Cemeteries**. Cemeteries refer to undertaking services and services involving the keeping of bodies provided on cemetery grounds. Typical uses include crematoriums and mausoleums.

2. **Undertaking.** Undertaking refers to services involving the preparation of the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.

N. **Helicopter Services.** Helicopter services use type refers to areas used by helicopter or steep-gradient aircraft. The following are helicopter services use types:

1. **Heliport**. Heliport refers to areas used by helicopters or by other steep-gradient aircraft, which includes passenger and cargo facilities, maintenance, and overhaul, fueling service, storage space, tie-down space, hangars and other accessory buildings, and open space.

2. **Helistop**. Helistop refers to areas on a roof or on the ground used by helicopters or steep-gradient aircraft for the purpose of picking up or discharging passengers or cargo, but not including fueling service, maintenance, or overhaul.

O. **Liquor Manufacturing**. Liquor manufacturing refers to the brewing, distillation, making, and/or manufacture of intoxicating liquors on the premises of the establishment. The resulting liquor products may be sold at retail to the public for on-site consumption and/or for off-site consumption. The liquor products may also be sold to licensed importers and/or wholesaler liquor dealers, with or without sales to the public. Liquor manufacturing may be in conjunction with another commercial use type, such as a full service eating and drinking establishment. Typical uses include brew pubs, breweries, craft distilleries, and wine makers.

P. **Liquor Sales**. Liquor sales use type refers to retail sales of alcoholic beverages for consumption either on or off the premises of the establishment but excludes uses classified under either the retail sales or eating and drinking establishments use types. The following are liquor sales use types:

1. **Off-Premises**. Off-premises refers to the sale of liquor for off-site consumption. Typical uses include packaged liquor sales.

2. **On-Premises**. On-premises refers to the sale of liquor for on-site consumption. Typical uses include taverns, cabarets, service bars, retail beer and wine sales.

Q. **Lodging Services**. Lodging services use type refers to establishments primarily engaged in the provision of lodging on a less-than-weekly basis within incidental food, drink, and other sales and services intended for the convenience of guests but excludes those classified under residential group home and commercial recreation. The following are lodging services use types.

1. **Bed and Breakfast Inns.** Refer to an overnight lodging establishment, guest house, or single-family dwelling with guest rooms (no cooking facilities in the guest rooms) that provides sleeping accommodations for the night(s) and at least one meal per day, generally breakfast in exchange for a service charge.

2. **Hostels.** Hostels refers to supervised transient facilities offering dormitory type lodging, usually with a minimum of facilities.

3. **Hotels and Motels.** Hotels and motels refer to temporary residences for transient guests, primarily persons who have residence elsewhere, with access to each room through an interior hall and lobby or outside porch or landing.

4. **Hotel with Restricted Gaming Operations.** Temporary residence for transient guests that includes an enclosed gaming facility located anywhere on the property that consists of not more than 15 slot machines and no other game or gaming device, race book or sports pool at an establishment in which the operation of slot machines is incidental to the primary hotel use.

5. **Vacation Time Share.** Vacation time share refers to real properties that are subject to a time share program.

6. **Vacation Rental by Owner (VRBO).** VRBO refers to the use of residential uses for transient rentals, vacation rentals, and short-term vacation rentals.

R. **Medical Services.** Medical services use type refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provisions of medical testing and analysis services but excludes those classified as any civic use type. Typical uses include medical offices, dental laboratories, health maintenance organizations, immediate care facilities or sports medicine facilities.

S. **Nursery Sales.** Nursery sales use type refers to the sales of plants, flowers, and related nursery items. The following are nursery sales and use types:

1. **Retail.** Retail refers to the retail sale of plants and flowers and related nursery items. Typical uses include retail nurseries and home garden stores.

2. **Wholesale.** Wholesale refers to wholesaling of plants and flowers, with incidental retail sales. Typical uses include wholesale nurseries.

T. **Office and Professional Services.** Professional services use type refers to establishments which provide professional services to individuals or businesses but excludes offices servicing walk-in customers which are classified under the administrative offices use type. Typical uses include law offices, travel offices, real estate offices, insurance offices, accounting, and architectural firms.

1. **Call Center.** An office set up to handle a large volume of phone calls, especially for taking orders and providing customer service via phone, internet, or both.

2. **Financial Services.** An establishment authorized to receive and safeguard money or other valuables, lend money, execute bills of exchange, and provide other similar services.

Typical uses include banks, savings and loan institution, loan, and lending activities, and check cashing facilities.

3. **Office, General.** A facility other than specifically listed or defined elsewhere in this Division. This includes offices that provide typical routine office services including dentists, physicians, chiropractors, therapists, and other medically related disciplines, and distinguished from medical facilities and outpatient surgery centers.

U. **Personal Services.** Personal services use type refers to establishments primarily engaged in the provisions of informational, instructional, personal improvement and similar services of a non-professional nature, but excludes services classified as commercial recreation or lodging services. Typical uses include photography studios, driving schools or weight loss centers.

1. **Cleaners, Commercial.** A facility for cleaning items in bulk such as linens and clothing. This may include services for hospitals, restaurants, hotels, and other similar accounts. On premise retail services to individual households are permitted or may be incidental to the operation of the facility.

2. **Personal Services, General.** An establishment for the provision of personal service uses not otherwise listed. Typical services include, but are not limited to, barber or beauty salon, copy/printing center, drive-through coffee kiosk, florist, instructional arts studio, massage parlor, photography studio, self-service laundromat, shoe repair, tailor, travel services, and other similar uses as determined by the Planning & Building Director.

3. **Personal Storage.** Personal storage use type refers to storage services primarily for personal effects and household goods within an enclosed storage area having individual access, but excludes workshops, hobby shops, manufacturing, or commercial activity. Typical uses include mini warehouses.

4. **Repair Services, Consumer.** Repair services, consumer use type, refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excludes automotive repair. Typical uses include appliance repair shops, apparel repair firms or instrument repair firms.

5. **Studio, Tattoo, Body Art, Piercing, and Similar Uses.** Refers to an establishment which provides specialized personal services such as tattoos, body painting, body piercing, and other permanent and temporary uses relating to the body as the primary function of the establishment.

6. **Wedding Chapel.** A facility which is principally rented to perform wedding ceremonies. This may include a chapel, changing rooms, offices, and/or gardens.

V. **Recycle Center.** Recycle center use type refers to facilities for the collection, as a commercial enterprise, of household recyclables such as newspapers, bottles, and cans. Recycle centers do not include recycling facilities existing as part of a refuse pickup service or recycle bins used for donations to non-profit organizations. The following are recycling center use types:

1. **Full Service Recycle Center.** Full service recycle center refers to large, fully attended recycle centers accepting paper, plastic and glass, household recyclables and may include processing or sorting of the recyclables.

2. **Remote Collection Facility.** Remote collection facility refers to a center to accept, by redemption or purchase of recyclable materials from the public. Such a facility does not process the recyclables on site. Typical uses include reverse vending machines.

3. **Residential Hazardous Substance Recycle Center.** Residential hazardous substance recycle center refers to specialized recycling centers that receive household hazardous substances such as household paint, household cleaners and automobile engine oil.

4. **Septage Storage.** Refers to biodegrade and storage of natural sludge which should not be located nearer to residential than within one mile of a home site.

W. **Retail Sales.** Retail sales use type refers to retail sales of neighborhood or commonly used goods and merchandise, either free-standing or within a commercial center, but excludes those uses classified under other use types. The following are retail sales use types:

1. **Building Materials, Supplies & Sales**. A retail outlet for the sale of home, lawn, garden supplies, and construction materials including but not limited to lumber, PVC pipe, CMU, bricks, and similar materials.

2. **Convenience Store.** Convenience store refers to establishments which provide a limited number of frequently or recurrently needed personal items or services for residents of an immediate neighborhood. Typical uses include convenience stores, small grocery stores, barber shops, beauty parlors, dry cleaners, and self-service laundromats.

3. **Specialty Store.** Specialty store refers to an establishment which provides a variety of retail or personal services for residents in the larger community area. Typical uses include supermarkets, super drug stores, clothing boutiques, antiques bookstores, furniture stores and auto parts.

4. **Comparison Shopping Center.** Comparison shopping center refers to retail establishments that provide a wide variety of retail and personal services that cater to the regional needs. Typical uses include full-line department stores and warehouse-styled retail outlets.

5. **Pawn Shop.** A retail facility used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time. This use excludes any financial institutions or mortgage banking companies.

6. **Secondhand Sales.** Secondhand sales use type refers to establishments primarily engaged in the sale of goods and merchandise which are not being sold for the first time but excludes those classified as animal sales and services and automotive and equipment. Typical uses include secondhand stores and thrift shops.

X. **Transportation Services.** Transportation services use type refers to establishments which provide private transportation of persons and goods. Typical uses include taxi services and commercial postal services.

1. **Automobile, Truck, Boat, Trailer Sales or Rental.** The sale or rent of automobiles, trucks, RVs, and equipment for similar use. Automobiles kept on the property for sale or rental purposes are not considered to be outdoor storage.

2. **Truck Stop or Travel Plaza**. A development oriented to the service of trucks, including the sale of fuel to drivers and the provision of support facilities for drivers. These services may accommodate non-truck traffic. The facility may include temporary, daily, or overnight parking (excluding for the loading and unloading of cargo) of commercial motor vehicles which are en-route to or from a destination along an interstate freeway system. The term "truck" shall mean a commercial vehicle driven by a 'truck driver' who is required to have a commercial driver's license or equivalent.

Y. **Other Commercial**. Other commercial use types refer to commercial establishments which engage in activities that are commercial in nature and are not specifically listed in Chapter 17.304 of the Pershing County Development Code. A commercial entity is generally engaged in a non-manufacturing business, including, but not limited to, hotels, motels, restaurants, wholesale businesses, retail stores, and health, social, and educational institutions, which is engaged in activities which are commercial in nature, to wit: Activities involving the sale or rental of commodities or products, providing services for a cost, or both. However, if the establishment engages in activities that are specifically listed in this chapter as either agricultural or industrial activities or that are in the general nature of either agricultural or industrial types of activity, this specific provision does not apply to the type of use. Agricultural activities involve the process of producing food, feed, fiber, and other desired products by the cultivation of certain plants and the raising of domesticated animals (livestock). Industrial Activities are principally related to the processing, or semi-processing, of materials or the manufacture, assembly, service, repair, storage or transportation of materials, goods or equipment and includes processing, warehousing, packaging or treatment of products, goods, or equipment. Industrial establishments include, but are not limited to, manufacturing centers, assembly centers, warehouses, waste disposal sites, land fill operations, junk yards, and other similar business operations.

Section 17.304.35 Industrial Use Types. Industrial use types include the on-site production of goods by methods not agricultural in nature, including certain accessory uses.

A. **Aggregate Facilities.** Aggregate facilities use type refers to the extraction and processing of sand, gravel, and rock from the ground. Typical uses include sand and gravel pits and other uses such as concrete, cement and asphalt batch plants.

B. **Asphalt or Concrete Batch Plant.** A facility or area intended to mix concrete or asphalt and which is not temporary in nature.

C. **Custom and Craft Manufacturing.** Custom manufacturing use type refers to the on-site production of goods by hand manufacturing or artistic endeavor which involves only the use of hand tools or domestic mechanical equipment and the incidental sale of these goods directly to consumers.

D. **Data Center.** Indoor facility that provides cloud-based and shared access to digital data products and applications or information using a complex network of network, computation, and storage infrastructure.

E. **Energy Production.** Energy production use type refers to the commercial production of electricity from geothermal, petroleum, solar, wind and other sources.

F. **Food Processing.** A food processing facility is a commercial operation that manufactures, packages, labels, or stores food for human consumption in its final form and provides food for sale or distribution to other businesses including food processing plants or food establishments.

G. **General Industrial.** General industrial use type refers to the on-site production of goods other than those that are agricultural or extractive in nature but excludes those uses classified under custom manufacturing and high technology use types. The following are general industrial use types:

    1. **Limited**. Limited refers to production processes which use already manufactured components to assemble, print or package a product such as cloth, paper, plastic, leather, wood, glass, or stones, but not including such operations as paper, saw or planer mills, steel, iron, or other metal works, rolling mills, or any manufacturing uses involving primary production of commodities from raw materials. By the nature of the activity performed and/or the scale of operation, these uses can be located near residential or commercial uses with minimal impact to adjacent uses. Typical uses include apparel manufacturing, paper products finishing, furniture production and production of fabricated metal products.

    2. **Intermediate**. Intermediate refers to production processes which can be located near residential or commercial uses only if special control measures are taken to mitigate the land use conflicts which can result from such operations. Typical uses include production of food substances, household appliance manufacturing, prefabrication of manufactured buildings, and major repair/reconstruction and storage of fabricated housing.

    3. **Heavy**. Heavy refers to production processes which should not be located near residential or commercial uses due to the intensive nature of the industrial activity and/or the scale of operation. These uses may be located near other manufacturing uses exhibiting similar characteristics although special control measures may be required for some extremely intensive operations to ensure compatibility with similar industrial uses. Typical uses include geothermal energy production, motor vehicle assembly, sawmills, textile dyeing, leather tanning, hazardous chemical production, petroleum refining, primary metal processing and production of explosives or propellants.

H. **High Technology Industry.** High Technology Industry refers to a use that requires and/or utilizes scientific equipment, advanced engineering techniques, microelectronics, genetic engineering, robotics, rockets, communications, and other technologies, activities, or devices in the manufacturing and production processes. The use allows for research, development, testing, and other activities.

I. **Indoor Manufacturing, Processing, Assembly, or Fabrication.** A manufacturing, processing, assembly, or fabrication facility in which all activities and storage of materials occurs indoors.

J. **Inoperable Vehicle Storage.** Inoperable vehicle storage use type refers to premises devoted to the parking and/or storage of inoperable vehicles. Typical uses include truck and car storage yards.

K. **Junk/Salvage Yards.** Refers to the collection, storage or sale of scrap metal or discarded material; or the collection, dismantling, storage, salvaging or demolition of vehicles, machinery, or other materials.

L. **Laundry Services.** Laundry services use type refers to establishment primarily engaged in the provision of large-scale laundering, dry cleaning or dying services other than those classified as personal services. Typical uses include laundry agencies, diaper services or linen supply services.

M. **Mining Operations.** Mining operations use type refers to the extraction and processing of rocks and minerals from the ground, but excludes use classified under the petroleum gas extraction use type. Typical uses include the mining of precious metals and industrial minerals.

N. **Petroleum Gas Extraction.** Petroleum gas extraction use type refers to the extraction of oil and natural gas from the ground and the temporary storage of oil at the well site. Typical uses include oil and gas wells.

O. **Warehousing, Storage, Wholesaling, and Distribution.** Warehousing, storage, distribution, and wholesaling use type refers to establishments or places of business primarily engaged in managing inventory through warehousing, storage, wholesaling, and bulk sale distribution including, but not limited to, mixing, packaging, cross-docking, and order fulfillment of goods, materials, and/or equipment other than live animals and plants. The following are warehousing, storage, wholesaling and distribution types:

    1. **Light**. Light refers to warehousing, storage, wholesaling, and distribution of products within enclosed structures. Typical uses include temperature-controlled storage warehouses and fulfillment centers prior to the shipment of goods to wholesale, retail or customers.

    2. **Heavy**. Heavy refers to the inventory, product storage, handling, and distribution of goods, materials, and equipment on a large scale, sites encompassing over 50 acres in size. Uses may include stone yards, building materials, or the distribution and fulfillment of products partially stored in open yards.

P. **Other Industrial.** Other industrial use type refers to industrial establishments which engage in activities that are industrial in nature and are not specifically listed in Chapter 17.304 of the Pershing County Development Code. Activities which are Industrial in nature, as described in this section, principally involve activities related to the processing, or semi-processing, of materials or the manufacture, assembly, service, distribution, repair, storage or transportation of materials, goods or equipment and includes processing, warehousing, packaging or treatment of products, goods, or equipment.

Industrial establishments include, but are not limited to, manufacturing centers, assembly centers, warehouses, waste disposal sites, land fill operations, junk yards, and other similar business operations. However, if the establishment engages in activities that are specifically listed in this chapter as either agricultural or commercial activities or that are in the general nature of either agricultural or industrial types of activity, this specific provision does not apply to the type of use. Agricultural activities involve the process of producing food, feed, fiber, and other desired products by the cultivation of certain plants and the raising of domesticated animals (livestock). A commercial entity is generally engaged in a non-manufacturing business, including, but not limited to, hotels, motels, restaurants, wholesale businesses, retail stores, and health, social, and educational institutions, which is engaged in activities which are commercial in nature, to wit: activities involving the sale or rental of commodities or products, providing services for a cost, or both.

Section 17.304.40 Agricultural Use Types. Agricultural use types include the on-site production of plant and animal products by agricultural methods.

A. **Aquaculture, Commercial.** Refers to the use of land area for the breeding, rearing, and harvesting of fish, shellfish, algae, vegetables, plants, and other organisms in all types of water environments.

B. **Agricultural, Commercial.** Agricultural sales use type refers to the sale of agricultural supplies such as feed, grain, and fertilizers. Typical uses include feed and grain stores.

C. **Agricultural Processing.** Agricultural processing use type refers to the processing of foods and beverages from agricultural commodities, including compost production, but excludes animal processing. Typical uses include canning of fruits and vegetables, processing of dairy products, and the production of prepared meats from purchased carcasses, and the production of compost from natural agricultural and household waste.

    1. **Animal Production.** Animal production use type refers to raising of animals or production of animal products, such as eggs, on an agricultural or commercial basis, but excluding commercial animal processing. Typical uses include grazing, ranching, and poultry farming.

    2. **Animal Processing, Agricultural.** Agricultural animal processing use type refers to the processing of animals to be used in making meat products on the same premises.

    3. **Animal Processing, Commercial.** Commercial animal processing use type refers to the processing of animals to be sold to others or to be used in making meat products on the same premises.

D. **Crop Production.** Crop production use type refers to raising and harvesting of tree crops, row crops, vine crops, or field crops on an agricultural or commercial basis, and includes processing and packaging.

E. **Dairy.** Any establishment to process dairy products, including cheese, milk, yogurt.

F. **Feedlot, Commercial.** Refers to a type of feeding operation and enterprise where livestock is gathered in confined areas or structures for the sole purpose of feeding and fattening for market sale and a large percentage of the feed is imported or purchased.

G. **Feedlot, Non-Commercial.** Refers to the concentration of livestock in a confined area or structure for feeding for the purpose of fattening for market sale.

H. **Forest Product.** Refers to any material derived from forestry for direct consumption or commercial use, such as lumber, paper, Christmas trees, firewood, pinyon nuts, acorns, wood oil, leaves, medicinal plants, honey, spices, and minerals.

I. **Game Farms.** Refers to a place where game animals are raised to stock wildlife areas for hunting or for a variety of products, including meat, hides, feathers, and antlers.

J. **Hog and Pig Farms.** Refers to the production of pigs and hogs for breeding, raising, and finishing of the animals domestically and principally for food.

K. **Produce Sales.** Produce sales use type refers to on-site sale of farm produce and/or shell eggs from property owned, rented, or leased by the farmers who grow or produce all or part of the farm produce or shell eggs, offered for sale. Only products grown or produced on site may be sold. Typical uses include produce (fruits and vegetables) stands.

L. **Urban Farm/Agriculture.** Refers to the production, processing, and distribution of food products in an urban, suburban, or peri-urban (perimeter of urban). Raised or above ground production is permitted provided the containers are roughly the same size and shape for visual continuity. Container color is limited to dark tones (black or brown) or natural earth tones (wood and synthetic wood products). Commercial sales are permitted in organized farmer's markets and in localized neighborhoods.

M. **Other Agricultural.** Other agricultural use types refer to agricultural establishments which engage in activities that are agricultural in nature and are not specifically listed in Chapter 17.304 of the Pershing County Development Code. Activities which are agricultural in nature, as described in this section, involve the process of producing food, feed, fiber, and other desired products by the cultivation of certain plants and the raising of domesticated animals (livestock). However, if the establishment engages in activities that are specifically listed in this chapter as either commercial or industrial activities or that are in the general nature of either agricultural or industrial types of activity, this specific provision does not apply to the type of use. A commercial entity is generally engaged in a non-manufacturing business, including, but not limited to, hotels, motels, restaurants, wholesale businesses, retail stores, and health, social, and educational institutions, which is engaged in commercial activities involving the sale or rental of commodities or products, providing services for a cost, or both. Industrial Activities are principally related to the processing, or semi-processing, of materials or the manufacture, assembly, service, repair, storage or transportation of materials, goods or equipment and includes processing, warehousing, packaging or treatment of products, goods, or equipment. Industrial establishments include, but are not limited to, manufacturing centers, assembly centers, warehouses, waste disposal sites, land fill operations, junk yards, and other similar business operations.

[Chapter 17.304 amended by Ord. 239, passed 06/20/07, provisions eff. 07/06/07]

CHAPTER 306
ACCESSORY DWELLINGS AND STRUCTURES

SECTIONS:

17.306.00 Purpose
17.306.05 Applicability
17.306.10 Accessory Dwelling, Attached
17.306.15 Accessory Dwelling, Detached
17.306.20 Accessory Structure, Detached
17.306.25 Agricultural Buildings
17.306.30 Outdoor Storage/Outdoor Display

Section 17.306.00 Purpose. The purpose of Chapter 306, Accessory Dwellings and Structures is to provide additional housing units that are compatible with the look and scale of single-dwelling development and provide a mix of housing options. Accessory dwellings and structures are allowed, and this chapter provides the necessary standards and conditions for regulation.

Section 17.306.05 Applicability. Accessory dwellings and structures normally incidental to principal uses and main structures are allowed in all regulatory land use districts except as otherwise provided herein. This is not to be construed as permitting any commercial uses, including the storage of commercial vehicles in residential regulatory land use districts unless specifically allowed by this Development Code. All county and state codes and regulations pertaining to the delivery water and sanitary infrastructure shall apply. There shall be no more than one attached or detached accessory dwelling or structure per parcel.

Section 17.306.10 Accessory Dwelling, Attached. Attached accessory dwellings are permitted in the General Rural, AMR, Rural, and Suburban Regulatory Land Use Districts, pursuant to all the following regulations:

A. A main residential unit exists.

B. A minimum lot area of 5,000 square feet exists.

C. Setback and height standards of the regulatory district shall be maintained.

D. May be an attic or basement residential conversion.

E. Mobile homes, manufactured homes, self-contained travel trailers, coaches, or recreational vehicles may not be used as an attached accessory dwelling.

F. The attached accessory unit shall not exceed 25 percent of the floor area of the main unit.

G. Any exterior entrance to the attached accessory dwelling shall not be located along the same wall as the main entrance to the main unit.

H. A minimum of one off-street parking space shall be added, in addition to the applicable parking requirements of the main unit. Additional parking beyond the one off-street parking space added may be required pursuant to the provisions of Chapter 17.506, Parking Standards.

I. Appropriate water rights are dedicated accommodating the additional demand or a will serve from the Lovelock Meadows Water District accompanies the building permit application.

J. All sanitary sewer requirements, on-site or municipal, shall be sufficiently accommodated with the additional attached accessory dwelling. On-site wastewater disposal will require an engineering report, stamped by a Nevada licensed engineer, satisfying all state and local requirements.

Section 17.306.15 Accessory Dwelling, Detached. Detached accessory dwellings are allowed in the General Rural, Rural and Suburban Regulatory Land Use Districts, subject to a special use permit reviewed by the Planning Commission pursuant to the applicable provisions of Section 17.306.05 and the following requirements:

A. A main residential unit exists.

B. A minimum lot area of one acre exists.

C. Setback and height standards of the regulatory district shall be maintained.

D. The accessory dwelling shall be located entirely within the rear or side yard.

E. The dwelling shall be of the same architectural style and constructed of same or similar materials and colors to blend with the primary dwelling.

F. May be a residential garage conversion.

G. The detached accessory dwelling shall not exceed 1,700 square feet of living space or 50 percent of the floor area of the main unit, whichever is greater. The maximum permitted floor area of a detached accessory unit shall not be increased by use of the variance process contained in Chapter 17.602, Variances, except for conversion of a guest house, that was legally constructed prior to January 17, 2003, to a detached accessory dwelling.

H. A manufactured home constructed within 10 years of the date of its placement, or a modular home are permitted as detached accessory dwelling units in specific suburban regulatory land use districts in which a single-family residence is permitted provided that the manufactured home is permanently affixed to the property and its foundation system is masked at the time of the final inspection date. Fabricated and modular homes are also permitted as detached accessory units in a manufactured home subdivision. All manufactured homes placed as a detached accessory dwelling shall be converted to real property for tax purposes. A minimum of one off-street parking space shall be added, in addition to the

applicable parking requirements of the primary dwelling. Additional parking beyond the one off-street parking space added may be required pursuant to the provisions of Chapter 17.506, Parking Standards.

I. There shall be not more than one attached or detached accessory dwelling or structure per parcel.

J. A parcel containing a detached accessory dwelling unit shall not be subdivided to place the detached accessory dwelling unit on a lot subdivided from the original parcel, if in creating such a subdivision, any of the existing or new parcels have a lot of area less than the required minimum lot area of the regulatory land use district in which the parcel exists.

K. Appropriate water rights are dedicated to accommodate additional demand or a will serve from the Lovelock Meadows Water District accompanies the building permit application.

L. All sanitary sewer requirements, on-site or municipal, shall be sufficiently accommodated with the additional attached accessory dwelling. On-site wastewater disposal will require an engineering report, stamped by a Nevada licensed engineer, satisfying all state and local requirements.

M. Mobile homes, self-contained travel trailers, coaches, or recreational vehicles may not be used as a detached accessory dwelling.

Section 17.306.20 Accessory Structure, Detached. The following development requirements shall apply to detached accessory structures:

A. **Buildable Area.** A detached accessory structure may occupy no more than 50 percent of the total area of a rear yard or 25 percent of a side yard.

B. **Setbacks.** Accessory structures are not permitted to encroach upon the required setbacks established in Chapter 17.502, Lot Design and Building Placement Standards.

C. **Height Limits.** Accessory structures shall not exceed the allowable height of the regulatory land use district.

D. **Location.** Accessory structures shall comply with the following site requirements:

1. In no event shall any detached accessory structure occupy the front yard of any lot, except as provided in this section.

2. In the case of a corner lot abutting two streets, no detached accessory structure shall be erected to encroach upon the front halves of such a lot.

3. The accessory structure shall have a minimum separation of 10 feet from any dwelling. No portion of the structure shall be located within an easement.

4. Mobile homes, self-contained travel trailers, coaches, or recreational vehicles may not be used as accessory structures.

5. Mobile homes, manufactured homes, self-contained travel trailers, coaches, or recreational vehicles may not be used as detached accessory structure.

Section 17.306.25 Agricultural Buildings. Buildings, corrals, coops, pens, stables, or structures used in conjunction with farming may be constructed, erected, or located, and used without a permissive main structure in any regulatory land use district allowing agricultural use types provided that the following conditions are met:

A. **General Requirements.** All agricultural buildings shall conform to the following general requirements:

1. The accessory structures do not involve on-site sale of agricultural products.
2. The accessory structures do not involve the commercial use of horses.
3. The accessory structures are located not closer than 100 feet to any street or highway, or to any public park or school, or to any land classified in a residential district.

B. **Requirements for the Agricultural Processing of Animals.** All agricultural buildings used for the agricultural processing of animals shall conform to the following requirements:

1. Any agricultural building used for the agricultural processing of animals must be located on a parcel of land that is a minimum of 2.5 acres in size.
2. Any agricultural building used for the agricultural processing of animals must be located a minimum of 100 feet from a property line.
3. Only one agricultural building may be used for the agricultural processing of animals:
4. The agricultural building used for the agricultural processing of animals must be of a size to accommodate the entire processing process which shall include an area large enough to hold the animal or animals to be processed; an area for preparing the animal produce; and area for storing the animal produce, animal waste and carcasses; and an area for cleanup.
5. All animal waste and carcasses created through the agricultural processing process shall be removed from the premises to an approved District Health Department disposal area within 24 hours of the processing of an animal.
6. All processing of animals that is considered agricultural processing shall be conducted within a building.
7. Only animals raised on-site may be processed as part of an agricultural process.

Section 17.306.30 Outdoor Storage/Outdoor Display.

A. **General Requirements, Storage.** No area visible from a street shall be used for outdoor storage of inoperable vehicles. No area visible from a street shall be used for outdoor storage of building materials, appliances, containerized trash, or similar materials, except as provided in this section:

1. When being temporarily stored for the purpose of construction pursuant to and during the time permitted by a valid building permit.

2. When in conjunction with a yard/garage sale with a duration of not more than five consecutive days or three consecutive weekends.

3. When the covered trash containers are approved by the disposal company for weekly or other regularly scheduled domestic disposal.

B. **Inoperable Vehicle Defined.** An inoperable vehicle is defined as a vehicle that cannot be licensed by the State of Nevada Department of Motor Vehicles, or a vehicle that is not registered by the State of Nevada Department of Motor Vehicles, or a vehicle that is in a state of being dismantled, or a vehicle that is missing one or more parts that permit it to be operable or safely operated.

C. **Trash Storage Method and Location.** The provisions of this subsection shall apply to all developments except single-family dwellings and duplexes.

1. Trash enclosure locations shall be in the side or rear yard unless the Planning & Building Director can make a finding that the location of the enclosure in one of these yards would prevent accessibility by a refuse-collecting vehicle.

2. Trash enclosures shall be constructed in accordance with the following standards:

a. They shall be fully constructed prior to occupancy of the development.

b. They shall be screened on three sides by a solid masonry or wood wall six feet in height and on one side by a slatted fenced gate (with wheels) of equal height.

c. They shall be screened from view from public rights-of-way; and

d. Their enclosure locations shall be accessible to refuse-collecting vehicles.

D. **Electrical Cage Enclosures and Storage Tanks.** All exterior electrical cage enclosures and storage tanks are to be screened from view from access ways, adjacent street and residential neighborhoods by a solid fence, wall, or mature landscape materials. Any solid fence or wall shall be screened by landscaping.

E. **General Requirements, Outdoor Display.** A use in a Commercial or Industrial Regulatory Land Use District may display products sold or manufactured on-site in the area between the property line and the face of the main building, except that the display shall not be closer than 15 feet to the front property line.

F. **Outdoor Display for Merchandise.** Except for the uses enumerated in subsection G of this section, the outdoor display of merchandise in the area between the front and side property lines and the front and side faces of the main building shall not cover more than 50 percent of this area.

G. **Outdoor display for Automobiles, Boats, Recreational Vehicles and Heavy Equipment.** The outdoor display of automobiles, boats, recreational vehicles, and heavy equipment shall not cover more than 85 percent of the area between the front and side property lines and the front and side faces of the main building.

CHAPTER 308
FABRICATED HOUSING

SECTIONS:

17.308.00	Purpose
17.308.05	Placement Standards
17.308.10	Conversion of Manufactured Home to Real Property
17.308.15	Development Standards
17.308.20	Design Standards
17.308.25	Submittal Requirements
17.308.30	Temporary Storage of Mobile and Manufactured Homes

Section 17.308.00 Purpose. The purpose of Chapter 308, Fabricated Housing, is to establish general requirements for fabricated housing to include modular homes and manufactured homes.

Section 17.308.05 Placement Standards. Fabricated housing that is not located within a manufactured home park shall comply with the provisions of this section.

A. **Modular Homes.** Modular home placements shall be subject to the same regulations and standards as site-built homes and comply with the provisions of Pershing County Code Title 15, Buildings and Construction.

B. **Manufactured Homes**. Manufactured home placements are allowed as follows:

1. Manufactured homes constructed within 10 years of the date of placement are allowed on individual lots in all Rural and Suburban Regulatory Land Use Districts, General Rural and Agricultural-Mining. In Neighborhood Commercial Land Use Districts, Manufactured homes are permitted in conjunction with a neighborhood commercial use; a special use permit is required.

2. Manufactured homes constructed within 10 years of the date of placement are allowed in a manufactured home park, provided they comply with Chapter 17.310, Manufactured Home Parks.

3. Manufactured homes which were manufactured after 1976 and which are more than 10 years old (from the time of manufacture) at the time of the desired placement, may be placed on a parcel of property subject to the compliance with both the requirements: (1) Set forth in paragraphs 1 and 2 above in this subsection; and (2) Set forth below:

   a. When placed on a lot, the unit must meet all setback requirements of the land use district.

   b. Plans and elevations must be submitted prior to the issuance of a placement permit.

c. The foundation and tie-downs must conform or meet current FHA and VA standards, but in no case shall the standards be less than required by the manufacturer or by state law or regulation.

d. The finished floor must be no higher than 24 inches above the adjacent ground level.

e. There must be a perimeter crawl space enclosure and it must be constructed in a manner like a perimeter foundation, such as block or poured concrete wall, regardless of whether a perimeter foundation is required by manufacturer requirement or by state law or regulation.

f. The exterior covering material of the unit must extend over the top of the perimeter crawl space enclosure.

g. The exterior siding may be wood, plywood, particle board, fiber-cement board, or similar material. Aluminum, steel, or vinyl siding in four, six, eight or ten-inch widths is permitted if it is installed horizontally. Corrugated or ribbed met siding with a galvanized or gloss finish is prohibited.

h. All main structures must have a pitched roof of no less than 3:12 and must be roofed with shingles or tiles. Colored, corrugated, or ribbed steel roofing of number 30 galvanized steel gauge, or heavier, may be used.

i. Roofs must have a minimum of 12 inches of overhang on all sides.

j. If a carport or garage is provided, the exterior material and roofing of the carport or garage must be the same as the dwelling unit, and the construction of the carport or garage must comply with state law and regulation.

k. The unit must be occupied only as a single-family residence.

l. All components of the towing system, such as tongue, hitch, axles, and wheels must be removed.

m. The unit must be registered with the County Assessor and taxed as real property.

n. The unit complies with the Manufactured Home Construction and Safety Standards pursuant to 24 CFR 3280.

o. The unit complies with the Manufactured Home Procedural and Enforcement Regulations 24 CFR 3282.

p. The unit complies with the Manufactured Home Consumer Requirements 24 CFR 3283; and

q. That one of the following conditions is satisfied:

- The manufactured home is less than twenty years old (from the time of manufacture) and complies with all other requirements of this ordinance; or

- During the previous twelve-month period prior to the proposed placement, the

parcel of property on which the Manufactured Home will be placed had a properly established manufactured home (a properly established manufactured home is one which was legally placed on the property in conformity with the laws and ordinances that existed at the time of placement); or

- Both the interior and exterior of the manufactured home have been remodeled in a manner that meets or exceeds the aesthetic qualities and structural integrity of manufactured homes constructed within 10 years of the date of the proposed placement.

r. A safety and quality inspection are done by the Pershing County Building Inspector to ensure that the unit meets the requirements herein.

4. All new placements of manufactured homes on individual lots shall be converted to real property at the time of placement and must comply with Sections 17.308.10 and Sections 17.308.15.

[*Section 17.308.05 amended by Ord. 225, passed 02/01/06 and by Ord. 265 passed on 04/01/2009; and by Ord. 280 passed on 04/06/2011.*]

Section 17.308.10 Conversion of Manufactured Home to Real Property. Within six months after a manufactured home has passed all required final inspections and a certificate of occupancy has been issued, the property owner shall convert the manufactured home to real property. Conversion to real property may be completed through the County Tax Assessor's office.

Section 17.308.15 Development Standards. All new set-up and installations of manufactured homes shall comply with the following development standards:

A. **Density and Intensity Standards.** Manufactured homes shall be subject to the maximum number of units allowed per acre and height of structures as set forth in Chapter 17.502 for the regulatory land use district in which they are located.

B. **Lot Standards.** Manufactured homes shall be subject to the minimum and maximum size of lots and the minimum average lot width as set forth in Chapter 17.502 for the regulatory land use district in which they are located.

C. **Building Placement Standards.** Manufactured homes shall be subject to the building setbacks and yard requirements as set forth in Chapter 17.502 for the regulatory land use district in which they are located.

D. **Parking.** Manufactured homes shall be subject to the parking standards as set forth in Chapter 17.506, Parking Standards. At a minimum, one of the required parking spaces shall be contained within a garage or carport. This requirement may be waived through an application for a variance in accordance with Chapter 17.602, Variances, in cases where the deletion would be consistent with the surrounding neighborhood. Where required, the external material and roofing of the garage or carport shall be the same as that of the dwelling unit.

E. **Skirting.** Complete perimeter solid skirting, of a material and color complimentary to the manufactured home shall be provided from the bottom of the fabricated home to the ground surface within 60 days of the set-up and inspection date. The exterior covering of the fabricated home can be used to satisfy the skirting requirement, except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.

F. **Foundation.** Manufactured homes shall be installed on a permanent foundation system. Permanent foundation systems shall comply with the applicable requirements established in the latest edition of *The Nevada Manufactured Home, Mobile Home & Commercial Coach Installation Standards* published by the State of Nevada Division of Manufactured Housing, and all other applicable local, state, or federal requirements.

G. **Removal of Running Gear.** All components associated with the transportation of a manufactured home shall be removed from the home within 60 days of issuance of a certificate of occupancy. Such components may include but shall not be limited to hitches, axles and wheels, transportation lights, etc. The components shall be removed from the property or may be stored under the home but must be completely concealed by the skirting.

Section 17.308.20 Design Standards. Fabricated homes with an original invoice date on or after January 1, 1994, shall comply with the following appearance standards to ensure aesthetic compatibility with conventional site-built construction.

A. **Exterior Siding.** Exterior siding shall be made of non-reflective and non-metallic materials. Acceptable siding materials include wood, stucco, tile, brick, stone, fiber-cement board or other masonry materials, or any combination thereof.

B. **Roof Structure.** All roof structures shall be sloped and provide an eave projection of no less than six inches measured from the vertical side of the manufactured home. The eave projection is required on all four sides. The roof of the residential structure or on any garage or carport shall be made of non-reflective materials.

C. **Roofing Material.** All roofing materials shall comply with the provisions of the County's adopted building code. Metal roofing must be non-reflective. Reflective metallic roofing surfaces shall not be permitted on the residential structure or on any garage or carport.

Section 17.308.25 Submittal Requirements. The permit application for fabricated homes on individual lots shall include the elements listed in this section.

A. **Site Plan.** A scaled site plan shall be submitted which depicts the location of the proposed fabricated home and other existing and proposed improvements on the site. The site plan shall clearly identify any structural additions to be added to the manufactured home (i.e., garage, carport, and porch).

B. **Foundation Plan.** A foundation plan shall be submitted which illustrates the type of foundation system to be utilized for the fabricated home.

C. **Statement of Compliance with Covenants, Conditions and Restrictions.** A notarized statement certifying that any Covenants, Conditions or Restrictions; or deed restrictions; applicable to the property on which the unit is to be placed do not prohibit the placement of a manufactured home.

Section 17.308.30 Temporary Storage of Mobile and Manufactured Homes. Mobile and or manufactured homes that have been removed so that a new home may be placed on the same parcel must be removed within 30 days of the date the Certificate of Occupancy is issued.

CHAPTER 310
MANUFACTURED HOME PARKS

SECTIONS:

17.310.00 Purpose
17.310.05 Requirements
17.310.10 Design Standards
17.310.15 Parking Standards
17.310.20 Circulation
17.310.25 Landscaping and Screening
17.310. 30 Recreational Areas
17.310. 35 Provision of Services
17.310. 40 Nonconformance

Section 17.310.00 Purpose. The purpose of Chapter 310, Manufactured Home Parks, is to establish regulations for the development of manufactured home parks.

Section 17.310.05 Requirements. Manufactured home parks are allowed in the Suburban Regulatory Land Use Districts subject to a Planning Commission approved special use permit as set forth in Chapter 17.606, Special Use Permits.

Section 17.310.10 Design Standards. Development of a manufactured home park shall comply with the standards established in the table below and the provisions of this section.

Table 17.310.10-1
Manufactured Home Park Development Standards

Minimum park area	5 acres
Minimum park width	300 feet
Maximum park density	7 dwelling units per acre Subject to provisions of adequate public facilities
Minimum lot area	3,000 square feet
Minimum lot width	40 feet
Maximum building height	20 feet
Minimum open space	1,200 square feet per lot or space
Minimum lot or space setbacks: *Front* *Side* *Rear*	 25 feet 7 feet[1] 20 feet[1]

Table Notes:

1. If the lot or space is located adjacent to an existing residential subdivision or a residential regulatory land use district, a 30' setback shall be provided.

Section 17.310.15 Parking Standards. Manufactured home parks shall be subject to the parking standards as set forth in Chapter 17.506, Parking Standards.

Section 17.310.20 Circulation. The automobile and pedestrian circulation system within the manufactured home park shall comply with the provisions of this section.

A. **Minimum Road Widths.** Minimum road widths shall be as follows:

   1. 24 feet for roads on which parking is prohibited.

   2. 28 feet for roads on which parking is allowed on one side only; and

   3. 36 feet for roads on which parking is permitted on both sides.

B. **Walkways and Bikeways.** All manufactured home parks shall provide internal walkways, separate from interior roadways, which connect each manufactured home site and provide access to all common areas and public streets. All pedestrian walkways shall be a minimum of three feet and shall be appropriately surfaced.

C. **Snow Removal.** All manufactured home parks proposed above 5,000-foot elevation shall provide for snow removal and snow storage areas.

D. **Paving.** In manufactured home parks within 1/2 mile from the Lovelock City limits, all vehicle parking spaces and driveways shall be paved. All streets shall be paved with a minimum of two inches of hot mix or equivalent and six inches of compacted stone base or better. All other manufactured home parks may be graveled to a county standard. A graveling and grading plan must be approved prior to construction by the County Road Superintendent.

E. **Lighting.** All streets shall be lighted at night with at least the equivalent of one 150-watt lamp for each 100 lineal feet of street, or a guard light each 300 feet. All lighting shall be directed away from neighboring and adjacent properties.

F. **Maximum Speed Limit.** All streets shall have a maximum posted speed of 10 miles per hour.

Section 17.310.25 Landscaping and Screening. Manufactured home parks shall be landscaped along any perimeters of the subject property which abut a street. Landscaping shall be located within the required setbacks.

Section 17.310.30 Recreational Areas. All manufactured home parks with more than 10 manufactured home sites shall provide recreational areas which comply with this section.

A. **General.** All manufactured home parks with more than 10 manufactured home sites shall provide at least one substantial area of group usable open space that is accessible from all areas of the park. The recreational area shall include outdoor recreational facilities for both active and passive recreation, including playground facilities.

B. **Size.** The cumulative size of the recreational areas shall be not less than 10 percent of the gross manufactured home park. Required setbacks, greenbelts and walkways shall not be counted towards the required area.

Section 17.310.35 Provision of Services. All manufactured home parks shall provide services that comply with the provisions of this section.

A. **Electricity, Gas and Telephone.** A manufactured home park shall provide direct electrical, gas and telephone service to each manufactured home space from a public or governmental entity that provides such services, if those services are available. All power and telephone lines shall follow the standards of the utility provider.

B. **Water.** A manufactured home park shall provide direct water service to each manufactured home space from a public utility or governmental entity that provides such services if those services are available. The water service shall be connected to a master meter and not to individual meters for each space.

Section 17.310.40 Nonconformance. Any manufactured home park in full compliance with Pershing County regulations in affect prior to the adoption of this chapter, but which is not in full compliance with this chapter, shall be considered a nonconforming use subject to the provisions of Chapter 17.704, Nonconformance.

CHAPTER 312

COMMERCIAL CAMPGROUNDS / RECREATIONAL VEHICLE PARKS

SECTIONS:

17.312.00 Purpose
17.312.05 Requirements
17.312.10 Development Standards
17.312.15 Circulation
17.312.20 Landscaping and Screening
17.312.25 Accessory Commercial Services
17.312.30 Prohibitions

Section 17.312.00 Purpose. The purpose of chapter 312, Commercial Campgrounds and Recreational Vehicle Parks is to set forth the regulations for the development of commercial campgrounds or recreational vehicle parks.

Section 17.312.05 Requirements. Commercial campgrounds and recreational vehicle parks are allowed in those regulatory land use districts as set forth in Chapter 17.302, Allowed Uses.

Section 17.312.10 Development Standards. Development of a commercial campground or recreational vehicle park shall comply with the standards established in the table below and the provisions of this section.

Table 17.312.10-1
Commercial Campground / Recreational Vehicle Park Development Standards

Minimum park area	5 acres
Minimum park width	300 feet
Maximum park density	20 spaces per acre
Minimum space area	1,500 square feet
Minimum space width	25 feet
Minimum lot or space setbacks: *Front* *Side* *Rear*	 15 feet 5 feet 5 feet

A. **Open Storage.** Open storage of materials or belongings other than boats, trailers, automobiles, or operational vehicles is prohibited.

B. **Utilities and Services Required.** Each space shall be provided potable water from a centralized water system, and electricity.

C. **Paving.** Each space shall have a graveled or paved parking pad.

D. **Fire Pits.** If provided, barbecue pits or fire rings and related setbacks thereof shall be subject to approval by the Fire Marshall.

E. **Sanitary Facilities.** Sufficient sanitary facilities shall be provided at sanitary stations for the sole purpose of removing and disposing of waste from all holding tanks in a clean, efficient, and convenient manner.

F. **Shower/Restroom.** Each RV/Trailer park shall provide shower and restroom facilities for males and females.

Section 17.312.15 Circulation. Road servicing, commercial campgrounds, and recreational vehicle parks shall comply with the provisions of this section.

A. **Entrance Roads.** Roads which service entrances to commercial campgrounds and recreational parks shall provide two-way access.

B. **Internal Roads.** Internal roads within a commercial campground or a recreational park shall comply with the provisions of this subsection.

1. All commercial campgrounds and recreational parks shall be serviced by at least one interior road of continuous two-way circulation.

2. The use of non-through interior roads shall be minimized. Such roads shall not exceed 600 feet in length and shall end in cul-de-sacs providing adequate radius for the turnaround of recreational vehicles.

3. Each commercial campground and/or recreational vehicle site shall have frontage on the interior road servicing it.

C. **Road Widths.** Road widths for interior roads shall be as follows:

1. 24 feet in clear width where two-way traffic is required for ingress and egress; and

2. 12 feet in clear width for one-way traffic provided the one-way road originated from and terminates in a two-way road.

D. **Road Materials.** All roads shall be paved or graded to a county standard.

Section 17.312.20 Landscaping and Screening. Commercial Campgrounds and Recreational Vehicle Parks shall be screened with a solid decorative wall, fence, or other permitted screen along portions of the perimeter of the subject property which abuts a street or residential land use. The screen shall be no higher than six to seven feet in height.

Section 17.312.25 Accessory Commercial Services. Limited commercial services catering exclusively to park users may be permitted, provided such services are necessary for the benefit of park users and will not duplicate services available in adjoining areas. Typical services may include snack shops, laundries, and mini markets. All such accessory commercial services shall be approved by the Planning Commission in conjunction with a special use permit.

Section 17.312.30 Prohibitions. All commercial campgrounds and recreational vehicle parks are subject to the prohibitions in this section.

A. **Residency Limit.** Rental and occupancy space shall be limited to 60 consecutive days except for a caretaker or manager.

B. **Site-built Buildings.** A recreational vehicle park shall have no site-built buildings, other than:

   1. Recreational buildings.

   2. Accessory commercial buildings, as specified in Section 17.312.25; and

   3. One dwelling unit for the use of a caretaker or manager.

C. **Manufactured Homes.** A recreational vehicle park shall have no manufactured homes other than one for the use of the caretaker or manager.

   1. The site for the manufactured home shall comply with the provisions of Chapter 17.310, Manufactured Home Parks.

   2. If a manufactured home is used to provide housing for a caretaker or manager, a conventional single-family dwelling for the use of a caretaker or manager shall not be permitted.

D. **Use of Facilities.** Facilities within the recreational vehicle park shall be used only by the occupants of the campground/park and their guests.

E. **Commercial Uses.** There shall be no commercial uses or activities within a recreational vehicle park except for those authorized by Section 17.312.25.

F. **Accessory Structures.** Accessory structures shall not be permitted within a commercial campground or recreational vehicle park, except for the following:

   1. One cabana, ramada, patio, or similar structure, and one detached storage building per camp/recreational vehicle space.

   2. Community recreation buildings and facilities, laundry, car and trailer wash, battery charging station, water fill up, and boat or storage facilities serving the recreational vehicle park only.

CHAPTER 314

BED AND BREAKFAST ESTABLISHMENTS

SECTIONS:

17.314.00 Purpose
17.314.05 Applicability
17.314.10 Requirements for Application
17.314.15 Development Requirements
17.314.20 Findings

Section 17.314.00 Purpose. The purpose of Chapter 314, Bed and Breakfast Establishments is to allow for the inclusion of bed and breakfast establishments in unincorporated areas of Pershing County.

Section 17.314.05 Applicability. Applications for bed and breakfast establishments may be accepted as set forth in Chapter 17.302, Allowed Uses.

Section 17.314.10 Requirements for Application. Applications shall include a site plan, drawn to scale, which includes, at a minimum, the elements listed in this section.

A. **Lot Specifications.** The lot configuration and boundary dimensions of the lot on which the bed and breakfast establishment is proposed to be located.

B. **Building Specifications.** The location and dimensions of all existing or proposed structures. The structures shall maintain a residential appearance.

C. **Parking Specifications.** The location and dimensions of all on-site parking spaces shall be shown on the site plan. A minimum of one parking space shall be provided for each guest bedroom. Four or more parking spaces shall be visually screened from any adjacent residential uses or regulatory land use districts.

D. **Adjacent Land Uses.** The uses on all lots surrounding the proposed bed and breakfast establishment.

Section 17.314.15 Development Requirements. All special use permits for a bed and breakfast establishment shall, at a minimum, include the requirements of this section.

A. **Conformity with Plans.** The establishment shall conform to all approved plans.

B. **On-site Operator.** The operator of the establishment shall reside on the site.

C. **Length of Stay.** The length of stay for guests shall be limited to a maximum of 30 contiguous nights. No long-term rental of rooms shall be permitted.

D. **Private Parties.** No receptions catered parties or similar activities shall be permitted unless expressly approved as part of the special use permit.

E. **Parking Spaces.** The location of the required parking space shall not create any more adverse visual impact than that of surrounding users.

F. **Codes.** Prior to issuance of a certificate of occupancy, all applicable building, fire, health, and Pershing County Building Codes shall be complied with.

G. **Services.** Other than registered guests, no meals shall be served to the public unless expressly approved as part of the special use permit. No cooking facilities shall be allowed in guest rooms.

H. **Business License.** Prior to the commencement of business, a business license shall be obtained.

I. **Revise Conditions.** The Board of County Commissioners reserves the right to review and revise the conditions of approval should it be determined that a subsequent license or permit issued by the County violated the intent of the permit.

J. **Taxes.** Responsibility for payment of applicable room taxes shall reside with the owner and/or the operator.

Section 17.314.20 Findings. The approving authority shall make the findings provided in this section, in addition to the general findings required for special use permit approval, when recommending approval for a bed and breakfast establishment.

A. **Traffic.** The residential character of the neighborhood will not be changed due to increased traffic in the neighborhood caused by the use.

B. **Commercial Nature.** The residential character of the neighborhood will not be changed due to the commercial nature of the use.

C. **Dwelling Exists.** The single-family dwelling has been constructed.

D. **Private Controls.** The proposed use does not violate the provisions of any applicable covenants, conditions and restrictions governing the property. The burden shall be upon the applicant to provide appropriate documentation to support this finding.

E. **Hours of Operation.** The hours of operation are consistent with the residential character of the neighborhood.

CHAPTER 316
GROUP CARE FACILITIES

SECTIONS:

17.316.00 Purpose
17.316.05 Applicability
17.316.10 Definitions
17.316.15 Development Standards and Guidelines

Section 17.316.00 Purpose. The purpose of Chapter 316, Group Care Facilities, is to provide special regulations pertaining to residential group homes, large residential group homes, and group care facilities in order to preserve the quality of care provided to people using the facilities, and to protect the residential integrity of neighborhoods. (Ord. 329, 2017)

Section 17.316.05 Applicability. The provisions of this chapter shall apply to uses classified as residential group home, large residential group home, and group care in Chapter 17.304, Use Classification System. Residential group homes and group care facilities are allowed in those regulatory land use districts as set forth in Chapter 17.302, Allowed Uses. (Ord. 329, 2017)

Section 17.316.10 Definitions. In addition to the definitions provided in Chapter 17.304.20, Residential group home, large residential group home and group care facility means an establishment that furnishes food, shelter, assistance, and limited supervision to an aged, infirm or persons with disabilities. The term may include congregate living, assisted living facility, and transitional living facilities (e.g., halfway houses for recovering alcohol or drug abusers as defined by NRS 449.008, and facilities for the treatment of abuse of alcohol or drugs as defined by NRS 449.00455). (Ord. 329, 2017)

Section 17.316.15 Development Standards and Guidelines. Residential group homes, large residential group homes and group care facilities shall comply with the provisions of this section.

A. **Floor Plan.** An interior sketch of the floor plan of the home or facility, to scale, shall be submitted with the required special use permit application. The sketch shall contain information as required by the Director of the Planning & Building Department.

B. **Exterior Yard Area.** A sketch, to scale, of the exterior yard area to be used for residential group home and group care purposes shall be submitted containing information as required by the Director of the Planning & Building Department.

C. **Interior Space.** A minimum of 1,200 square feet of interior space shall be provided for the first six facility users, and 150 square feet of interior space for each additional facility user. Rooms which may be included in this calculation include areas where care activities will be conducted, including bedrooms used for sleeping, recreation rooms, food

preparation areas, living rooms and family rooms. Rooms which may not be included in this calculation include closets, halls, garages, and bathrooms.

D. **Outdoor Recreation Area.** A minimum of 600 square feet of outdoor recreation area shall be provided for the first six facility users, and 75 feet of outdoor recreation area for each additional facility user.

1. Areas which may not be included in calculating outdoor recreation area include side yards less than 10 feet in width and areas containing swimming pools, spas or other water bodies unless covered and deemed safe pursuant to state regulations.

2. Neighborhood greenbelt and park space may be used to satisfy the outdoor recreation area requirement if these alternative areas are in immediate proximity to the facility, are appropriate for recreation, and proper insurance coverage has been obtained for them.

3. All outdoor recreation areas, except those described in subsection D 2 of this section, shall be enclosed by walls or fences not less than six feet in height. Should existing fencing be less than six feet in height, the reviewing authority may approve such alternative fencing if, upon review of adjacent uses, supervision ratios and facility floor plans, it determines that the existing fence height will not be detrimental to the health, safety, or welfare of facility users.

E. **Garages.** Garages shall be prohibited at a residential group home or group care facility recreation area unless:

1. Alternative on-site parking is available to meet minimum residential parking requirements; and

2. The garage is improved to meet building and fire code regulations as a habitable space.

F. **Location of Rooms.** Rooms used for care activities shall not be located above the first story unless the facility is equipped with an automatic fire sprinkler system approved by the appropriate fire protection agency.

G. **Fire Exits.** All facilities shall have no less than two legal exits for fire purposes, pursuant to the requirements of the appropriate fire protection agency.

H. **Public Service Access.** The applicant shall develop and will implement a public service access plan providing or arranging for transportation, as necessary, for residential group home and group care residents. The plan shall specifically describe how residents will gain access to bus or other public transportation routes, shopping locations, medical, dental, or other health care facilities, and government offices.

I. **Parking Plan.** The applicant shall develop and will implement a parking plan indicating the maximum number of vehicles to be parked on and off the site, projected needs for parking at the site, and means to satisfy the projected needs.

J. **Over Concentration.** The establishment of the proposed residential group home or group care facility will not result in an over concentration of group homes and/or care facilities or group homes in the neighborhood. Over concentration will be presumed when the establishment of the residential group home and/or group facility would result in a residential

group home, group care facility or group home being spaced closer than 1/4 mile or 1,320 feet as measured in a straight line to another residential group home, group care facility or group home. This requirement shall be evaluated upon clear and convincing evidence by the applicant that over concentration will not result if the proposed residential group home or group care facility is established. The Board of County Commissioners shall make the final determination to permit concentration of residential group homes or group care facilities more than the standard enumerated in this subsection.

K. **Emergency Response Plan.** The applicant shall prepare and file an emergency response plan with all local emergency service providers, including police, fire, and ambulance. The plan shall include evacuation procedures and shall identify emergency vehicle entrances and rear and front building entrances. In addition, the plan shall encourage no light/no siren responses, except in emergency situations.

L. **Licensing.** An operator of a residential group home or group care facility shall first obtain all licenses and/or permits (except for a building permit) for the operation of the facility prior to obtaining a business license from Pershing County. At the time of obtaining the business license, the applicant shall submit evidence identifying from which agency other licenses and/or permits have been obtained.

CHAPTER 318
CHILDCARE FACILITIES

SECTIONS:

17.318.00 Purpose
17.318.05 Applicability
17.318.10 Exempt Childcare Facilities
17.318.15 Development Standards and Guidelines

Section 17.318.00 Purpose. The purpose of Chapter 318, Child Care Facilities, is to provide special regulations pertaining to an establishment where temporary or full-time childcare is provided for five or more children less than 18 years of age, excluding those who are related to the childcare provider by blood relationship, marriage, or adoption.

Section 17.318.05 Applicability. The provisions of this chapter shall apply to uses classified as child day care, large group day care, or family day care in Chapter 17.304, Use Classification System. Childcare facilities are allowed in those regulatory land use districts as set forth in Chapter 17.302, Allowed Uses.

Section 17.318.10 Exempt Child Care Facilities. A childcare facility shall not be required to obtain a special use permit if the following conditions exist:

A. Childcare is provided for less than five children or

B. Childcare is provided no more than four days in any calendar month or

C. Childcare is provided at a church or school or

D. Childcare is provided for employees working on-site.

Section 17.318.15 Development Standards and Guidelines. Childcare facilities shall comply with the following standards and guidelines:

A. **Floor Plan.** An interior sketch of the floor plan including actual floor area for childcare services that may consist of a reception desk or area, storage, closets, an activity area, classroom, changing area, and bathroom(s) drawn to scale, and submitted with the required special use permit application. The sketch shall contain information as required by the Director of Planning & Building.

B. **Exterior Yard or Recreation Area.** A sketch drawn to scale of the exterior recreation area consisting of no less than 100 square feet per child playing outdoors at one time shall accompany the application. The outdoor recreation area shall be enclosed with a fence or perimeter buffer with a minimum height of four feet. No outdoor recreation area shall be permitted in the required front yard of a residence. The sketch shall contain information as required by the Director of Planning & Building.

C. **On-site Passenger Loading.** A childcare facility shall provide an off-street passenger loading zone for pick-up and drop-off activities. The loading zone shall be capable of accommodating two cars for every six children in care, in addition to the requirements specified in Chapter 17.506, Parking Standards.

D. **Licensing.** An operator of a childcare facility shall first obtain all licenses and or permits (except for a building permit) for the operation of the facility prior to obtaining a business license from Pershing County. At the time of obtaining the business license, the applicant shall submit evidence identifying from which agency other licenses and/or permits have been obtained.

CHAPTER 320
COMMUNICATION FACILITIES

SECTIONS:

17.320.00 Purpose
17.320.05 Exemptions
17.320.10 Definitions
17.320.15 Review Procedures
17.320.20 Development Standards
17.320.25 Findings

Section 17.320.00 Purpose. The purpose of Chapter 320, Communications Facilities, is to set forth the regulations for antenna systems and wireless communication facilities consistent with applicable directives and standards issued by the Federal Communication Commission and the Federal Aviation Administration to ensure the installation of these facilities will not be detrimental to the county's public health, safety, or welfare. Health and safety concerns include avoiding property damage from falling antenna support structures, proper placement to avoid visual obstructions along rights-of-way and discouraging access to attractive nuisances by unauthorized people.

Sections 17.320.05 Exemptions. The following antenna systems are exempt from this Chapter:

A. **Residential Televisions Reception Aerial Antennas.** Television reception aerial antenna systems that are designed to receive locally transmitted television signals for personal use within a residential dwelling unit are exempt from the provisions of this chapter.

B. **Small Diameter TVRO Satellite Dish antenna Systems.** Television reception only (TVRO) satellite dish antenna systems that are 36 inches or less in diameter are exempt from the provisions of this chapter.

Section 17.320.10 Definitions. Wireless communication facilities are the antennas, support structures, and other associated equipment or apparatus necessary for providing commercial broadcasting and receiving of telecommunication transmissions regulated under the Telecommunications Act of 1996 and are classified under the communication facilities use type in Chapter 17.304, Use Classification System. Transmitting and receiving facilities and devices may be mounted on a freestanding or lattice tower, building, or structure. The following definitions apply to the regulation of wireless communication facilities contained in this section:

A. **Antennas.** Antennas are used in the transmission of radio frequencies and include panels, whips, commercial microwave dishes, and cross-polarized or dual polarized antennas. Antennas of one or more types may be grouped in an array, where several are located on a site.

1. **Antenna Farm.** An antenna farm is a facility where one or more types of antennas are clustered. The farm also includes related structures like equipment buildings. Antennas, mounts, and buildings are grouped together on a site. Antennas may be provided by single or multiple providers and co-located to save space and maximize efficiency. See "Co-location."

B. **Co-location.** Co-location is the practice of installing facilities for multiple (two or more) uses at one location. Vertical co-location: two or more carriers located on the same mount. Horizontal co-location: two or more mounts located next to each other. Antenna farms: the clustering of several cell sites together, for example, clustering of sites on rooftops.

C. **Associated Equipment.** Includes all on-site equipment, without limitation, back-up generators and power supply units, equipment cabinets, coaxial and fiber optic cables, connections, shelters, radio transceivers, regular power supply units, and wiring, to which a wireless antenna is attached to facilitate service.

D. **Equipment Cabinets.** Equipment cabinets include equipment buildings and base transceiver stations.

E. **FCC.** Federal Communications Commission (FCC) an independent agency of the U.S. Government, regulates broadcast and telecommunications services through the Telecommunications Act of 1996.

F. **Mounts.** Mounts are various types of structures that are used to provide transmission of wireless communications and include monopoles, lattice towers, guyed towers, roof or side mounts on buildings, streetlight and traffic signal poles, and mounts on structures other than those listed.

G. **Radio frequency (RF) Radiation.** The FCC established standards regarding the maximum radio frequency emissions allowed to be transmitted from a facility's equipment in the Guidelines for Evaluating the Environmental effects of Radio frequency Radiation (RF Radiation Guidelines).

H. **Security Barrier.** A security barrier is a fence or wall that prevents unauthorized persons from gaining access to the site.

I. **Siting.** Siting means the placement, construction, and modification of personal wireless service facilities on a site that functions as a wireless telecommunications facility.

J. **Tower.** See "mounts."

K. **Wireless Communications.** This term includes personal wireless communication and information or data services such as PCS, mobile phones, and mobile radio service.

Section 17.320.15 Review Procedures. The following procedures shall apply to new facilities and/or expansion to existing facilities.

A. **Submittal Requirements.** The applicant shall provide the following information in conjunction with the site plan to the Planning & Building Department:

1. A statement regarding the facility's compliance with the FCC Guidelines.
2. A statement regarding the facility's compliance with the National Environmental Policy Act (NEPA) Rules regarding the review of projects capable of having a significant effect on the human environment.
3. Information regarding the proposed and future RF radiation measurements.
4. The applicant's total network design as well as future expansions plans; and
5. The applicant shall file a complete application with the Director that shall contain this information and a site plan.

B. **Additional Site Plan Information.** In addition to the site plan information required in Chapter 17.608, the applicant shall show the following detailed information:

1. Height of facility equipment.
2. Fall zone.
3. Setbacks from property lines, structures, streets, and rights-of-way.
4. Sight lines showing what a person sees from a given point.
5. Identification of property owner, applicant and consultants or agents representing the property owner and/or applicant.
6. Vicinity map showing the location of the facility relevant to its placement within the County.
7. Existing and finished topographic contours; surrounding rights-of-way; easements; buildings and property lines; neighboring parcels and structures; regulatory land use district of site and surrounding parcels; benchmark or referenced monumentation; intervening objects, e.g., trees, buildings, etc.; vegetation; security barrier at least 6 feet high; proposed project; ingress/egress; parking plan for person servicing/inspecting equipment.
8. Elevations showing antennas, mounts, and equipment cabinet(s); security barrier all existing structures within 50 feet; vegetation depicted at scale.
9. Design information including equipment brochures or cut sheets; examples of materials and colors, including security barrier, dimensions of all equipment; landscape and screening plan; and drainage plan, if required.
10. Noise report regarding the anticipated noise in decibels to be emitted from the equipment cabinet.

11. Before-photographs taken from a selected viewing point.

Section 17.320.20 Development Standards. The following procedures shall apply to new facilities and/or expansion to existing facilities.

Table 17.320.10-1
Communication Facility Design Standards

	Minimum Radius of Fall		
Regulatory District	Maximum Height (feet)	Zone from Property Line	Minimum Setback from Building/ Property Lines
AMR/GR	<200	50% of antenna or mount height	50% of antenna or mount height
All Residential	<100	Same as AMR	Same as AMR
Commercial	<200	Same as AMR	Same as AMR
Industrial	<200	Same as AMR	Same as AMR

A. **Security Barrier.** A security barrier shall be a minimum of six feet high to prevent unauthorized entry.

B. **Site Access.** The site shall have a paved driveway accessing the facility which may be either gravel (to County standards) or in urbanized residential and commercial areas a minimum of chip and seal.

C. **Parking.** The site shall have a minimum of one parking space for an employee who services and inspects the facility. Depending upon the district in which it is located, the parking space may be paved with gravel or chip and seal.

D. **Visual Screening.** The facility shall have landscaping incorporated into the site to create a visual screen that softens the impact of the equipment within the facility site. The type of landscaping materials and their placement shall be shown on the site plan.

Section 17.320.25 Findings. The Planning Commission shall hold a public hearing and consider approval of the application for a new or expanded wireless telecommunications facility based upon the standards set forth in this Section and the criteria listed below.

A. **Protection of Human Life and Property.** The application and site plan shall demonstrate clearly that human life, health and public or private property shall not be adversely impacted by the proposed facility.

B. **Compatibility with/Effect on Surrounding Area.** The facility location will not have a deleterious impact on the value of private property or to the public health, safety, and general welfare. The application shall demonstrate compliance with the FCC Guidelines and NEPA requirements. The facility will be designed to be physically and visually compatible with the surrounding development.

C. **Satisfaction of Requirements.** The Planning Commission shall determine that the applicant has complied with all the requirements of this Code including standards for maximum height, fall zone radius, screening, setbacks, and site plan review requirements listed in this Section and in Division five, Development Regulations.

CHAPTER 322
TEMPORARY USES AND STRUCTURES

SECTIONS:

17.322.00 Purpose
17.322.05 General Provisions
17.322.10 Site Plan Required
17.322.15 Review Criteria
17.322.20 Allowed Temporary Uses and Structures
17.322.25 Construction Yards
17.322.30 Contractor's Yards
17.322.35 Swap Meets, Farmers' Markets, and Flea Markets
17.322.40 Mobile Homes, Manufactured Homes, Travel Trailers, Commercial Coaches and Recreational Vehicles

Section 17.322.00 Purpose. The purpose of Chapter 322, Temporary Uses and Structures is to regulate land use activities of a temporary nature to protect the public health, safety, and welfare of the community. The intent of these standards and regulating conditions is to mitigate unforeseen potential impacts from a temporary use to protect the rights of adjacent property owners and residents.

Section 17.322.05 General Provisions.

A. Temporary uses and structures are permitted only in the specifically permitted regulatory land use districts and shall be subject to the requirements of this chapter and any other conditions required by the county.

B. Except as otherwise provided in this chapter, the Planning & Building Director is authorized to approve, conditionally approve, or deny the request for temporary use or structure. The Director may establish conditions and limitations, including but not limited to duration, hours of operation, setbacks, provision of parking areas, traffic access and circulation, site improvements, material storage, utilities, signage, lighting, and other measures necessary to minimize the potential impacts on properties adjacent to, and in the nearby vicinity of, the proposed temporary use or structure.

C. Noncompliance with the provisions and standards in this chapter and/or conditions of approval during the approved period of time for the temporary use shall be grounds for the county to revoke the approval prior to the specified date and time. The county shall give notice of the action, along with the reasons to the applicant. The applicant may appeal the Planning & Building Director's decision in accordance with Chapter 710 of this Code.

D. The temporary use is void once the specified date and any time extension approved by the Planning & Building Director has lapsed.

E. The period of time established for the temporary use or structure approved by the Planning & Building Director shall not be affected if there is a change of ownership or operator of a temporary use or structure subject to the information contained in the site plan.

F. The Planning & Building Director may require a cash deposit, letter of credit, or bond prior to approval of the temporary use request to defray any site cleanup costs in the event the applicant fails to leave the property in a satisfactory condition and/or fails to remove all remnants of the temporary use or structure.

Section 17.322.10 Site Plan Required. For any temporary use subject to the provisions of this chapter, a site plan must be submitted to the Planning & Building Department drawn to scale, that includes, but is not limited to: location of existing permanent uses, structures, and landscaping on the subject property, proposed location for the temporary use(s) and structure(s), vehicular access points, adequate off-street parking, power source, utilities, materials and supplies storage, and location of restroom facilities, if necessary.

Section 17.322.15 Review Criteria. No temporary use or structure shall be approved unless it can be determined by the Director of Planning & Building that:

A. The proposed temporary use and/or structure complies with the applicable land use district, and existing policies and ordinances of the county.

B. The proposed temporary use and/or structure will be compatible with adjacent uses and will not significantly impact the surrounding area by means of noise, odor, dust, or other nuisances.

C. An increase in traffic resulting from the temporary use and/or structure will not significantly impact the surrounding area.

Section 17.322.20 Allowed Temporary Uses and Structures. Temporary uses and structures shall be subject to all the regulations as would be applied to a permanent principal or accessory use located in the same regulatory land use district, except as otherwise provided by the regulations of this article. The following temporary uses and structures shall be allowed as specified by the provisions of this section. The Director of Planning & Building may impose additional restrictions on the type, frequency, and duration of temporary uses and structures.

A. **Pumpkin Patches, Corn Maizes.** Retail sales of pumpkins, squash, and similar farm produce. May also include the hosting of a corn maize during the month of October. Clean-up of the site shall occur by November 5 of the year in which a patch or maize is conducted.

B. **Christmas Tree Sales.** Retail sales of Christmas trees between Thanksgiving and December 31.

C. **Construction Yard.** Temporary buildings, structures, and storage of materials and equipment supporting new development and major construction. Section 17.322.15, Construction Yard, provides additional regulations.

D. **Swap meets,** Farmer's markets, and Flea markets. Retail sale or exchange or agricultural goods or new, handcrafted, or secondhand merchandise in an open market area, bazaar, or other outdoor space. In no case shall such activities exceed a total of 31 days in any one calendar year. Section 17.322.25, Swap Meets, Farmers' Markets, and Flea Markets provides additional regulations.

E. **Street Fairs.** Temporary provision of games, rides, eating and drinking facilities, live entertainment, or similar activities not requiring the use of roofed structures.

F. **Use of Manufactured Home, Travel Trailers, Commercial Coaches and Recreational Vehicles.** Temporary use manufactured homes, travel trailers, commercial coaches and recreational vehicles which support the construction of a permanent residence or permanent use. ***See*** Section 17.322.40 provides additional regulations.

G. **Contractor's Yard.** Temporary buildings, structures, storage of materials and equipment, and processing facilities supporting federal, state, or local agency public construction projects. Section 17.322.20, Contractor's Yard, provides additional regulations.

Section 17.322.25 Construction Yard. A construction yard is the land area operated by one primary general contractor and supporting subcontractors. Construction yards are permitted in any regulatory land use district for the purpose of housing temporary office space, storing materials and equipment and/or assembling components needed during the construction process. Construction yards shall be in accordance with the provisions of this section.

A. **Property Conditions.** A construction yard shall be only permitted where the following conditions are true:

1. On property that has a valid building permit for new construction.
2. On property that has a recorded subdivision map and in which five or more building permits are active for single-family lots.
3. On property in which a building permit has been issued to construct five or more multiple family dwellings; or
4. On property that has a recorded commercial or industrial subdivision map and in which five or more building permits are active for separate commercial or industrial structures.

B. **Fencing.** A construction yard shall have perimeter fencing not to exceed 10 feet in height.

C. **Single Family and Multiple Family Dwellings.** A building placed in a construction yard for the purposes of prefabricating components of single family or multiple family dwellings shall be located a minimum of 100 feet from the lot line of an established use not part of the subdivision in which the construction yard has been established.

D. **Commercial or Industrial Structures.** A building placed in a construction yard for the purposes of prefabricating components of commercial or industrial structures shall be located a minimum of 100 feet from the lot line of an established use.

E. **Outside Activities.** Prefabrication of components of dwellings done outside of a building shall be located a minimum of 200 feet from the lot line of an established use not part of the subdivision of structure housing multiple family dwellings. Prefabrication of components of dwellings done outside of a building shall not begin earlier than 7:00 a.m. and shall cease by 7:00 p.m., weekdays, Monday through Friday.

F. **Containment of Activities.** No prefabrication of components of a single family or multiple family dwelling shall occur outside of a construction yard in any agricultural or residential regulatory zone.

G. **Relationship to Fences.** Storage of materials shall be a minimum of 20 feet from the fence surrounding the construction yard and no higher than two feet above the fence.

H. **Location.** Storage of material and prefabrication of components for single-family dwellings in a construction yard shall be only permitted for the subdivision that the construction yard is located within or for the multiple dwellings for which the construction yard was established.

I. **Abandonment of Construction Yards.** A construction yard shall be abandoned, the fence and any buildings and materials removed and the site re-vegetated as soon as possible in the fall season to avoid the need for temporary water. The contractor shall provide financial assurance to the County Engineer that this provision will be met as a condition of approval and prior to establishment of the construction yard.

Section 17.322.30 Contractor's Yard. A contractor's yard may be in any regulatory land use district for the sole purpose of storing equipment and material, and processing material for an exclusively federal, state, or local agency public construction project. Contractor's yard shall be established in accordance with the provisions of this section.

A. **Fencing.** A contractor's yard shall have perimeter fencing along the boundaries of the defined yard area not to exceed 10 feet in height.

B. **Property Conditions.** A contractor's yard shall be only permitted where the following conditions are true:

1. On property that is within 1,000 feet of a current public construction project; and

2. On property that is no closer than 2,000 feet to the property line with an established residential, civic, or commercial use.

C. **Relationship to Fences.** Storage of material shall be a minimum of 20 feet from the fence required under A of this section and no higher than two feet above the fence.

D. **Material Storage.** Any material subject to transport by wind shall be completely covered, anchored in place, and treated, if necessary to prevent transport spread by wind.

E. **Processing of Material.** Processing of material for the construction of the federal, state, or local agency public project requires a county administrative permit prior to establishment of any processing operation.

F. **Period for Use of Contractor's Yard.** The contractor's yard may be only established for a period beginning 15 days prior to the commencement of construction and ending 15 days after the completion of the public construction project.

G. **Abandonment of Contractor's Yard.** A contractor's yard shall be abandoned, the fence and supporting facilities, including temporary buildings shall be removed within the period stipulated in F of this section. The site shall be revegetated as soon as possible in the fall season to avoid the need for temporary water. The contractor shall provide financial assurance to the County Engineer that this provision will be met as a condition of approval and prior to establishment of the contractor's yard.

Section 17.322.35 Swap Meets, Farmers' Markets and Flea Markets. A swap meet, farmers' market or flea market may be permitted in all regulatory land use districts for a period not to exceed 10 days. Adequate parking and restroom facilities shall be provided for the expected attendance. Off-street parking shall be provided at 1.5 spaces per booth or stall, or a designated parking area meeting the standard of Chapter 17.506, Parking Standards, shall be provided. No booths, stalls, or other display areas shall be placed or maintained within any required setback area. Market areas shall not deprive access from a local street which serves a residential district located or within 600 feet of a residence. All items for sale shall be stored indoors (or within an approved screened storage area) or removed from the site at the close of each business day. Market areas shall not be open for business more than 16 hours per day. No storage of items other than those available for retail sale may be stored on the premises unless confined within an approved screen storage area.

Section 17.322.40 Manufactured Homes, Travel Trailers, Commercial Coaches, and Recreational Vehicles.

A. **Temporary Occupancy During Construction.** A manufactured home, self-contained travel trailer, commercial coach, or recreational vehicle may be occupied as a legal use pending construction of a permanent single-family dwelling in applicable regulatory land use districts provided a building permit is issued concurrently for the permanent residence. The permanent residence shall be completed, and the temporary residence removed from the property within 18 months from the building permit issuance date or within 30 days of issuance of a certificate of occupancy, whichever is sooner. The applicant is required to provide financial assurance in the amount of $5,000 (cash, letter of credit, surety bond) prior to the issuance of the building permit to cover the removal cost of the temporary residence in the event the permanent single-family dwelling is not completed. An extension for an

additional six-month period may be granted in accordance with a building permit extension or renewal, but in no case will temporary occupancy be permitted after 24 months from the original date of issuance of the building permit. Applicant must be able to demonstrate continued effort towards completion of construction.

B. **Temporary Contractor's Office.** A manufactured home, self-contained travel trailer, commercial coach, or recreational vehicle may be used as a contractor's office to manage the construction of a permanent use, provided that a building permit is issued at the same time for permanent use.

C. **Temporary Watchman's Quarters.** A manufactured home or modular home may be used for long-term security purposes, including a watchman's quarters for a permitted mining operation or permitted earth product excavation and processing activities, manufacturing operation, and/or the safe storage of materials related to the permitted use. The watchman's quarters is permitted so long as the underlying use remains active. If a permitted use is no longer active, the property owner is required to remove the watchman's quarters within thirty (30) days. The establishment of a long-term watchman's quarters for security purposes will require a surety bond in the amount of $5,000.

   A self-contained travel trailer, commercial coach, or recreational vehicle may be used for short-term security purposes, including as a watchman's quarters for a permitted use operating in a remote area where security is necessary outside of normal business hours. The allowable time frame shall not exceed six (6) months. Prior to the establishment of a short- or long-term temporary watchman's quarters for security purposes, the requirements of Chapter 17.606 Special Use Permits must be satisfied.

D. **Temporary Camping.** A self-contained travel trailer or recreational vehicle may be used by nonpaying guests or relatives on any privately-owned parcel within the residential regulatory land use districts General Rural and Agricultural, Mining and Recreation subject to the following provisions:

   1. The property owner notifies the Planning & Building Director in writing via email that nonpaying guests or relatives are staying on the property for each occurrence. The written notification shall include the dates of stay, type of temporary vehicle, and parcel number. The Planning & Building Department will confirm acknowledgment in writing after verifying the parcel is in one of the appropriate regulatory land use districts.

   2. The temporary camping visit does not extend beyond 14 consecutive days, with no more than four (4) visits per calendar year.

   3. The property owner provides written permission to make the visit is authorized without any form of compensation.

   4. No discharge of any litter, sewage, effluent, or other matter shall occur except into sanitary facilities designed to dispose of the material.

   5. No water or sanitary sewer connections are allowed to any buildings on the property during the temporary camping visit.

E. **Temporary Occupancy for the Care of the Infirm.** One self-contained travel trailer or recreational vehicle may be temporarily occupied as a legal use when it is necessary for the care of an infirm resident of a permanent single-family dwelling on-site. The authorization of the additional unit will mitigate a special hardship. Prior to the establishment of this use, the requirements of Chapter 17.606 Special Use Permits must be satisfied. The special use permit application shall include a signed affidavit from a Nevada licensed physician identifying the need for on-premises care. The special use permit must be renewed annually to ensure the need for on-premises care exists. The travel trailer or recreational vehicle shall be located behind the permanent dwelling and screened as much as possible from visibility from the adjoining street nor shall the occupied use substantially impact the surrounding property owners. No discharge of any litter, sewage, effluent, or other material shall occur except into sanitary facilities designed to dispose of the material. Any temporary utility connections shall be to the satisfaction of the Planning & Building Department.

F. **Temporary Occupancy During Special Events.** A self-contained travel trailer or recreational vehicle may be used by an attendee(s) of a special event that received a county business license for operation on any privately-owned parcel within the residential regulatory land use districts for a maximum of four (4) consecutive days. The requirements in section D. 1-4 apply for these purposes.

CHAPTER 324
HOME OCCUPATIONS

SECTIONS:

17.324.00 Purpose
17.324.05 Applicability
17.324.10 Requirements
17.324.15 Special Use Permit Required
17.324.20 Exempt Home Occupations
17.324.25 Prohibited Home Occupations
17.324.30 Nonconforming Home Occupations
17.324.35 Unsafe Home Occupations

Section 17.324.00 Purpose. The purpose of Chapter 324, Home Occupations, is to permit the establishment and of a home occupation within residential neighborhoods and agricultural areas with regulations and procedures to mitigate the anticipated impacts on adjacent properties. Home occupations are land uses of a professional or commercial nature that take place within or in conjunction with a residential dwelling and do not alter the character or appearance of the residential environment.

Section 17.324.05 Applicability.

Home occupations are permitted in any land use district that allows dwellings or on any property which currently has an existing dwelling.

Section 17.324.10 Requirements. Home Occupations shall comply with the requirements set forth in this section and in **Table 17.324.10-1**.

A. The home occupation shall take place in compliance with all applicable county and state regulations.

B. Only one (1) home occupation per dwelling.

C. The home occupation may be only operated by a permanent resident of the property on which the use occurs, except as otherwise provided in Table 17.324.10-1. Employees shall be limited to family members residing in the dwelling and no more than one (1) outside employee is allowed.

D. The home occupation, including all equipment, supplies and materials used in business must take place within the residence, stored inside the home or in an accessory structure.

E. The residential appearance shall not change because of home occupation. Photos of the residence as it exists at the time of application shall be submitted.

F. Advertising the home occupation shall be limited to one non-illuminated sign not more than 144 square inches in area.

G. Salesroom or window display is prohibited.

H. Activities associated with the home occupation shall not occur within required setbacks.

I. Noise levels generated by the home occupation detectable at the property line shall not exceed those generated by typical residential uses which is 55 decibels on average.

J. Applicants for a home occupation shall demonstrate that public utilities and services are adequate for the safe use of facilities or equipment associated with the home occupation.

K. Off-street parking shall be provided for the residents of the dwelling, and one employee in traditional parking areas with a dimension of 8.5' wide by 17.5' deep for each space. The home occupation application must identify the estimated maximum number of customers at any given time in order for the Planning & Building Director to determine if additional off-street parking will be necessary. On-street parking shall be permitted for customers if the number of customers is reasonable per the Planning & Building Director and if the customer parking does not negatively impact available parking for surrounding neighbors.

L. Heavy vehicles, equipment, or materials shall not be stored on parcels smaller than 10 acres in size in all residential land use districts. Heavy vehicles, equipment, and materials include those exceeding eight tons in weight.

M. In residential land use districts, mechanized equipment may be only used as part of a home occupation within a completely enclosed structure. Use of power equipment in open garages or on patios is prohibited.

N. Materials and equipment associated with the home occupation shall not be stored outdoors.

O. Home occupations that require the use of combustible, volatile, or hazardous materials shall be permitted in the GR and AMR residential regulatory land use districts with a minimum parcel size of ten (10) acres.

P. The home occupation may consist of a mobile business and shall be operated pursuant to the conditions of this chapter and comply with all applicable requirements of any federal, state, or local agency with regulatory or permitting authority over the conduct of that business. An automotive-related service shall be limited to cleaning, detailing, and minor replacement, or repair to glass. No auto repair, auto body or engine work shall be permitted with a mobile home occupation.

Q. Customer visits and deliveries are permitted only between the hours of 7:30 a.m. and 7:00 p.m. Monday through Friday.

R. Deliveries by truck associated with home occupations, excluding U.S. mail, may take place no more frequently than twice per day and shall not be larger than those used by Federal Express or United Parcel Service.

S. The home occupation shall not create any radio or television interference or create noise audible beyond the boundaries of the property.

T. No odor or gaseous, liquid, or solid waste shall be emitted.

Table 17.324.10-1
Home Occupation Requirements

The requirements listed in the left column apply to home occupations which take place in the land use districts denoted with an 'X'.

	Land Use District				
	AMR	GR	LDR/ MDR	LDS/ MDS	HDS
Maximum Area of Home Occupation					
10% of residential floor area					X
25% of residential floor area				X	
25% of the residential floor area in an accessory structure	X	X	X	X	
Customer Vehicle Requirements					
No more than 2 customer vehicles at a time					X
No more than 3 customer vehicles at a time	X	X	X	X	
Non-resident employees not permitted					X
Up to one non-resident FT employee or equivalent permitted[1]	X	X	X	X	
Up to two non-resident FT employees or equivalent permitted[1]	X	X	X		

Other Requirements					
Animal-related home occupations not permitted					

Table Notes:

1. Full-time equivalent means an approximate total of 40 hours of work performed each day by one or more people.

Section 17.324.15 Special Use Permit Required. A special use permit shall be obtained for the operation of any home occupation, except those specifically listed in Section 17.324.20 as exempt. The regulations and procedures for home occupation special use permits shall be those established by Chapter 17.606, Special Use Permits. The review of applications, the issuance and revocation of permits, and any other actions taken regarding home occupation special use permits shall be governed by Chapter 17.606. Home occupation special use permits shall be issued in conjunction with a home business license and are not appurtenant to the subject property or structure.

Section 17.324.20 Exempt Home Occupations. Persons who wish to operate any of the home occupations listed in this section must comply with the requirements established in this chapter but are not required to obtain a special use permit, provided that all persons engaged in such activities reside on the premises and the conditions listed with each type are satisfied.

A. **Artists, sculptors, composers.** Products must not be sold to the public on the premises.

B. **Craft work, such as jewelry making and pottery.** Products must not be sold to the public on the premises.

C. **Home offices.** Client visits to the residence are not permitted.

D. **Telephone answering and message services.**

Section 17.324.25 Prohibited Home Occupations. The following types of home occupations are strictly prohibited in all residential land use districts:

A. Animal hospitals and boarding, including stables and kennels.

B. Auto body work, painting, or similar uses.

C. Dispatching of any on-site commercial vehicles.

D. Gymnastics facilities or studios.

E. Health care facilities.

F. Medical offices for doctors and dentists.

G. Restaurants or other commercial food services open to the public.

Section 17.324.30 Nonconforming Home Occupations. Existing home occupations which are either prohibited or which do not comply with one or more of the requirements set forth in this chapter

shall be removed, or modified to be brought into compliance, upon the occurrence of any of the following events:

A. The home occupation or the dwelling becomes unsafe or hazardous.

B. The home occupation is discontinued for a period of one year or more.

C. The dwelling in which the home occupation is conducted is destroyed, or more than 50 percent of its total area is damaged.

Section 17.324.35 Unsafe Home Occupations. If, in the opinion of the Planning & Building Director, a home occupation becomes dangerous, unsafe, or presents a hazard to the public or to adjacent or nearby properties, residences or businesses, the Planning & Building Director shall issue an order terminating the home occupation to the property owner and/or the tenant-owner of the home occupation. The termination order shall remain intact until such time that the danger or associated safety hazard with the home occupation has been mitigated. The order shall provide a description of the danger or hazard and shall state any action which must be taken to mitigate the situation and state a reasonable amount of time in which the property owner/tenant must comply.

If the property owner or tenant fails to comply with the order, the Planning & Building Director shall initiate review of the special use permit, pursuant to Section 17.606.60, Modification or Revocation of Permit by County.

CHAPTER 326
AGGREGATE EXTRACTION AND PROCESSING

(This chapter reserved for future ordinance.)

Division Four: Land Division Regulations

CHAPTER 400
TITLE AND CONTENTS

SECTIONS:

17.400.00 Title
17.400.05 Contents

Section 17.400.00 Title. Division Four of Title 17 is entitled "Land Division Regulations."

Section 17.400.05 Contents. Division Four of Title 17 consists of the following Chapters:

Chapter 400 Title and Contents
Chapter 402 General Provisions
Chapter 404 Parcel Maps
Chapter 406 Tentative Subdivision Maps
Chapter 408 Final Subdivision Maps
Chapter 410 Division of Land into Large Parcels
Chapter 412 Reversion to Acreage
Chapter 414 Boundary Line Adjustment
Chapter 416 Amendments of Maps, Plats and Surveys

CHAPTER 402
GENERAL PROVISIONS

SECTIONS:

17.402.00 Purpose
17.402.05 Applicability
17.402.10 Required Mapping
17.402.15 Compliance
17.402.20 Jurisdiction
17.402.25 Prohibited Acts
17.402.30 Exemptions
17.402.35 Monument Locations

17.402.40 Monument Identification
17.402.45 Monument Physical Requirements
17.402.50 Allocation of Water Rights

Section 17.402.00 Purpose. The purpose of Chapter 402, General Provisions, is to establish general provisions that apply throughout Division Four of the Development Code to encourage and promote the orderly development in the county through the control and regulation of the subdivision of land.

Section 17.402.05 Applicability. Any division of land requires the property owner, or an authorized agent, to secure approval of the proposed division of land in accordance with the regulations and procedures established by Division Four. For the purposes of this section, land proposed to be divided must be classed as follows:

A. Subdivision map, five or more parcels.

B. Parcel map, four parcels or fewer.

C. Division of land into large parcels map, parcels of forty acres or more.

Section 17.402.10 Required Mapping. All divisions of land in Pershing County shall be recorded with a final map, parcel map, or division of land into large parcels map.

Section 17.402.15 Compliance. All divisions of land created by any means must comply with the provisions of this Development Code and the Pershing County Master Plan.

Section 17.402.20 Jurisdiction.

A. These subdivision regulations apply to all divisions of land located within the limits of Pershing County and shall be in accordance with the provisions of NRS 278.320 to 278.496, inclusive.

B. Land may not be divided within the limits of the county until the subdivider or his agent:

   1. Submits a map of the area to be divided to the county through its Planning & Building Department.

   2. Obtains final approval of the map from the county.

   3. Files the approved map with the County Recorder.

Section 17.402.25 Prohibited Acts. The following acts are prohibited:

A. Subdivision by Metes and Bounds. Division of land by metes and bounds descriptions is

prohibited unless such division is allowed by an exemption set forth in this code and/or Chapter 278 of the Nevada Revised Statutes.

B. Selling Land Prior to Recording of Approved Map. It is unlawful for any person to contract to sell, sell, or transfer land being divided pursuant to a subdivision map, parcel map, or division into large parcels map until the subdivision map is approved by the county and properly recorded with the County Recorder. Any person violating this provision is guilty of a misdemeanor and is liable for a civil penalty of $600 for each lot or parcel sold or transferred.

Section 17.402.30 Exemptions. Certain parcels of land may be exempt from some or all provisions of this code and NRS 278.010 to 278.630, inclusive.

A. **Exempt divisions of land.**

1. The creation or realignment of public right-of-way by a public agency.
2. The creation or realignment of an easement.
3. An adjustment of the boundary line between two abutting parcels or the transfer of land between two owners abutting parcels which does not result in the creation of any additional parcels.
4. The purchase, transfer, or development of space within an apartment, commercial or industrial buildings.
5. Carrying out an order of any court of dividing land because of an operation of law.
6. Creation of sites for utility services, such as well sites, pump stations, transformer boxes, if the utility is a regulated utility or operated by governmental entity.
7. Creation of cemetery plots.
8. A division of land into more than ten acres that is for agricultural purposes and there is no street, road, highway opening or widening, or easement of any kind involved.

B. **Exempt transactions.** A map is not required for any of the following transactions involving land:

1. The creation of a lien, mortgage, deed of trust, or any other security instrument.
2. The creation of 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.
3. Conveying an interest in oil, gas, minerals, or building materials which are served from the surface ownership of real property.
4. Conveying an interest in land acquired by the Nevada Department of Transportation pursuant to Chapter 408 of NRS.
5. Filing a certificate of amendment.

C. **Other Requirements.** If the filing of a subdivision map, parcel map, or division into large parcel map is exempted by any provisions within this code or NRS 278.320 through NRS 278.4725, the county may require a record of survey or other document be filed in lieu of a map.

Section 17.402.35 Monument Locations. All monuments shall be located as set forth in this section.

A. **Final Monument Locations.** Final monuments shall be set at:

1. Each corner of the boundary of the subdivision and at intermediate points of approximately 1,000 feet or at lesser distances if topographical conditions warrant.

2. Intersection of centerlines of streets.

3. Sufficient location along the center lines of streets so that the center line may be retraced; these locations may be at or on an offset to an angle to the center line of a street, the center of a cul-de-sac, a point which defines a curve (the beginning or end of a curve or a point of intersection of a tangent), or an intersection with a boundary of the subdivision.

4. A position for a corner system of rectangular surveys directly relevant to property lines and corners of the subdivision.

B. **Exceptions to Final Monument Location.** If a monument required by Subsection A of this section 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 requirements for a monument, the letters "RM" and "WC" must be stamped in the table, 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. These monuments shall be deemed final monuments.

Section 17.402.40 Monument Identification. All monuments set as required herein shall be permanently marked or tagged with the letters "PLS" followed by the professional land surveyor's registration number of the land surveyor who set the monument. All monuments shall be subject to inspection by the County Engineer.

Section 17.402.45 Monument Physical Requirements. All monuments shall meet the physical requirements as set forth in this section.

A. **General Final Monument Requirements.** The final monument shall, except as otherwise provided in Subsections B and C of this section, consist of a nonferrous tablet, disc, or cap securely attached to the top of a metallic shaft solidly embedded in the ground with a minimum diameter of 5/8 of an inch and a length adequate to resist removal.

B. **Final Monuments in Paved Areas.** A final monument required by Section 17.402.35 which falls into a paved area shall consist of a well lid placed so that the top of the tablet, disc, or

monument cap is not less than four inches below the surface of the pavement.

C. **Final Monuments on Bedrock or Concrete.** If a monument required by Section 17.402.35 falls on solid bedrock or on a concrete or stone roadway, curb, gutter or walk, a double nonferrous metal tablet, disc or cap shall be securely anchored in the rock or concrete.

Section 17.402.50 Allocation of Water Rights. Water rights may be required to be dedicated in any area for which the State determines water rights are over-allocated.

CHAPTER 404
PARCEL MAPS

SECTIONS:

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17.404.15 Form
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17.404.65 Expiration of Approved Map
17.404.70 Waiver of Parcel Map
17.404.75 Waiver of Required Survey
17.404.80 Preparation and Recordation of Waiver Document

Section 17.404.00 Purpose. The purpose of Chapter 404, Parcel Maps, is to establish the regulations and procedures for parcel maps and the waiver of parcel maps.

Section 17.404.05 Applicability. A parcel map shall be required as set forth in this section.

Pursuant to NRS 278.461(2) in the ground water basins currently designated as depleted by the Nevada Division of Water Resources, which includes San Emidio Desert (022), Hualapai Flat (024), Black Rock Desert (028), Desert Valley (031) Pumpernickel Valley (065), Grass Valley (071), Imlay area (072), Lovelock Valley (073), Oreana Subarea (073A), Carson Desert-Packard Valley (101A), Dixie Valley (128), Buena Vista Valley (129), Pleasant Valley (130), Buffalo Valley (131) and Jersey Valley (132) and in any groundwater basin that will be designated by the Nevada Division of Water Resources as depleted in the future, a parcel map creating new parcels of less than 40 acres shall be required to relinquish two acre feet of water rights for each newly created parcel. Prior to approval of any final parcel map, the applicant shall provide documentation that the water rights have been relinquished to the Nevada Division of Water Resources. The applicant is responsible for the costs associated with acquiring the water rights and relinquishments.

A. **Parcel Map Required.** A parcel map shall be required for all subdivisions, merger and re-subdivision of existing lots, and common-interest communities consisting of four units or less, except as otherwise provided in this section.

B. **Exemptions.** A parcel map is not required when the division is for the express purpose of:

   1. The creation or realignment of a public right-of-way by a public agency.

   2. The creation or realignment of an easement.

   3. An adjustment of the boundary line 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, if such an adjustment is approved pursuant to NRS 278.5692 and is made in compliance with the provisions of NRS 278.5693.

   4. The purchase, transfer, or development of space within an apartment, commercial or industrial buildings.

   5. To carry out a court order or dividing land because of an operation of law.

   6. The creation of cemetery lots.

C. **Exempt Transactions.** A parcel map is not required for any of the following transactions involving land:

   1. The creation of a lien, mortgage, deed of trust or any other security instrument.

   2. The creation of 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.

   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 Nevada Department of Transportation pursuant to NRS Chapter 408.

   5. Filing a certificate of amendment pursuant to NRS 278.473.

D. **Waiver.** A parcel map may be waived pursuant to Section 17.404.70, Waiver of Parcel Map.

Section 17.404.10 General Provisions.

A. Parcel maps shall comply with the provisions of the Development Code, NRS 278, and other applicable local, state, and federal regulations.

B. The applicant for a parcel map shall be responsible for the payment of all fees associated with processing, review, and map recordation and accompanying materials. These fees may include, but are not limited to, the application and recordation fees established by the county and the review fees of the county surveyor and other entities.

C. Except as otherwise provided by Section 17.404.75, a parcel map shall be based on a survey completed by a professional land surveyor.

D. When two or more separate lots, parcels, sites, units, or plots of land are purchased, they remain separate for the purposes of this chapter. When the lots, parcels, sites, units, or plots are resold or conveyed, they are exempt from the provisions of this chapter until further divided.

E. Stationing shall be indicated for all geographic features shown on the map, including but not limited to boundary lines, centerlines, and monuments. The length and bearing shall be indicated for lines. The radius, central angle, length of curve, and tangent length shall be indicated for curves. Information provided shall be accurate to the nearest one-hundredth foot for distances and to the nearest second for angles.

F. The map shall show all survey and mathematical data necessary to locate monuments and to locate and retrace all interior and exterior boundary lines as shown on the map.

Section 17.404.15 Form. Parcel maps shall be prepared in the following form:

A. A parcel map shall be legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on sheets 24 inches by 32 inches in size. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom, and right edges, and of two inches at the left edge along the 24-inch dimension. The scale of each sheet shall be sufficient to show all details clearly and in no case shall be greater than one inch equals 100 feet nor less than one inch equals 50 feet.

B. Affidavits, certificates, and acknowledgments shall be legibly printed on the map with black ink.

Section 17.404.20 Required Contents. Parcel maps shall contain sufficient information to allow the Planning Commission and Board of County Commissioners to make the findings required by Section 17.404.35. The following minimum information shall be shown on a parcel map or on accompanying materials when applicable:

A. **Map Information.**

1. Title block, title of "Parcel Map," the property owner(s), and legal description of the

property to be divided prepared by a registered surveyor of the State of Nevada.

2. Name and contact information of the engineering firm and/or surveyor responsible for preparing the map.
3. Date of survey and parcel map preparation, north arrow, graphic scale (numeric and bar).
4. Vicinity map showing the location of the subject property in relation to the surrounding area with major roadways indicated.
5. The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.
6. The basis-of-bearing of the map, including the survey control points used for horizontal control with a description, coordinates for each point, and a statement identifying the basis-of-bearing and the coordinate system utilized.
7. Coordinates for the basis of bearing and any section corners shown on the map. Coordinates shall be provided in the NAD 1983 Nevada West State Plane coordinate system.
8. The boundary lines of the property proposed to be subdivided, including dimensions and bearings. Include the area in acres of the property to be subdivided. The boundary lines of the proposed lots, including dimensions and bearings, lot and block numbers and minimum building setback lines along the street rights-of-way.
9. Area shall be measured in acres to the nearest one-hundredth of an acre for lots greater than two acres and measured in square feet for lots less than two acres. Areas to be used for purposes other than residential and public, if any, with the purpose, location and dimensions of each indicated.
10. All monuments which are found, set, reset, replaced, or removed and a description providing the type, size and location of each monument and any other necessary information.
11. All existing and proposed easements for public or private purposes with dimensions and type indicated. Easements shown shall include, but are not limited to, those for road rights-of-way, water supply and sewage disposal systems, storm drainage, trails, and conservation.
12. Contour changes to be made by grading
13. Existing and proposed street names.
14. Names and locations of adjoining owners of unsubdivided property and the names of adjoining subdivisions and streets.
15. A statement indicating any easements granted or dedications made.
16. The certificates required by Section 17.404.55.

17. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the parcel map.

B. **Supporting Information.**

1. The name and contact information of the applicant and property owner(s).
2. Land use designation(s) of the property and adjoining properties..
3. The proposed methods for providing legal access, roads, storm drainage, water supply, sewage disposal, electricity, telecommunications, and solid waste disposal.
4. Information regarding the flooding potential of the subject property. If it is determined that a flood hazard exists, a map shall be included which indicates the subject property and the location and flood elevation of the 100-year floodplain as shown on the Federal Emergency Management Agency's flood maps, a Nevada registered engineer's hydrologic analysis, or other recognized method. The map shall clearly indicate any portions of the subject property or surrounding areas which are subject flooding.
5. A preliminary title report, prepared by a title company, with an effective date of no more than 120 days prior to the application submittal date. The title report shall include the following:
    a. Name and address of each property owner or holder of a security interest of the subject property.
    b. Legal description of the property.
    c. Description of all easements and deed restrictions.
    d. Description of all liens against the property.
    e. Any covenants, conditions and restrictions that may apply.
    f. The requirement for a title report may be waived by the District Attorney if he determines that other adequate property ownership information is provided.
6. An affidavit of ownership, signed and notarized by all legal owners of the subject property.
7. A written statement from the Pershing County Treasurer's office stating that all property taxes due on the property for the year have been paid.
8. Will-serve letters from all utility and service providers serving to the proposed development, if applicable.
9. A report providing all survey computations.
10. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the parcel map.

Section 17.404.25 Submittal Procedures and Requirements. The parcel map process may be initiated by an owner of real property or their authorized representative in conformance with the requirements of this section. Review of a parcel map shall not begin until the submitted materials are deemed complete by the Planning & Building Director. The following items shall be submitted to the Planning & Building Department to begin review of a parcel map:

1. Completed application on forms furnished by the Planning & Building Department.
2. Specified number of paper copies of the parcel map and supporting materials o required by the Planning & Building Director.
3. Payment of all required fees for processing and review established by the county and other entities that shall also have review authority.
4. Any additional information deemed necessary by the Planning & building Director.

Section 17.404.30 Review Procedures. Parcel maps shall be reviewed in accordance with this section. ("Application" as used in this section, is defined as the materials required by 17.404.20 and 17.404.25.)

A. **Review for Completeness.** Upon receipt of an application, the Planning & Building Director shall have 10 working days to review the application and supporting materials and accept or reject the submittal as complete. If an application is found to be incomplete, the applicant shall be notified of additional information required.

B. **Review by County.** Following acceptance of a complete application, both the Planning & Building Director and County Surveyor will review the materials submitted to the Planning & Building Director. The surveyor responsible for the preparation of the map and/or the applicant shall be notified of any required corrections or changes. The parcel map shall be revised to reflect corrections or changes requested. Planning & Building Director

   The Planning & Building Director may request a review by other entities as deemed necessary. These may include, but are not limited to, the County Engineer, Road Department, Fire Department, utility providers, school district, etc.

C. **Required Review by Other Entities.** A copy of the application shall be forwarded by the Planning & Building Director to the following entities for review:

   1. Pursuant to NRS 278.461, a copy of the application shall be forwarded to the State Division of Water Resources when the property to be divided is within or partially within a designated basin for which an order has been issued requiring approval of parcel maps by the Division of Water Resources, as established by the State Engineer; and the proposed parcels will be served by domestic wells.

D. **Planning Commission Action.** The Planning Commission shall tentatively approve, approve conditionally, or disapprove the parcel map application within 60 days of the date the application was deemed complete by the Planning & Building Director. Notice of the time and place of the Planning Commission public hearing shall be sent by registered mail to the subdivider whose name and address appear on or accompanying the parcel map. If

the parcel map is found to conform to all the requirements of this Development Code, preliminary approval shall be given by the Planning Commission. Action taken by the Planning Commission shall be based upon findings made pursuant to Section 17.404.35. A statement regarding these findings shall be included with action taken.

After action is taken by the Planning Commission, the Planning & Building Department staff shall prepare a written report detailing the recommendation and findings of the Planning Commission and shall forward the report to the Board of County Commissioners.

E. **Board of County Commissioners Action.** Within 60 days after the Planning Commission action, the Board of County Commissioners shall hold a public hearing to consider and take action to approve, conditionally approve, or deny the application. In its deliberation, the Board shall review the recommendation and findings of the Planning Commission. Action taken by the Board of County Commissioners shall be based upon findings made pursuant to Section 17.404.35. A statement regarding these findings shall be included with action taken.

F. **Time Limits.** If action is not taken on a parcel map by the Planning Commission or Board of Commissioners within the time limits established by this section, the map shall be deemed approved as submitted. The time limits established in this section may be extended by mutual agreement of the applicant and the Planning Commission or Board of County Commissioners, as applicable.

Section 17.404.35 Findings. Prior to taking action to recommend approval or to approve a parcel map, the Planning Commission and the Board of County Commissioners shall determine, to the best of their ability, that all the findings listed in this section are true.

If it is determined that one or more of the findings listed in this section have not been adequately accounted for, action may be taken to conditionally approve or to deny a parcel map, based on such findings.

A statement of the determination made by the Planning Commission or Board of County Commissioners regarding these findings shall be included with action taken.

Findings.

A. The proposed development will not be detrimental to the health, safety, and welfare of the public.

B. The proposed development is consistent with the goals, policies, and objectives of the Pershing County Master Plan.

C. The proposed development follows the Development Code and all other applicable county, state, and federal regulations. Specifically, the proposed development follows applicable environmental and health regulations concerning water and air pollution, water supply, sewage disposal, and the disposal of solid waste.

D. There is water available to serve the proposed development which meets applicable health standards and is sufficient in quantity to meet the reasonably foreseeable needs of the development.

E. Utilities and services including but not limited to, for water supply, sewage disposal, storm drainage, electric service, solid waste disposal, and telecommunications are currently or will be available, accessible, and adequate to serve the proposed subdivision concurrent with development.

F. The proposed development will not be detrimental to existing transportation infrastructure or the safe use of such infrastructure, including but not limited to streets, highways, sidewalks, bike paths and traffic control components. Provision has been made for safe and adequate transportation infrastructure to, from, and within the proposed development.

G. Fire protection is available, accessible, and adequate to provide prevention and containment of fires, including fires in wild lands. Sufficient water is available, accessible, and adequate for fire protection.

H. Public services such as schools, police protection, transportation, recreation, and parks are available, accessible, and adequate to serve the proposed development.

I. The proposed development will not be detrimental to any existing public utilities, services or infrastructure listed in this section or otherwise, and will not have a negative impact on the level of service currently being provided to residents of the county.

J. Public access to public lands adjacent to the proposed development will not be hindered by the proposed development.

K. After considering the physical characteristics of the land such as flood plains, slopes, soils and watercourses and any potential hazards such as flooding, erosion and geologic faults, the site of the proposed development has been determined suitable.

L. The proposed use will not be significantly detrimental to other properties in the area, their use, or improvements or to the character of the surrounding area.

M. The proposed development will not be significantly detrimental or have a negative impact on the existing natural storm drainage system.

N. The proposed development will not cause substantial environmental damage or cause substantial injury to any endangered plant, wildlife, or existing habitat.

O. The recommendations and comments of other entities required to review the map were considered and accounted for in the decision.

Section 17.404.40 Public Improvement Requirements. Public improvements shall be provided to new development created by a parcel map in accordance with the provisions of this section.

A. The County may require public improvements in accordance with the provisions of this section to support the new development and to meet the requirements of Section 17.404.35. The requirement of public improvements by the county shall follow applicable regulations and shall be consistent with the provisions of the Master Plan.

B. For the purposes of this section, parcel maps shall be divided into two categories: initial parcel maps and subsequent parcel maps. An initial parcel map is defined as the first parcel

map which affects a single parcel or contiguous tract of land under the same ownership. A subsequent parcel map is defined as a second or subsequent parcel map which affects a single parcel or a contiguous tract of land under the same ownership.

C. **Improvement Requirements for Initial Parcel Maps.**

1. The county may require grading of rights-of-way or access easements if deemed reasonably necessary. If the county determines that the existing conditions of the subject property and surrounding areas necessitate storm drainage improvements, the county may require such improvements in accordance with the applicable provisions of Chapter 17.501, as reasonably necessary.

2. The county may require provision of legal access from an existing public road to the subject property and each new lot, road construction, provisions for water supply, and/or provisions for sewage disposal, when consistent with the existing public improvements of similarly zoned land which is within 660 feet of the subject property. Such requirements shall be made pursuant to **Table 17.501.15-1** and **Chapter 17.501**.

3. If the proposed parcels are less than one acre in size, the county may require additional improvements, pursuant to **Table 17.501.15-1** and **Chapter 17.501**, which are deemed reasonably necessary if the subject property is developed as proposed.

D. **Improvement Requirements for Subsequent Parcel Maps.** Public improvements shall be required as established by **Table 17.501.15-1** and **Chapter 17.501, Public Improvement Requirements for New Development**. The county may require any additional public improvements deemed reasonably necessary to support the new development and to meet the requirements of Section 17.404.35.

E. **Requirements for Parcel Maps that include Public Improvements.**

1. The applicant shall submit and receive approval of improvement plans for the public improvements, pursuant to Chapter 17.618, Improvement Plans.

2. Public improvements shall be constructed to county standards, as established by Division Five, Development Regulations.

3. Public improvements shall be constructed, inspected, and bonded in accordance with Chapter 17.620, Construction, Inspection and Bonding of Public Improvements.

The county shall not take action to approve a parcel map which includes the construction of public improvements unless the provisions of this subsection have been complied with or the provisions of this subsection are required as conditions of approval.

Section 17.404.45 Notice of Public Hearings. Notice of all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Noticing.

Section 17.404.50 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning & Building Director, a member of the Planning & Building Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.404.55 Certificates. The following certificates shall appear on a parcel map before it may be recorded:

A. **Certificate of Board of County Commissioners Approval.** A certificate signed by the County Clerk which states that the map has been approved by the Board of County Commissioners and provides the date of approval.

   If applicable, the certificate shall also state that the Board of County Commissioners has accepted or rejected on behalf of the public any parcel or portion of a parcel of land, offered for dedication for public use. If the parcel map includes a merger of pre-existing lots, the certificate shall acknowledge that any public streets or easements that will not remain were abandoned pursuant to Chapter 17.604, Vacations and Abandonments.

B. Certificate of Preparing Surveyor. A certificate signed and stamped by the surveyor responsible for the preparation of the parcel map. The certificate shall be in the following form:

   Surveyor's Certificate

   I, _____ (Name of Surveyor), a Professional Land Surveyor licensed in the State of Nevada, certify that:

   1. This plat represents the results of a survey conducted under my direct supervision at the instance of_____(Owner, Trustee, etc.).
   2. The lands surveyed lie within _____
      (Section, Township, Range and Meridian)

      and the survey was completed on _____ (date).
   3. This plat complies with the applicable state statutes and any local ordinances in effect on the date that the Pershing County Board of Commissioners gave its final approval.
   4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient number and durability.

   (OR)

   4. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by _____ (a specific date) and an appropriate financial guarantee will be posted with Pershing County before recordation to ensure the installation of the monuments.

_____ License Number and Stamp: _____
(Name of Surveyor)

C. **Certificate of Property Owner(s).** A certificate signed by each legal owner of the property to be divided. This certificate shall state:

   1. The person(s) signing the certificate are legal owner(s) of the property to be divided and consent to the preparation and recordation of the parcel map.

   2. The map follows the Development Code, NRS 278.010 to 278.630 inclusive, and other applicable local and state regulations.

   3. The legal owner(s) grant and offer for dedication all easements and rights-of-way as designated on the map for the construction and maintenance of roads, public utilities, irrigation, etc.

   This certificate shall be accompanied by a notary public certificate attesting to the signatures of the legal owner(s). There shall be a separate notary public certificate, signature, and stamp for each legal owner signature.

D. **Certificate of County Surveyor.** A certificate signed and stamped by the County Surveyor, stating that they have reviewed the map and found it to be technically correct.

E. **Tax Certificate.** A certificate signed by the County Treasurer indicating that all property taxes due on the land being divided for the fiscal year have been paid.

F. **Public Utilities Certificates.** If applicable, a certificate signed by any public utility providers whose utility services have been required for the new parcels and/or have had easements created in their favor. The certificate shall state the provider's agreement to serve the new parcels and/or the provider's acknowledgment of easements. There shall be a separate certificate for each utility provider. It is the responsibility of the applicant to obtain the signatures of any public utility providers.

G. **State Division of Water Resources Certificate.** If applicable pursuant to NRS 278.461, a certificate completed by the Nevada Division of Water Resources stating that the map is approved concerning the quantity of water available.

Section 17.404.60 Recordation Procedures. The approved parcel map shall be recorded in the County Recorder's office within one year after the date the map is approved by the Board of County Commissioners. The recordation procedures are as follows:

A. Map Submittal. A record copy of the final parcel map shall be submitted to the Planning & Building Department for recordation. The final map shall be printed in permanent black ink on mylar of a minimum thickness of three mile or printed as otherwise permitted by Section 17.404.15. The map shall be in its final form, as approved by the Board of County Commissioners, and shall show all required corrections and changes. If applicable, information shall be provided on the map or on accompanying materials which verify that

all conditions of approval have been complied with. All certificates on the map, except those that must be completed by the county, shall be completed at the time of submittal. It is the responsibility of the applicant to have these certificates completed.

B. **Fees.** The applicant is responsible for payment of the recording fee determined by the County Recorder's office.

C. **Review.** Upon receipt of the final map and any accompanying information, the Planning & Building Department staff shall review the map and materials to determine if all required corrections and changes were made and all required conditions met.

   If there are corrections that have not been made or conditions not met, the map shall be returned to the applicant and/or the applicant shall be notified of the determination of the Planning & Building Department staff, the reasons for the determination and any actions required before the parcel map may be recorded.

   Upon determining that all required corrections have been made and all conditions met, the Planning & Building Department staff shall forward the map to the appropriate parties for completion of the Certificate of the Board of Commissioners, Certificate of the County Surveyor, the Tax Certificate, and any other required certificates.

D. **Recordation.** Upon completion of all certificates, the Planning & Building Department staff shall forward the map to the County Recorder's office for recording. The subdivision of the property shall be deemed complete when the final map is recorded.

Section 17.404.65 Expiration of Approved Map. If an approved parcel map is not recorded within one year from the date of approval by the Board of County Commissioners, the parcel map expires. Upon the expiration of an approved parcel map, the applicant must resubmit the parcel map for review, as well as submit a new application and payment of review fees to continue proceedings. The map shall be re-reviewed pursuant to the requirements of this chapter as if it were a new parcel map submittal.

Section 17.404.70 Waiver of Parcel Map. If unusual circumstances exist, the Board of Commissioners may waive the requirement for a parcel map. Before waiving the parcel map requirement, a determination must be made by the County Surveyor that a survey is not required, pursuant to Section 17.404.75, Waiver of Required Survey.

To request a waiver of a parcel map, an applicant shall submit a written request to the Planning & Building Department providing the reason(s) the applicant feels the parcel map requirement should be waived. Additionally, the request shall provide the reason(s) the applicant feels the requirement for a survey should be waived, pursuant to Section 17.404.75.

The County Surveyor shall review the request and approve or deny a waiver of the survey requirement. If the County Surveyor denies the waiver, the waiver of the parcel map requirement shall also be denied. The applicant shall be notified in writing of such a determination.

If the County Surveyor approves the waiver of the survey requirement, the Planning & Building Director shall schedule the request to be heard by the Board of County Commissioners. The Board shall review the request and approve or deny the waiver. The applicant shall be notified in writing of the determination of the Board.

If the Board of County Commissioners approves a waiver of a parcel map, the applicant shall prepare and record a waiver document pursuant to Section 17.404.80 to complete the subdivision of the property.

A request for a waiver shall be acted upon within 60 days after the date the request is submitted to the Planning & Building Department. If the request for a waiver is not acted on within this time, the request shall be deemed approved. This time may be extended by a mutual agreement made in writing between the applicant and the Planning & Building Director.

Section 17.404.75 Waiver of Required Survey. The County Surveyor may waive the requirement of a survey if, in his/her judgment, a survey is not required to accomplish the purposes of NRS 278.010 to 278.630, inclusive.

To request a waiver of the survey requirement, this applicant shall submit a written request to the Planning & Building Department. The request shall state the reason(s) the applicant feels the requirement for a survey should be waived. The County Surveyor shall review the request and approve or deny the waiver. The applicant shall be notified in writing of the determination of the County Surveyor.

The Planning & Building Department shall act upon the request for a waiver within 60 days after the date the request is submitted to the Planning & Building Department. If the request for a waiver is not acted on within this time, the request is approved. This time may be extended by a mutual agreement made in writing between the applicant and the Planning & Building Director.

Section 17.404.80 Preparation and Recordation of Waiver Document. If the requirement for a parcel map is waived by the Board of County Commissioners, the applicant shall comply with the provisions of this section.

A. **Document Preparation.** The applicant shall submit a waiver document, prepared by a professional land surveyor to the Planning & Building Department containing the following:

   1. Legal descriptions of the existing parcel and all proposed lots, based on a system of rectangular surveys.

   2. Provisions for the dedication or reservation of any rights-of-way or easements.

   3. A certificate signed by the Chair of the Board of County Commissioners stating that the waiver has been approved by the Board.

      If applicable, the certificate shall also state that the Board of County Commissioners has accepted or rejected on behalf of the public any parcel or portion of a parcel of land, offered for dedication for public use.

4. A certificate signed by the County Treasurer indicating that all property taxes due on the land being divided for the fiscal year have been paid.

5. The notarized signature(s) of the owner(s) of the land to be divided.

6. The signature and stamp of the professional land surveyor responsible for the preparation of the document.

7. The surveyor preparing the document shall include the following statement:

   "This document was prepared from existing information (identifying it and stating where filed and recorded), and the undersigned assumes no responsibility for the existence of monuments or correctness of other information shown on or copied from any such prior documents."

8. If determined necessary by the County Surveyor, a description by metes and bounds of the parcel division.

B. **Document Recordation.** Upon receipt of a waiver document, the Planning & Building Department staff will determine if it is complete. An incomplete document shall be returned to the applicant. Documents determined complete shall be forwarded to the County Recorder's office for recordation. The applicant is responsible for payment of the recording fee, determined by the County Recorder's office.

CHAPTER 406
TENTATIVE SUBDIVISION MAPS

SECTIONS:

17.406.00 Purpose
17.406.05 Applicability
17.406.10 General Provisions
17.406.15 Form
17.406.20 Required Contents
17.406.25 Submittal Procedures and Requirements
17.406.30 Review Procedures
17.405.34 Findings
17.406.40 Public Improvement Requirements
17.406.45 Notice of Public Hearings
17.406.50 Appeal
17.406.55 Time Limits

Section 17.406.00 Purpose. The purpose of Chapter 406, Tentative Subdivision Maps, is to establish the regulations and procedures for tentative subdivision maps.

Section 17.406.05 Applicability. A tentative subdivision map shall be required for all requests for a subdivision, merger and re-subdivision of existing lots, or a common-interest community consisting of five or more units, except for divisions of land into large parcels as established in Chapter 17.412, Divisions of Land into Large Parcels.

Section 17.406.10 General Provisions.

A. Tentative subdivision maps shall comply the provisions of the Development Code, NRS 278 and other applicable local, state, and federal regulations.

B. The applicant for a tentative subdivision map shall be responsible for the payment of all fees associated with the processing and review of a tentative subdivision map and accompanying materials. These fees may include but are not limited to the application fee established by the county and the review fees of the County Engineer and other entities.

Section 17.406.15 Form. Tentative subdivision maps shall be prepared as follows:

A. Each sheet shall be 24 inches by 32 inches in size. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom, and right edges, and of two inches at the left edge along the 24-inch dimension. The scale of each sheet shall be large enough to show all required contents clearly.

B. Paper copies of a tentative subdivision map shall be prepared on durable paper with permanent black ink.

Section 17.406.20 Required Contents. Tentative subdivision maps shall indicate the conditions existing in and around the proposed subdivision, the proposed design, and improvements of the development, and shall contain adequate information to allow the Planning Commission and Board of County Commissioners to make the findings required by Section 17.406.35. The minimum information shown on a tentative subdivision map, and accompanying materials include:

A. **Information Required on Each Sheet.**

1. North arrow.
2. Scale (numeric and bar).
3. Title block, which contains the following information: project name, property owner(s), and type of design shown on the sheet.
4. Name and contact information of engineering firm responsible for preparing the plans.
5. Name, signature, and stamp of professional engineer responsible for preparing the plans.
6. Date of map.

7. Sheet number and reference to total number of sheets.
8. A legend providing definitions and descriptions of symbols used, as needed.
9. Date of revision for revised sheets.

B. **Title Sheet Information.**

1. Names and contact information of the applicant and legal owner(s) of the property, and the name, address, and certificate of registration serial number of the engineer responsible for the preparation of the map.
2. Proposed name of the subdivision (not to conflict with existing recorded subdivision maps).
3. Vicinity map showing the location of the proposed development in relation to the surrounding area with major roadways indicated.
4. Legal description of the property proposed for development.
5. Index of map sheets.
6. Land use data, including the following information at a minimum: total area of the proposed development, number of lots, common area, gross density, average lot size, largest and smallest lot size, and the percentage of the total area to be utilized for each type of land use.
7. Engineer's statement, signed and stamped by the engineer responsible for preparing the map, stating compliance with the Development Code.

C. **General Information.**

1. **Boundary Lines.** The boundary lines of the property proposed to be subdivided, including dimensions and bearings, and the area of the property. The boundary lines of the proposed lots, including dimensions and bearings, and the area of the proposed lots.

   Area shall be measured in acres, to the nearest one-hundredth of an acre, for lots greater than two acres and measured in square feet for lots less than two acres.
2. **Ownership.** Information for all adjacent parcels.
3. **Setbacks and Yard Areas.** The proposed yards for each lot and the required setbacks.
4. **Block and Lot Designation of Proposed Lots.** All blocks shall be lettered consecutively beginning with the letter "A." All lots shall be numbered consecutively within each block, beginning with number "1."
5. **Land Use Designation.** Property and adjacent areas, and the existing and proposed land uses of the property and adjacent areas.
6. **Topographic Contours.** Labeled topographic contours of the development and surrounding areas at five-foot intervals, or when in the opinion of the County Engineer topography is a major factor in the subdivision design, at two-foot intervals.

7. **Existing Structures.** The location, footprint, and description of existing structures within the development and in surrounding areas. Indication of whether such structures within the development will remain or be removed. For structures that remain, the distance to property lines and to other structures shall be noted.

8. **Dedicated Open Space.** Location and area of any land to be reserved or dedicated for parks, recreation areas, common open space areas, schools or other public uses, and the proposed method of maintenance for such areas.

9. **Easements.** All existing and proposed easements for public or private purposes with dimensions and type indicated. Easements shall encompass roads, public utilities, drainage, irrigation, trails, and conservation.

10. **Existing Transportation Infrastructure.** The names, location, and dimensions of existing public and private transportation infrastructure within the proposed development and in the surrounding area, including but not limited to streets, rights-of-way, trails, sidewalks, cul-de-sacs, and emergency access.

11. **Proposed Transportation Infrastructure.** The names, location, dimensions, and details of proposed transportation infrastructure including but not limited to streets, rights-of-way, trails, sidewalks, cul-de-sacs, emergency access and maintenance access. Details shall include at a minimum, cross-sections, approximate grade, radius of curves, and diameters of cul-de-sacs.

12. **Existing Water System Infrastructure.** The location and dimensions of existing water system infrastructure and wells. The proposed method of water provision, including the location, dimensions and details of proposed water system infrastructure and wells.

13. **Existing Sewer System Infrastructure.** The location and dimensions of existing sewer system infrastructure and septic systems. The proposed method of sewage disposal, including the location, dimensions and details of proposed sewer infrastructure or septic systems.

14. **Existing Utilities.** The location and dimensions of existing gas, electric, and telecommunications infrastructure, including overhead utilities. The method of provision of gas, electric, telecommunications and solid waste disposal utilities and services, and the location, dimensions, and details of applicable infrastructure.

15. **Proposed Parking Infrastructure.** The location, dimensions, and details of proposed parking facilities, landscaping, traffic control devices, and lighting.

16. **Existing Natural Features.** Indication of prominent landmarks, areas of unique natural beauty, rock outcroppings, vistas, natural foliage, or similar features which will be considered in the design of the development.

17. **Existing/Proposed Snow Storage Areas.** The location of snow storage areas sufficient to handle snow removed from public and private streets, if applicable.

18. **Hydrological Report and Mapping.** A report and supportive mapping to provide the following at a minimum:

a. The location, dimensions, and direction of flow of all significant hydrologic features within or near the proposed subdivision including reservoirs, lakes, rivers, streams, wetlands, springs, and wells.

b. Groundwater and seepage conditions.

c. A map which indicates the subject property and the location and flood elevation of the 100-year floodplain as shown on the Federal Emergency Management Agency's flood maps, a Nevada registered engineer's hydrologic analysis, or other recognized method, and showing any portions of the development or surrounding area subject to flooding. Such areas and a note stating their flooding potential shall be clearly indicated on each sheet of the tentative map.

d. The location and magnitude of the 10-year and 100-year storm flows entering and leaving the project site.

19. **Preliminary Grading, Drainage and Erosion Control Plan.** Reports and mapping to include:

    a. A preliminary grading plan, which includes existing and proposed topographic contours, the location and details of excavations, cuts, and fills, approximate street grades, building envelopes, pad elevations and retaining walls. The plan shall include a minimum of two cross-sections of the project site depicting the proposed grading in relation to the topography of surrounding areas.

    b. A preliminary drainage plan, which encompasses the existing and proposed drainage patterns, the location and details of detention and infiltration areas, and the location, dimensions, and details of existing and proposed drainage infrastructure.

    c. A preliminary erosion and sedimentation control plan which indicates proposed methods and applicable details.

20. **Geotechnical Report.** A report and mapping to include:

    a. Soils report sufficient for use in tentative design (i.e., street sections, building pads, etc.) that addresses soil types, seasonal high-water table, and percolation rates.

    b. All known potential hazards including, but not limited to geologic faults, earth slide and avalanche areas or otherwise hazardous slopes.

21. **Phasing Plan.** A preliminary plan for the phased development of lots, if applicable, which includes a phasing map and a tentative schedule for the submittal of final maps for each phase.

D. **Accompanying Information.** The following information shall accompany a tentative subdivision map:

1. A preliminary title report, prepared by a title company, with an effective date of no more than 120 days prior to the application submittal date. The title report shall include the following information:

    a. Name and address of each property owner or holder of a security interest of the subject property.

b. Legal description of the property.

c. Description of all easements and deed restrictions.

d. Description of all liens against the property.

e. Any covenants, conditions and restrictions that may apply.

2. An affidavit of ownership, signed, and notarized by all legal owners of the subject property.

3. A written statement from the Pershing County Treasurer's office stating that all property taxes due on the property for the year have been paid.

4. Will-serve letters from all utility and service providers that will provide service to the proposed development.

5. A report providing all survey computations.

6. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the tentative subdivision map.

Section 17.406.25 Submittal Procedures and Requirements. The tentative subdivision map process may be initiated by an owner of real property or their authorized representative in conformance with the requirements of this section.

A. **Conceptual Plan.** The first step that shall be taken by an applicant to initiate the tentative subdivision map review process is the submission of a conceptual plan to the Planning & Building Director. The conceptual plan shall include maps, drawings, and accompanying materials, as necessary, to provide the following information the existing topography of the area and any existing water bodies, the existing and proposed land uses of the subject property and adjacent properties, the location of existing buildings, the existing and proposed streets, the proposed lot layout, and the proposed method of water supply, sewage disposal, drainage, and provision of other utilities and services.

   The Planning & Building Director shall review the conceptual plan to determine if the proposal is in conformance with the Master Plan and applicable regulations.

B. **Pre-application Meeting.** Within 30 days after the submission of the conceptual plan, the Planning & Building Director shall meet with the applicant to review the proposal and discuss any issues that may need to be addressed. Additional parties, as deemed necessary by the Planning & Building Director, may be required to attend the meeting. These parties may include, but are not limited to, representatives of the county road department, the county surveyor and engineer, the district attorney, utility providers, police and fire protection providers, and the local school district. At a minimum, one pre-application meeting is required prior to submittal of a tentative subdivision map.

C. **Map Submittal.** Upon completion of the pre-application meeting(s), the applicant may submit a tentative subdivision map and accompanying materials to the Planning & Building Department to begin the review process.

D. **Required materials.** The following items shall be submitted to the Planning & Building Department to initiate a review of the tentative subdivision map:

1. Completed application on forms from the Planning & Building Department.
2. Copies of the tentative subdivision map and accompanying materials, of the size and number required by the Planning & Building Director.
3. Payment of all required fees associated with the processing and review of the tentative subdivision map, as established by the county and other entities that shall review the map.
4. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the tentative subdivision map.

The Planning & Building Director shall review the tentative subdivision map after all materials are deemed complete.

Section 17.406.30 Review Procedures. Tentative subdivision maps shall be reviewed in accordance with this section. ("Application" as used in this section, is defined as the materials required by Section 17.406.25.)

A. **Review for Completeness.** Upon receipt of an application, the Planning & Building Director shall have 15 working days to review the submitted materials and accept or reject the application as complete. If an application is found to be incomplete it shall be returned to the applicant and/or the applicant shall be notified of any additional information needed. Once an application has been determined complete, it shall be scheduled for a public hearing with the Planning Commission.

B. **Review by County.** Following acceptance of a complete application, the materials shall be reviewed by the Planning & Building Director and County Engineer. The application shall be reviewed to check for errors, ensure accuracy and ensure compliance with the Development Code, NRS 278 and other applicable regulations. If it is determined that there are deficiencies with the application, corrections or changes may be required. The surveyor or engineer responsible for the preparation of the map and/or the applicant shall be notified of any required corrections or changes. The tentative map shall be revised to reflect any corrections or changes required. The tentative map shall be revised and re-reviewed as necessary until approved by the Planning & Building Director and County Engineer.

The Planning & Building Director may cause the application to be reviewed by other entities, as deemed necessary. Such entities may include but are not limited to the Road Department, Fire Department, utility providers, school district, etc.

C. **Required Review by Other Entities.** A copy of the application shall be forwarded by the Planning & Building Director to the following entities for review:

1. The State Division of Water Resources.
2. The State Division of Environmental Protection.

3. The State Public Utilities Commission if the subdivision is subject to the provisions of NRS 704.6672.

   The state agencies listed above shall within 15 days after receipt of the application, provide written comment to the County recommending approval, conditional approval, or denial, and shall state the reasons for such recommendation.

4. If the proposed subdivision is located within one mile of the boundary of a city, to the Planning Commission of the city, or if there is no Planning Commission, to the City Council.

5. The board of trustees of the school district which the proposed subdivision will be located within. The board shall review the application, pursuant to NRS 278.346, and if necessary, provide a response to the Planning & Building Department within 15 days after receipt of the application.

6. The board of trustees of any general improvement district which the proposed subdivision or any portion of will be located within. The board may review the application and provide written comment to the Planning & Building Department within 30 days after receipt of the application.

7. The board of directors or any irrigation district which the proposed subdivision or any portion of will be located within. The board shall review the application and provide written comment to the Planning & Building Department within 30 days after receipt of the application, and

8. The owner(s) of record of any property that is not within an irrigation district, but is served by irrigation ditch, which is located within the proposed subdivision, pursuant to NRS 278.3485. The application shall be sent via certified mail. The property owner(s) shall review the application and provide comments to the Planning & Building Department within 30 days after receipt of the application.

D. **Planning Commission Public Hearing and Action.** Within 60 days after the acceptance of a complete application, the Planning Commission shall hold a public hearing to review the application and take action to recommend approval, conditional approval, or denial of the application to the Board of County Commissioners. In its deliberation, the Planning Commission shall consider the recommendations and comments of the entities that have reviewed the application pursuant to subsection C of this section. Action taken by the Planning Commission shall be based upon findings made pursuant to Section 17.406.35. A statement regarding these findings shall be included with action taken.

   After action is taken by the Planning Commission and within 60 days after the acceptance of the complete application, the Planning & Building Department staff shall prepare a written report detailing the recommendation and findings of the Planning Commission and shall forward the report to the Board of County Commissioners.

E. **Board of County Commissioners Public Hearing and Action.** Within 60 days after receipt of the written report, the Board of County Commissioners shall hold a public hearing to review the application and take action to approve, conditionally approve, or deny the application.

In its deliberation, the Board shall review the recommendation and findings of the Planning Commission and the recommendations and comments of the entities which have reviewed the application pursuant to subsection C of this section. Action taken by the Board of County Commissioners shall be based upon findings made pursuant to Section 17.406.35. A statement regarding these findings shall be included with action taken.

F. **No Guarantee of Final Map Approval.** A recommendation of approval or an approval of a tentative subdivision map by the Planning Commission or Board of County Commissioners imposes no obligation on the Planning Commission or Board of County Commissioners to recommend approval of or to approve the final map or accept any public dedication shown on the final map.

Section 17.406.35 Findings. Prior to taking action to recommend approval or to approve a tentative or final subdivision map, the Planning Commission and the Board of County Commissioners shall determine, to the best of their ability, that all the findings listed in this section are true.

If it is determined that one or more of the findings listed in this section have not been adequately accounted for, action may be taken to conditionally approve or to deny a tentative or final subdivision map, based on such findings.

A statement of the determination made by the Planning Commission or Board of County Commissioners regarding these findings shall be included with action taken.

Findings.

1. The proposed development will not be detrimental to the health, safety, and welfare of the public.
2. The proposed development is consistent with the goals, policies, and objectives of the Pershing County Master Plan.
3. The proposed development follows the Development Code and all other applicable county, state, and federal regulations. Specifically, the proposed development follows applicable environmental and health regulations concerning water and air pollution, water supply, sewage disposal and the disposal of solid waste.
4. There is water available to serve the proposed development which meets applicable health standards and is sufficient in quantity to meet the reasonably foreseeable needs of the development.
5. Utilities and services, including but not limited to provisions for water supply, sewage disposal, storm drainage, electric service, solid waste disposal and telecommunications, are currently or will be available, accessible, and adequate to serve the proposed development.
6. The proposed development will not be detrimental to existing transportation infrastructure or the safe use of such infrastructure, including but not limited to streets, highways, sidewalks, bike paths and traffic control components. Provision has been made for safe and adequate transportation infrastructure to, from and within the proposed development.

7. Fire protection is available, accessible, and adequate to provide prevention and containment of fires, including fires in wild lands. Additionally, water is available, accessible, and adequate for fire protection.
8. Public services such as schools, police protection, transportation, recreation, and parks are available, accessible, and adequate to serve the proposed development.
9. The proposed development will not be detrimental to any existing public utilities, services or infrastructure listed in this section or otherwise, and will not have a negative impact on the level of service currently being provided to residents of the county.
10. Public access to public lands adjacent the proposed development is or will be available.
11. After considering the physical characteristics of the land such as flood plains, slopes, soils and watercourses and any potential hazards such as flooding, erosion and geologic faults, the site of the proposed development has been determined suitable.
12. The proposed use will not be detrimental to other properties in the area, their use, or improvements upon them, or to the character of the surrounding area.
13. The proposed development will not be detrimental or have a negative impact on the existing natural storm drainage system.
14. The proposed development will not cause substantial environmental damage or cause substantial injury to any endangered plant life, wildlife, or their habitat.
15. The recommendations and comments of those entities required to review the project pursuant to NRS 278.330 thru 278.3485 inclusive, have been considered and accounted for.

Section 17.406.40 Public Improvement Requirements. Public improvements shall be provided to new development created by a subdivision map as required by **Table 17.501.15-1** and Chapter 17.501, Public Improvement Requirements for New Development. The county may require any additional public improvements as deemed reasonably necessary to support the new development and to meet the requirements of Section 17.406.35. The requirement of public improvements by the county shall follow applicable regulations and shall be consistent with the provisions of the Master Plan.

Section 17.406.45 Notice of Public Hearings. Notice of all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Noticing.

Section 17.406.50 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning & Building Director, a member of the Planning & Building Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.406.55 Time Limits.

A. If action is not taken on a tentative subdivision map by the Planning Commission or Board of Commissioners within the time limits established by Section 17.406.30, the map shall be deemed approved as submitted. The time limits established by Section 17.406.30 may be extended by a development agreement entered by the applicant and the Planning Commission or Board of County Commissioners, as applicable, pursuant to Chapter 17.616.

B. Within two years after the date of approval of a tentative subdivision map, the applicant shall submit for final review:

   1. A final map, prepared in accordance with the approved tentative subdivision map, for the entire tentative map area, or

   2. The first of a series of final maps, prepared in accordance with the approved tentative map, which covers a portion of the tentative map area.

      The time limits established by this subsection may be extended by a development agreement entered by the applicant and the Board of County Commissioners, pursuant to Chapter 17.616.

      If the applicant fails to comply with the time limits established by this subsection, all proceedings concerning the subdivision shall terminate. The applicant must restart the review process with the submission of a tentative map and application to continue the development proposal.

C. If the State or Federal government takes any action to protect the environment or an endangered species, and such action prohibits, stops, or delays the processing of a tentative subdivision map, the time limits set forth in this chapter shall be suspended for a period not to exceed one year, pursuant to NRS 278.350.

CHAPTER 408
FINAL SUBDIVISION MAPS

SECTIONS:

17.408.00 Purpose
17.408.05 Applicability
17.408.10 General Provisions
17.408.15 Form
17.408.20 Required Contents
17.408.25 Preliminary Submittal Procedures and Requirements
17.408.30 Preliminary Review Procedures
17.408.35 Final Submittal Procedures and Requirements
17.408.40 Final Review Procedures
17.408.45 Appeal
17.408.50 Time Limits
17.408.55 Certificates
17.408.60 Recordation Procedures
17.408.65 Public Improvement Requirements

Section 17.408.00 Purpose. The purpose of Chapter 408, Final Subdivision Maps, is to establish the regulations and procedures for final subdivision maps.

Section 17.408.05 Applicability. Following approval of a tentative subdivision map, an applicant shall prepare a final map or series of final maps, which conform to the approved tentative map, in accordance with the provisions of this chapter.

Section 17.408.10 General Provisions.

A. Final subdivision maps shall comply the provisions of the Development Code, NRS 278 and other applicable local, state, and federal regulations.

B. The applicant shall be responsible for the payment of all fees associated with the processing, review and recordation of the map and accompanying materials. These fees may include but are not limited to the application and recordation fees established by the county and the review fees of the county engineer and other entities.

C. A single final map may be prepared for the entire area of the approved tentative map, or a series of final maps may be prepared, each for a portion of the tentative map area.

D. Stationing shall be indicated for all geographic features shown on the map, including but not limited to boundary lines, centerlines, and monuments. The length and bearing

shall be indicated for lines. The radius, central angle, length of curve, and tangent length shall be indicated for curves. Information provided shall be accurate to the nearest one-hundredth foot for distances and to the nearest second for angles.

E. The final map shall show all survey and mathematical data necessary to locate monuments and to locate and retrace all interior and exterior boundary lines as shown on the map.

Section 17.408.15 Form. Final subdivision maps shall be prepared in the following form:

A. Each sheet shall be 24 inches by 32 inches in size. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom, and right edges, and of two inches at the left edge along the 24-inch dimension. The scale of each sheet shall be large enough to show all required contents clearly.

B. Paper copies of a final subdivision map shall be prepared on durable paper with permanent black ink.

C. The record copy of a final subdivision map shall be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced using other materials of a permanent nature generally used for such purpose in the engineering profession. Affidavits, certificates, and acknowledgments shall be legibly stamped or printed upon the final map with permanent black ink.

Section 17.408.20 Required Contents. The following information, at a minimum, shall be shown on a final subdivision map, or on accompanying materials when applicable:

A. **Information Required on Each Sheet.** The following information shall be shown on each sheet of a final map:

1. North arrow.
2. Scale (numeric and bar).
3. Title block, which contains the following information: project name, property owner(s), and type of design shown on the sheet.
4. Name and contact information of engineering firm responsible for preparing the plans.
5. Date of map.
6. Sheet number and reference to total number of sheets.
7. Information which indicates the relationship of the sheet to adjoining sheets.
8. A legend providing definitions and descriptions of symbols used, as necessary.
9. Date of revision for revised sheets.

B. **Title Sheet Information.** The following information shall be shown on the title sheet of a final map:

1. Names and contact information of the applicant, property owner(s), and the surveyor or engineer responsible for preparing the map.
2. Name of the subdivision, from the approved tentative map.
3. Vicinity map showing the location of the proposed development in relation to the surrounding area with major roadways indicated.
4. Legal description of the subject property.
5. Index of map sheets.
6. Certificates required by Section 17.408.55.

C. **General Information.** The following information shall be shown on a final map:

1. The basis-of-bearing of the map, which shall include: the survey control points used for horizontal control with a description, coordinates for each point, and a statement identifying the basis-of-bearing and the coordinate system utilized.
2. Coordinates for, at a minimum, the basis of bearing and any section corners shown on the map. Coordinates shall be provided in the NAD 1983 Nevada West State Plane coordinate system.
3. The location and description of monuments or other evidence found upon the ground and used in determining the boundaries of the subdivision.
4. The definite location and relationship of the subdivision to adjacent surveys.
5. The boundary lines of the property to be subdivided and the boundary lines of the proposed lots, with stationing and dimensions indicated.
6. The area of the property to be subdivided and each proposed lot. The area shall be indicated in acres, to the nearest one-hundredth of an acre, for lots greater than two acres and indicated in square feet for lots less than two acres.
7. The block and lot designation of proposed lots. Blocks shall be lettered consecutively beginning with the letter "A." Lots shall be numbered consecutively within each block, beginning with number "1."
8. Existing and proposed rights-of-way with street monuments, centerlines and applicable stationing, dimensions, and street names indicated.
9. All existing and proposed easements for public or private purposes with stationing, dimensions and type indicated. Easements shown shall include, but are not limited to, those for: access, public utilities, drainage, irrigation, and conservation.
10. Any parcels to be reserved or dedicated for parks, recreation areas, common open space areas, schools or other public uses shall be indicated.
11. The required setbacks for each lot.

12. If any portion of the land within the boundaries of the final map is subject to flooding, inundation, storm flow conditions, geologic hazard or any other hazard, the land so affected shall be clearly indicated and noted on each sheet.

D. **Accompanying Information.** The following information shall accompany a final map:

1. If applicable, a phasing plan for the phased development of lots which includes a phasing map and a schedule for the submittal of final maps for each phase.

2. A report providing all survey computations.

3. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the final subdivision map.

Section 17.408.25 Preliminary Submittal Procedures and Requirements. Not less than 60 days prior to the final submittal of a final map for action by the Board of County Commissioners, the applicant shall submit the following for preliminary review. Final map review shall not begin until the submitted materials are deemed complete by the Planning & Building Director.

A. Paper copies of the final map and accompanying materials, of the size and number required by the Planning & Building Director.

B. Paper copies of the improvement plans for all improvements to be constructed in conjunction with the final map development area, prepared in accordance with Chapter 17.618, Improvement Plans. Other materials, including a performance bond estimate and payment of review fees, shall be included as required by Chapter 17.618.

C. Payment of all required fees associated with the processing and review of the final map, as established by the county and other entities that shall review the map.

D. Any other materials as deemed necessary by the Planning & Building Director for preliminary review of the final map.

Section 17.408.30 Preliminary Review Procedures. Preliminary review of the final map shall take place in accordance with this section. Improvement plans shall be reviewed concurrently with the preliminary review of the final map, in accordance with Chapter 17.618, Improvement Plans. ("Application" as used in this section, is defined as the materials required by Section 17.408.25.)

A. **Review for Completeness.** Upon receipt of an application, the Planning & Building Director shall have 15 working days to review the submitted materials and accept or reject the application as complete. If an application is found to be incomplete it shall be returned to the applicant and/or the applicant shall be notified of any additional information needed.

B. **Review by County.** Following acceptance of a complete application, the materials shall be reviewed by the Planning & Building Director and County Engineer. The application shall be reviewed to check for errors, ensure accuracy and ensure conformance with the

approved tentative map and compliance with the Development Code, NRS 278 and other applicable regulations. If it is determined that there are deficiencies with the application, corrections or changes may be required. The surveyor or engineer responsible for the preparation of the map and/or the applicant shall be notified of any required corrections or changes. The final map shall be revised to reflect any corrections or changes required. The final map shall be revised and reviewed again as necessary until approved by the Planning & Building Director and County Engineer.

The Planning & Building Director may cause the application to be reviewed by other entities, as deemed necessary. Such entities may include but are not limited to the County Surveyor, the Road Department, Fire Department, etc.

C. **Required Review by Other Entities.** A copy of the application shall be forwarded by the Planning & Building Director to the following entities for review:

1. The State Division of Environmental Protection.

Section 17.408.35 Final Submittal Procedures and Requirements. Upon completion of the preliminary review and approval by the Planning & Building Director and County Engineer, the developer may submit the final map for final review.

A. **Form.** The final map shall be printed in permanent black ink on mylar of a minimum thickness of three mile or printed as otherwise permitted by Section 17.408.15. The map shall be in its final form, as approved by the Planning & Building Director and County Engineer and shall show all required corrections and changes. All certificates on the map, except those that must be completed by the County, shall be completed at the time of submittal.

B. **Submittal Requirements**.

1. The record copy of the final map

2. Paper copies of the final map, of the size and number required by the Planning & Building Director.

3. Any other materials as deemed necessary by the Planning & Building Director for official review of the final map.

   Final review of the final map shall not begin until the submitted materials are deemed complete by the Planning & Building Director.

Section 17.408.40 Final Review Procedures.

A. **Review by County.** Upon receipt of the final map, the Planning & Building Department staff, and County Engineer as necessary, shall review the map and determine that all required corrections and changes have been made and all required conditions have been met.

If it is determined that there are corrections that have not been made or conditions that have not been met, the map shall be returned to the developer and/or the developer shall be

notified of the determination, the reasons for such a determination and any actions which must be taken.

Upon determining that all required corrections have been made and all conditions have been met, the final map shall be scheduled to be heard at the next Board of County Commissioners meeting.

B. **Board of County Commissioners Public Hearing and Action.** The Board of County Commissioners shall hold a hearing to review the final map and take action to approve, conditionally approve, or deny the map.

1. Action taken by the Board of County Commissioners shall be based upon findings made pursuant to Section 17.406.35. A statement regarding these findings shall be included with action taken.

2. If the development proposal includes the construction of public improvements to support the new lots created by the final map, the Board of County Commissioners shall not take action to approve the final map until:

    a. The improvement plans for the proposed public improvements have been approved by the County Engineer.

    b. The applicant has submitted a performance bond, pursuant to Chapter 17.620 to ensure completion of public improvements.

3. If any new lots created by a final map will be served by a centralized water system, the Board of County Commissioners shall not approve the final map unless the submitted improvement plans include plans for the installation of water meters or other devices which will measure water delivered to each water user in the development, and such plans have been approved by the County Engineer.

Section 17.408.45 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning & Building Director, a member of the Planning & Building Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.408.50 Time Limits.

A. Within two years after the date of approval of a tentative subdivision map, the applicant shall submit for final review:

1. A final map, prepared in accordance with the approved tentative subdivision map, for the entire tentative map area, or

2. The first of a series of final maps, prepared in accordance with the approved tentative map, which covers a portion of the tentative map area.

B. If an applicant has chosen to submit a series of final maps, each successive map shall be submitted for final review within one year after the recordation date of the preceding map. The Board of County Commissioners may grant an extension to this time limit. An extension shall be no more than one year in length.

C. If the applicant fails to comply with the time limits established by this section, all proceedings concerning the subdivision shall terminate. The applicant must restart the review process with the submission of a tentative map and application to continue the development proposal.

D. The time limits established by this section may be extended by a development agreement entered into by the applicant and the Board of County Commissioners pursuant to Chapter 17.616.

E. If the State or Federal government takes any action to protect the environment or an endangered species, and such action prohibits, stops or delays the processing of a final subdivision map, the time limits set forth in this chapter shall be suspended for a period not to exceed one year, pursuant to NRS 278.350.

Section 17.408.55 Certificates. The following certificates listed in the section shall appear on a final subdivision map before it may be recorded. Other certificates or statements may be required by the Planning & Building Director, as necessary.

A. **Certificate of Preparing Surveyor.** A certificate signed and stamped by the surveyor responsible for the preparation of the final map. The certificate shall be in the following form:

Surveyor's Certificate

I, _____ (Name of Surveyor), a Professional Land Surveyor licensed in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my direct supervision at the instance of_____(Owner, Trustee, etc.).

2. The lands surveyed lie within _____
(Section, Township, Range and Meridian)

and the survey was completed on _____ (date).

3. This plat complies with the applicable state statutes and any local ordinances in effect on the date that the Pershing County Board of Commissioners gave its final approval.

4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient number and durability.

(OR)

4. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by _____ (a specific date) and an

appropriate financial guarantee will be posted with Pershing County before recordation to ensure the installation of the monuments.

_____ License Number and Stamp: _____
(Name of Surveyor)

B. **Certificate of Property Owner(s).** A certificate signed by each legal owner or holder of record of a security interest in the property to be divided. This certificate shall state:

1. The person(s) signing the certificate are legal owners or holders of record of a security interest in the property to be divided and consent to the preparation and recordation of the final map.
2. The map follows NRS 278 and the Pershing County Development Code.
3. The persons(s) signing the certificate offer for dedication any rights-of way or other portions of land, as designated on the map, for public use subject to any reservations contained in the certificate.
4. The persons(s) signing the certificate grant any permanent easements, as designated on the map, for access, utilities, or telecommunications,
5. The person(s) signing the certificate reserve any parcels from dedication.

The signature of each legal owner or holder of record of a security interest in the property to be divided shall be accompanied by a separate certificate completed by a notary public, in the manner provided in NRS 240.1665 or 240.167.

C. **Board of County Commissioners' Certificate.** A certificate signed by the County Clerk which states:

1. The final map has been approved by the Board of County Commissioners.
2. The date of approval.
3. The Board of County Commissioners has accepted or rejected on behalf of the public any parcel or portion of land offered for dedication for public use, in conformity with the terms of the offer of dedication.
4. If the final map includes a merger and re-subdivision of existing parcels, the certificate shall acknowledge that any public streets or easements that will not remain in effect after merger and re-subdivision have been vacated or abandoned pursuant to NRS 278 and Chapter 17.604 of this Development Code.

D. **County Engineer's or County Surveyor Certificate.** A certificate signed and stamped by the County Engineer or County Surveyor stating:

1. He has examined the final map.
2. The map is technically correct.

3. If the monuments have not been set, that a proper performance bond has been deposited with the County guaranteeing their setting on or before a specific date.

E. **State Division of Environmental Protection Certificate.** A certificate completed by the Nevada Division of Environmental Protection stating that the final map is approved concerning sewage disposal, water pollution, water quality and water supply facilities.

F. **State Division of Water Resources Certificate.** A certificate completed by the Nevada Division of Water Resources stating that the final map is approved concerning the quantity of water available.

G. **Planning & Building Director Certificate.** A certificate signed by the Planning & Building Director, or if there is no Planning & Building Director, the County Clerk, stating that the final map conforms with the approved tentative map and all conditions of approval of the final map have been met.

H. **Tax Certificate.** A certificate signed by the County Treasurer indicating that all property taxes due on the land being divided for the fiscal year have been paid.

I. **Public Utilities and Services Certificate(s).** A separate certificate completed by each public utility or service provider who have had easements created in their favor or whose utilities or services have been required. A certificate shall state the provider's acknowledgment and approval of applicable easements as designated on the final map.

J. **Guarantee of Title.** A subdivision guarantee of title shall be submitted with a final map, in a form acceptable to the District Attorney. The guarantee of title shall be issued by a competent title company to and for the benefit and protection of the county. The guarantee of title shall be continued and complete up to the instant of the recording of the final map.

   The guarantee of title shall guarantee and certify:

   1. There are no encumbrances, liens, delinquent taxes, or assessments which affect or are due on the subject property.

   2. The following are correct and complete and are indicated on the map as required, in certificates, statements or otherwise:

      a. The names of each legal owner and holder of record security interest in the property to be subdivided, whose consent is necessary to pass a clear title.

      b. Offers of dedication of rights-of way or other portions of land for public use.

      c. Grants of easements and acknowledgments of such easements by appropriate parties.

Section 17.408.60 Recordation Procedures. Upon approval by the Board of County Commissioners, a final map shall be recorded in the County Recorder's office. The recordation procedures are as follows:

A. **Map Submittal.** A record copy of the final parcel map shall be submitted to the Planning

& Building Department for recordation. The final map shall be printed in permanent black ink on mylar of a minimum thickness of three mil or printed as otherwise permitted by Section 17.408.15. The map shall be in its final form, as approved by the Board of County Commissioners, and shall show all required corrections and changes. If applicable, information shall be provided on the map or on accompanying materials which verify that all conditions of approval have been complied with. All certificates on the map, except those that must be completed by the County, shall be completed at the time of submittal. It is the responsibility of the applicant to have these certificates completed.

B. **Fees.** The applicant is responsible for payment of a recording fee, determined by the County Recorder's office. When submitted, the final map shall be accompanied by payment for the recording fee.

C. **Review.** Upon receipt of the final map and any accompanying information, the Planning & Building Department staff shall review the map and materials and determine if all required corrections and changes have been made and all required conditions have been met.

   If it is determined that there are corrections that have not been made or conditions that have not been met, the map shall be returned to the applicant and/or the applicant shall be notified of the determination of the Planning & Building Department staff, the reasons for such a determination and any actions which must be taken before the parcel map may be recorded.

   Upon determining that all required corrections have been made and all conditions have been met, the Planning & Building Department staff shall forward the map to the appropriate parties for completion of the Certificate of the Board of Commissioners, Certificate of the County Surveyor, the Tax Certificate, and any other required certificates.

D. **Recordation.** Upon completion of all certificates, the Planning & Building Department staff shall forward the map to the County Recorder's office for recording. The subdivision of the property shall be deemed complete when the final map has been recorded.

Section 17.408.65 Public Improvement Requirements. Public improvements shall be provided to new development created by a subdivision map as required by **Table 17.501.15-1** and Chapter 17.501, Public Improvement Requirements for New Development. The county may require any additional public improvements as deemed reasonably necessary to support the new development and to meet the requirements of Section 17.406.35. The requirement of public improvements by the county shall follow applicable regulations and shall be consistent with the provisions of the Master Plan.

Public improvements shall be constructed to county standards, as established by Division Five, Development Regulations.

Public improvements shall be constructed, inspected, and bonded in accordance with Chapter 17.620, Construction, Inspection and Bonding of Public Improvements.

CHAPTER 410

DIVISION OF LAND INTO LARGE PARCELS

SECTIONS:

17.410.00 Purpose
17.410.05 Applicability
17.410.10 General Provisions
17.4102.15 Form
17.410.20 Required Contents
17.410.25 Submittal Procedures and Requirements
17.410.30 Review Procedures
17.410.35 Findings
17.410.40 Public Improvement Requirements
17.410.45 Appeal
17.410.50 Certificates
17.410.55 Recordation Procedures

Section 17.410.00 Purpose. The purpose of Chapter 410, Division of Land into Large Parcels, is to establish the regulations and procedures for division of land into large parcels maps.

Section 17.410.05 Applicability. The provisions of this chapter apply to the division of land when each proposed lot is at least:

A. 1/16th of a section as described by a government land office survey, or

B. 40 acres in area, including roads and easements.

When a proposed division of land creates parcels which are at least one section or 640 acres in area, such division is not subject to the provisions of this chapter.

Section 17.410.10 General Provisions.

A. **Waiver of Tentative Map Requirement.** Any person who wishes to request a division of land into large parcels shall not be required to file a tentative map with the County. Requests shall be initiated by filing a final map, pursuant to the requirements of this chapter.

B. Division into large parcels maps shall comply the provisions of the Development Code, NRS 278 and other applicable local, state, and federal regulations.

C. The applicant for a division into large parcels map shall be responsible for the payment

of all fees associated with the processing, review and recordation of the map and accompanying materials. These fees may include but are not limited to the application and recordation fees established by the county and the review fees of the county surveyor and other entities.

D. A division into large parcels map shall be based on a survey completed for that purpose. The survey shall be completed by a professional land surveyor. Additionally, the map shall be prepared by a Nevada registered surveyor.

E. Stationing shall be indicated for all geographic features shown on the map, including but not limited to boundary lines, centerlines, and monuments. The length and bearing shall be indicated for lines. The radius, central angle, length of curve, and tangent length shall be indicated for curves. The information provided shall be accurate to the nearest one-hundredth foot for distances and to the nearest second for angles.

F. The map shall show all survey and mathematical data necessary to locate monuments and to locate and retrace all interior and exterior boundary lines as shown on the map.

Section 17.410.15 Form. Division into large parcels maps shall be prepared in the following form:

A. Each sheet shall be 24 inches by 32 inches in size. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom, and right edges, and of two inches at the left edge along the 24-inch dimension. The scale of each sheet shall be large enough to show all required contents clearly.

B. Paper copies of a division into large parcels map shall be prepared on durable paper with permanent black ink.

C. The record copy of a division into large parcels map shall be clearly and legibly drawn in permanent black ink upon good tracing cloth or produced using other materials of a permanent nature generally used for such purpose in the engineering profession. Affidavits, certificates, and acknowledgments shall be legibly stamped or printed upon the map with permanent black ink.

Section 17.410.20 Required Contents. Division into large parcels maps shall contain adequate information to allow the Board of County Commissioners to make the findings required by Section 17.412.35. The following information, at a minimum, shall be shown on a division into large parcels map, or on accompanying materials when applicable:

A. **Information Required on Map.** The following information shall be shown on the map:

1. Title block, which contains the following information: title of "Map of Division into Large Parcels", the property owner(s), and a legal description of the property to be divided.

2. Name and contact information of the surveying firm responsible for preparing the map.

3. Vicinity map showing the location of the subject property in relation to the surrounding

area with major roadways indicated.

4. If a map requires multiple sheets, each sheet shall be numbered. The number of each sheet and the total number of sheets shall be indicated. The relationship of a sheet to each adjoining sheet shall be clearly indicated.
5. North arrow.
6. Scale (numeric and bar).
7. The name and legal designation of the tract or grant in which the survey is located and any ties to adjoining tracts.
8. The basis-of-bearing of the map, which shall include: the survey control points used for horizontal control with a description, coordinates for each point, and a statement identifying the basis-of-bearing and the coordinate system utilized.
9. Coordinates for, at a minimum, the basis of bearing and any section corners shown on the map. Coordinates shall be provided in the NAD 1983 Nevada West State Plane coordinate system.
10. The boundary lines of the property proposed to be divided, including dimensions and bearings, and the area of the property. The boundary lines of the proposed lots, including dimensions and bearings, and the area of the proposed lots. Area shall be indicated in acres, to the nearest one-hundredth of an acre. Each proposed lot shall be numbered.
11. All monuments which are found, set, reset, replaced, or removed and a description providing the type, size and location of each monument and any other necessary information.
12. All existing and proposed easements for public or private purposes with dimensions and type indicated. Easements shown shall encompass roads, public utilities, drainage, irrigation, trails, conservation, and normally continuously flowing watercourses.
13. Existing and proposed rights-of-way with dimensions and street names indicated.
14. A statement indicating any easements granted or dedications made.
15. The certificates required by Section 17.410.50.
16. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the map.

B. **Accompanying Information.** The following information shall accompany the map:

1. The name and contact information of the applicant, property owner(s), and surveyor responsible for preparing the map.
2. The land use designation of the property and adjacent areas, and the existing and proposed land uses of the property and adjacent areas.

3. A description of the topography of the property.

4. The proposed method of providing: legal access, roads, storm drainage, water supply, sewage disposal, electricity, telecommunications, and solid waste disposal.

5. Information regarding the flooding potential of the subject property. If it is determined that a flood hazard exists, a map shall be included which indicates the subject property and the location and flood elevation of the 100-year floodplain as shown on the Federal Emergency Management Agency's flood maps, a Nevada registered engineer's hydrologic analysis, or other recognized method. The map shall clearly indicate any portions of the subject property or surrounding areas which are subject flooding.

6. A preliminary title report, prepared by a title company, with an effective date of no more than 120 days prior to the application submittal date. The title report shall include the following information:

    a. Name and address of each property owner or holder of a security interest of the subject property.

    b. Legal description of the property.

    c. Description of all easements and deed restrictions.

    d. Description of all liens against the property.

    e. Any covenants, conditions and restrictions that may apply.

    The requirement for a title report may be waived by the District Attorney if he determines that other adequate property ownership information is provided.

7. An affidavit of ownership, signed and notarized by all legal owners of the subject property.

8. A written statement from the Pershing County Treasurer's office stating that all property taxes due on the property for the current fiscal quarter have been paid.

9. A report providing all survey computations.

10. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the map.

Section 17.410.25 Submittal Procedures and Requirements. The division of land into large parcels process may be initiated by an owner of real property or their authorized representative in conformance with the requirements of this section. The following items shall be submitted to the Planning & Building Department to begin review of a division into large parcels map:

A. Completed application on forms furnished by the Planning Department.

B. Copies of the division into large parcels map and accompanying materials of the size and number required by the Planning & Building Director.

C. Payment of all required fees associated with the processing and review of the parcel map, as

established by the county and other entities that shall review the map.

D. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the map.

Review of a division into large parcels map shall not begin until the submitted materials are deemed complete by the Planning & Building Director.

Section 17.410.30 Review Procedures. Division into large parcels maps shall be reviewed in accordance with this section. ("Application" as used in this section, is defined as the materials required by 17.412.25)

A. **Review for Completeness.** Upon receipt of an application, the Planning & Building Director shall have 10 working days to review the submitted materials and accept or reject the application as complete. If an application is found to be incomplete it shall be returned to the applicant and/or the applicant shall be notified of any additional information needed. Once an application has been determined complete, it shall be scheduled to be heard by the Board of County Commissioners.

B. **Review by County.** Following acceptance of a complete application, the materials shall be reviewed by the Planning Director and County Surveyor. The application shall be reviewed to check for errors, ensure accuracy and ensure compliance with the Development Code, NRS 278 and other applicable regulations. If it is determined that there are deficiencies with the application, corrections or changes may be required. The surveyor responsible for the preparation of the map and/or the applicant shall be notified of any required corrections or changes. The map shall be revised to reflect any corrections or changes required. The map shall be revised and re-reviewed as necessary until approved by the Planning & Building Director and County Surveyor.

   The Planning Director may cause the application to be reviewed other entities, as deemed necessary. Such entities may include but are not limited to the County Engineer, Road Department, Fire Department, utility providers, etc.

C. **Planning Commission Public Hearing and Action.** Within 60 days after the acceptance of a complete application, the Planning Commission shall hold a public hearing to review the application and take action to approve, conditionally approve, or deny the application. Action taken by the Planning Commission shall be based upon findings made pursuant to Section 17.412.35. A statement regarding these findings shall be included with the action taken.

   If the map is disapproved, the Planning & Building Director shall return to the applicant the map and a report which states the Planning Commission's reason(s) for their action taken and a description of the changes necessary to render the map acceptable.

D. **Time Limits.** If action is not taken on a division into large parcels map by the Planning Commission within the time limits established by this section, the map shall be deemed approved as submitted. The time limits established in this section may be extended by

mutual agreement of the applicant and the Planning Commission.

Section 17.412.35 Findings. Prior to taking action to approve a division into large parcels map, the Planning Commission shall determine, to the best of their ability, that all of the findings listed in this section are true.

If it is determined that one or more of the findings listed in this section have not been adequately accounted for, action may be taken to conditionally approve or to deny a division into large parcels map, based on such findings.

A statement of the Planning Commission regarding these findings shall be included with the action taken.

Findings.

1. The proposed development will not be detrimental to the health, safety, and welfare of the public.
2. The proposed development is consistent with the goals, policies, and objectives of the Pershing County Master Plan.
3. The proposed development follows the Development Code and all other applicable county, state, and federal regulations.
4. Rights-of-way, easements, existing or dedicated roads will be constructed to county standards and will provide legal access from an existing public road to each new lot and are adequate for passage of emergency vehicles.
5. Easements exist or will be dedicated for the provision of public utilities and services to the proposed lots.
6. Access to public lands adjacent the proposed development is or will be available.

Section 17.410.40 Public Improvement Requirements. Public improvements shall be provided to new development created by a division into large parcels map in accordance with the provisions of this section.

A. If a map creates 16 lots or more, the County shall not approve such map until:
   1. Access roads exist which provide legal access from an existing public road to each new lot and are adequate for use by emergency vehicles.
   2. The corners of each lot are set by a professional land surveyor.

B. The provisions of subsection A may be required by the county for maps which create 15 lots or less, if deemed reasonably necessary.

C. The requirement of public improvements by the county shall follow applicable regulations and shall be consistent with the provisions of the Master Plan.

D. When new development created by a division into large parcels map includes the construction of public improvements the following shall be complied with:

1. The applicant shall submit and receive approval of construction plans for the public improvements, pursuant to Chapter 17.618, Improvement Plans.

2. Public improvements shall be constructed to County standards, as established by Division Five, Development Regulations.

3. Public improvements shall be constructed, inspected, and bonded in accordance with Chapter 17.620, Construction, Inspection and Bonding of Public Improvements.

The County shall not take action to approve a division into large parcels map which includes the construction of public improvements unless the provisions of this subsection have been complied with or the provisions of this subsection are required as conditions of approval.

Section 17.410.45 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning & Building Director, a member of the Planning Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.410.50 Certificates. The following certificates shall appear on a division into large parcels map before it may be recorded:

A. **Certificate of Planning Commission Approval.** A certificate signed by the Planning Commission Chairman which states that the map has been approved by the Planning Commission and provides the date of approval.

If applicable, the certificate shall also state that the Planning Commission has accepted or rejected on behalf of the public any parcel or portion of a parcel of land offered for dedication for public use. If the division into large parcels map includes a merger of pre-existing lots, the certificate shall acknowledge that any public streets or easements that will not remain were abandoned pursuant to Chapter 17.604, Vacations and Abandonments.

B. **Certificate of Preparing Surveyor.** A certificate signed and stamped by the surveyor responsible for the preparation of the division into large parcels map. The certificate shall be in the following form:

Surveyor's Certificate

I, _____ (Name of Surveyor), a Professional Land Surveyor licensed in the State of Nevada, certify that:

1. This plat represents the results of a survey conducted under my direct supervision at the instance of_____Owner, Trustee, etc.).

2. The lands surveyed lie within _____
(Section, Township, Range and Meridian)

and the survey was completed on _____ (date).

3. This plat complies with the applicable state statutes and any local ordinances in effect on the date that the Pershing County Board of Commissioners gave its final approval.

4. The monuments depicted on the plat are of the character shown, occupy the positions indicated and are of sufficient number and durability.

   (OR)

4. The monuments depicted on the plat will be of the character shown and occupy the positions indicated by _____ (a specific date) and an appropriate financial guarantee will be posted with Pershing County before recordation to ensure the installation of the monuments.

_____ License Number and Stamp: _____
(Name of Surveyor)

C. **Certificate of Property Owner(s).** A certificate signed by each legal owner of the property to be divided. This certificate shall state:

1. The person(s) signing the certificate are legal owners of the property to be divided and consent to the preparation and recordation of the division into large parcels map.

2. The map follows the Pershing County Development Code, NRS 278.010 to 278.630 inclusive, and other applicable local and state regulations.

3. The legal owner(s) grant and offer for dedication all easements and rights-of way as designated on the map for the construction and maintenance of roads, public utilities, irrigation, etc.

4. Other information deemed necessary by the Board of County Commissioners or the Planning & Building Director.

   This certificate shall be accompanied by a notary public certificate attesting to the signatures of the legal owner(s). There shall be a separate notary public certificate, signature, and stamp for each legal owner signature.

D. **Certificate of County Surveyor.** A certificate signed and stamped by the County Surveyor, stating that they have reviewed the map and found it to be technically correct.

E. **Tax Certificate.** A certificate signed by the County Treasurer indicating that all property taxes due on the land being divided for the fiscal year have been paid.

Section 17.410.55 Recordation Procedures. A division into large parcels map shall be recorded in the County Recorder's office according to the following procedures:

A. **Map Submittal.** A record copy of the final division into large parcels map shall be submitted to the Planning Department for recordation. The map shall be printed in permanent black ink on mylar of a minimum thickness of three mile or printed as otherwise permitted by Section 17.412.15. The map shall be in its final form, as approved by the Board of County Commissioners, and shall show all required corrections and changes. If applicable, information shall be provided on the map or on accompanying materials which verify that all conditions of approval have been complied with. All certificates on the map, except those that must be completed by the County, shall be completed at the time of submittal. It is the responsibility of the applicant to have these certificates completed.

B. **Fees.** The applicant is responsible for payment of a recording fee, determined by the County Recorder's office. When submitted, the final map shall be accompanied by payment for the recording fee.

C. **Review.** Upon receipt of the final map and any accompanying information, the Planning Department staff shall review the map and materials and determine if all required corrections and changes have been made and all required conditions have been met.

   If it is determined that there are corrections that have not been made or conditions that have not been met, the map shall be returned to the applicant and/or the applicant shall be notified of the determination of the Planning Department staff, the reasons for such a determination, and any actions which must be taken before the map may be recorded.

   Upon determining that all required corrections have been made and all conditions have been met, the Planning Department staff shall forward the map to the appropriate parties for completion of the Certificate of Board of County Commissioners Approval, the Certificate of the County Surveyor, the Tax Certificate, and any other required certificates.

D. **Recordation.** Upon completion of all certificates, the Planning Department staff shall forward the map to the County Recorder's office for recording. The subdivision of the property shall be deemed complete when the final map has been recorded.

CHAPTER 412
REVERSION TO ACREAGE

SECTIONS:

17.412.00 Purpose
17.412.05 Requirement for Application
17.412.10 Submittal Requirements
17.412.15 Review Procedures
17.412.20 Form of Final Map
17.412.25 Recordation

Section 17.412.00 Purpose. The purpose of Chapter 412, Reversion to Acreage, is to establish the regulations and procedures for reversion of a recorded subdivision map, parcel map, division into large parcels map, or part thereof to acreage, or reversion of more than one map if the parcels to be reverted are contiguous, as established by NRS 278.490 to 278.4965.

Section 17.412.05 Requirement for Application. A written application to revert any subdivision map, parcel map, map of division of land into large parcels, or part thereof to acreage may be initiated by the owner of the land, the Planning Commission, or the Board of County Commissioners.

Section 17.412.10 Submittal Requirements. The application shall be submitted to the Planning and Building Department accompanied by a map prepared by a licensed land surveyor of the proposed reversion and shall describe the requested changes. The surveyor's certificate must satisfy the requirements of NRS 278.4955. Information to accompany the application shall include:

A. **Previous Agreements.** Any agreement entered for improvements pursuant to NRS 278.380 for the original division of land should be provided. The map shall contain the same survey dimensions as the recorded map or maps.

B. **Owner Certificates.** Certificate signed and acknowledged pursuant to NRS 240.166, 240.1665 or 240.167, by each person who is an owner of the land consenting to the preparation and recordation of the map.

C. **Title Report.** A report from a title company which lists the names of each owner of record and each holder of a security interest if created by a deed of trust or mortgage. Signatures of all named people shall be required before recording the map. The District Attorney may waive the title report requirement if adequate ownership is provided.

D. **Written Consent.** The written consent of each holder of record of a security interest to the

recordation of the map of reversion. The consent shall be in a separate document which shall be recorded with the map of reversion. The map shall contain a notation that a separate document has been recorded.

E. **Required Interest.** A lien for taxes or special assessments or a trust interest under a bond indenture is deemed not to be an interest in land.

Section 17.412.15 Review Procedures. The complete application shall be transmitted to the Planning Commission. The Planning Commission shall review the map and approve, conditionally approve, or disapprove the map of reversion to acreage within 30 days after a determination of receipt of a completed application by the Director.

A. If the map includes the reversion of any street or easement owned by a city, a county or the state, the provisions of NRS 278.480 and Chapter 17.412 must be followed before approval of the map.

Section 17.412.20 Form of Final Map. The final map shall be clearly and legibly drawn in permanent black ink on paper or produced using other materials of a permanent nature generally used for such a purpose in the engineering profession, but affidavits, certificates and acknowledgments shall be legibly stamped or printed upon the map with permanent black ink.

A. **Sheet.** The size of each sheet of the map shall be 24 by 32 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom, and right edges, and of two inches at the left edge along the 24-inch dimension.

B. **Scale.** The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end.

C. **Numbering.** The number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets and its relation to each adjoining sheet shall be clearly shown.

D. **Certificates.** The following certificates shall appear on a reversion to acreage map before it may be recorded:

1. Certificate of Planning Commission Approval. A certificate signed by the Planning Commission Chairman which states that the map has been approved by the Planning Commission and provides the date of approval.

   If applicable, the certificate shall also state that the Planning Commission has accepted or rejected on behalf of the public any parcel or portion of a parcel of land, offered for dedication for public use.

2. If applicable, the certificate shall acknowledge that any public streets or easements that will not remain were abandoned pursuant to Chapter 17.604, Vacations and Abandonments.

Section 17.412.25 Recordation. Upon approval of a map of reversion, such map shall be recorded by the Director in the Office of the County Recorder. The County Recorder shall make a written notation of the approval 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 and amendments. If such an index is maintained, the County Recorder shall direct an appropriate entry for the amendment.

CHAPTER 414
BOUNDARY LINE ADJUSTMENT

SECTIONS:

17.414.00 Purpose
17.414.05 Requirement for Application
17.414.10 Review Procedures
17.414.15 Record of Survey
17.414.20 Recordation

Section 17.414.00 Purpose. The purpose of Chapter 414, Boundary Line Adjustment, is to prescribe the procedures for adjusting boundary lines.

Section 17.414.05 Requirements for Application. A written application for a boundary line adjustment shall be submitted to the Planning & Building Department. The application shall be accompanied by a record of survey.

Section 17.414.10 Review Procedures. The complete application shall be transmitted to the Planning Commission. The Planning Commission shall review the application and approve, conditionally approve, or disapprove the boundary line adjustment within 30 days after a determination of receipt of a completed application by the Director. The application shall not be approved unless it complies with the following:

A. **Number of Lots.** No additional lots shall be created.

B. **Minimum Area.** No parcel shall be created that is smaller than that allowed by the Pershing County Code.

C. **Access.** No parcel shall be created that does not have road access.

D. **Encroachment.** No encroachment into any public easement, right-of-way or required yard shall be allowed.

E. **Other Requirements.** The application shall comply with the other requirements of the Development Code.

Section 17.414.15 Record of Survey. The Record of Survey shall be prepared by a professional land surveyor. It shall contain the elements set forth in this section.

A. **Surveyor's Certificates.** A certificate by the professional surveyor who prepared the map stating that:

1. The surveyor has performed a field survey of the boundaries of the affected parcels.
2. That all corners and angle points of the adjusted boundary line have been set; and
3. The map is not in conflict with the provisions of the Development Code.

B. **Owner's Certificates.** A certificate that is executed and acknowledged by each affected owner of the abutting parcels which states that:

1. The owner has examined the plat and approved and authorized the recordation thereof.
2. The owner agrees to execute the required documents creating any easement which is shown.
3. The owner agrees to execute the required documents abandoning any existing easement pursuant to Chapter 17.604, Vacations and Abandonments.
4. All property taxes on the land for the year have been paid, and
5. That any lender with an impound account for the payment of taxes has been notified of the adjustment of the boundary line or the transfer of the land.

C. **Certificate of Planning Commission Approval.** A certificate signed by the Planning Commission Chairman which states that the map has been approved by the Planning Commission and provides the date of approval.

If applicable, the certificate shall also state that the Planning Commission has accepted or rejected on behalf of the public any parcel or portion of a parcel of land, offered for dedication for public use. If applicable, the certificate shall acknowledge that any public streets or easements that will not remain were abandoned pursuant to Chapter 17.604, Vacations and Abandonments.

Section 17.414.20 Recordation. The County Recorder shall indicate on any copy of a plot, plat, map, or survey that subsequent changes to that document should be examined. The boundary line adjustment is not effective until the record of survey is recorded.

CHAPTER 416
AMENDMENT OF MAPS, PLATS AND SURVEYS

SECTIONS:

17.416.00 Purpose
17.416.05 Approval Process
17.416.10 Minor Amendment General Provisions
17.416.15 Major Amendment General Provisions
17.416.20 Major Amendment Standards
17.416.25 Major Amendment Recordation

Section 17.416.00 Purpose. The purpose of Chapter 416, Amendment of Maps, Plats and Surveys, is to prescribe the procedures that are required to amend any final subdivision map.

Section 17.416.05 Approval Process. A minor map amendment, as described in Section 17.416.10, may be approved by the County Engineer. A major map amendment, as described in Section 17.416.15, shall be approved by the County Commissioners.

Section 17.416.10 Minor Amendment General Provisions. If an error or omission is found in any subdivision map, record of survey, parcel map, map of division into large parcels, or reversionary map and the correction does not change or purport to change the physical location of any survey monument or property line, the County Engineer or County Commissioners may cause a certificate of amendment to be filed and recorded.

A. **Preparation of Certificate.** The surveyor who made the survey shall prepare and record the certificate within 90 days after notification by the County Engineer or County Commissioners. If the surveyor is no longer professionally active in the County, the County Engineer or a professional land surveyor appointed by the County Commissioners shall prepare the certificate.

B. **Contents of Certificate.** The certificate of amendment shall comply with the following:

1. Be in the form of a letter addressed to the County Surveyor or the County Commissioners.
2. Specify the title and recording date of the document being amended.
3. Concisely state the data being amended and the correction or omission.
4. Be dated, signed, and sealed by the surveyor preparing the certificate.
5. Contain the following statement, dated, and signed by a professional land surveyor appointed by the County Commissioners:

"I hereby certify that I have examined the certificate of amendment and the changes to the original document specified therein are provided for in applicable sections of NRS 278, NRS 625, and local ordinances adopted pursuant thereto, and I am satisfied that this certificate of amendment so amends the document as to make it technically correct."

C. **Recordation of Certificate.** Upon the recording of a certificate of amendment, the County Recorder shall cause a 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.

Section 17.416.15 Major Amendment General Provisions. If an error or omission is found in any recorded subdivision plat, record of survey, parcel map, map of division into large parcels, or reversionary map, and the correction changes or purports to change the physical location of any survey monument, property line or boundary line, the County Commissioners may cause an amended plat, survey, or map to be filed and recorded.

A. **Parcel Map.** 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.

B. **Final Subdivision Map.** If the proposed amendment is to a subdivision plat, those procedures for the approval and filing of a final map and the requirements of Section 17.416.20 shall apply.

C. **Appeal.** An appeal of the Planning Commission's decision must be made within 10 days of the action by the Planning Commission.

Section 17.416.20 Major Amendment Standards. Any amendment plat, map or survey shall comply with the following:

A. Be identical in size and scale to the document being amended, drawn in the manner and on the material provided by law.

B. Have the words "Amended Plat of" prominently displayed on each sheet above the title of the document amended.

C. Have a blank margin for the County Recorder's index information.

D. Have a three-inch square adjacent to and on the left side of the existing square for the County Recorder's information and stamp.

E. Contain the certificate required by NRS 278 or an order of the District Court of Pershing County 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.

F. Contain a certificate of the professional land surveyor who prepared the amendment stating that it complies with all pertinent sections of NRS 278, NRS 625, the Development Code, and any other applicable local ordinance.

G. Contain a certificate executed by a professional land surveyor, or a Nevada registered civil engineer stating that he or she has examined the document and that it is technically correct.

Section 17.416.25 Major Amendment Recordation. 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.

Division Five: Development Regulations

CHAPTER 500
TITLE AND CONTENTS

SECTIONS:

17.500.00 Title
17.500.05 Contents
17.500.10 List of Tables and Figures

Section 17.500.00 Title. Division Five of Title 17 is entitled "Development Regulations."

Section 17.500.05 Contents. Division Five consists of the following chapters:

Chapter 500 Title and Contents
Chapter 501 Public Improvement Requirements for New Development
Chapter 502 Lot Design and Building Placement Standards
Chapter 503 Building Requirements for Residential Construction in the Agricultural-Mining-Recreation Regulatory Land Use District
Chapter 504 (Reserved)
Chapter 506 Parking Standards
Chapter 508 Landscaping Standards
Chapter 510 Flood Protection Standards
Chapter 512 Storm Drainage Standards
Chapter 514 Transportation Standards
Chapter 516 Water Supply Standards
Chapter 518 Sewage Disposal Standards

Section 17.500.10 List of Tables and Figures

Table 17.501.15-1 Improvement Requirements for New Development by Land Use District
Table 17.502.05-1 Density and Dimensions Standards.
Table 17.506.10-1 Off-Street Parking Requirements
Table 17.506.25-1 Parking for Persons with Disabilities
Table 17.506.30-1 Parking Facility Design Standards
Table 17.512.35-1 Manhole Spacing Requirements

Table 17.512.35-2	Manning's Equation for Computing Capacities
Table 17.512.35-3	Runoff Coefficients for Computing Capacities
Table 17.514.25-1	Street Design Standards.
Table 17.514.40-1	Three Inch Minus Pit Run Gravel Specifications
Table 17.514.40-2	Type 2 Class B Aggregate Base Specifications
Table 17.514.45-1	Bituminous Pavement Aggregate Specifications
Table 17.514.85-1	Spacing between Driveways
Table 17.514.85-2	Spacing between Driveways and Intersections

Figure 17.514.30-1	Gravel Surfacing Standards.
Figure 17.514.30-2	Asphalt Surfacing Standards.
Figure 17.514.50-1	Type A Approach
Figure 17.514.50-2	Type B Approach
Figure 17.514.50-3	Type AA Approach
Figure 17.514.30-1	Gravel Surfacing Standards.
Figure 17.514.30-2	Asphalt Surfacing Standards.
Figure 17.514.100-1	Culvert Design
Figure 17.514.105-1	Cattle Guard Design.
Figure 17.514.105-2	Cattle Guard Rail Section
Figure 17.514.105-3	Cattle Guard Footing Section
Figure 17.514.110-1	Street Name Sign Design 1
Figure 17.514.110-2	Street Name Sign Design 2

CHAPTER 501

PUBLIC IMPROVEMENT REQUIREMENTS FOR NEW DEVELOPMENT

SECTIONS:

17.501.00 Purpose
17.501.05 Applicability
17.501.10 General Provisions
17.501.15 Improvement Requirements for New Development by Land Use District
17.501.20 Transportation
17.501.25 Storm Drainage
17.501.30 Water Supply
17.501.35 Sewage Disposal
17.501.40 Electric Service
17.501.45 Fire Protection
17.501.50 Other Improvements and Services
17.501.55 Easements / Rights-of-ways
17.501.60 Phasing of Development
17.501.65 Extension / Over-sizing of Improvements
17.501.70 Improvement Plans
17.501.75 Construction and Materials Specifications
17.501.80 Inspection and Testing
17.501.85 Bonding

Section 17.501.00 Purpose. The purpose of Chapter 501, Public Improvement Requirements for New Development, is to establish the minimum requirements for the provision of public improvements to support new development.

Section 17.501.05 Applicability. The provisions of this chapter apply to all new development that requires approval or issuance of a permit by the county, including but not limited to subdivision maps, parcel maps, division into large parcel maps, special use permits, and building permits. Development projects shall be subject to all provisions of this chapter unless specified otherwise in this code.

Section 17.501.10 General Provisions.

A. The county shall not approve new development applications unless adequate public improvements exist to support development or provisions made for construction of improvements.

B. Public improvements shall be constructed concurrently with new development to provide adequate public facilities and services, including storm drainage, water supply, sewage disposal, transportation, electric, gas, and telecommunications services.

C. Public improvements shall be provided consistent with the Master Plan and complies with the requirements of this code and other applicable local, state, and federal regulations.

D. Division Five establishes the minimum standards for improvements to support new development. The county may require more stringent standards deemed necessary to maintain consistency with the Master Plan and state regulations.

Section 17.501.15 Improvement Requirements for New Development by Land Use District.
This section establishes the target minimum level of service of public improvements for new development in each land use district. These levels may be modified by the Planning Commission or Board of County Commissioners based upon the specific conditions of each development proposal. The county strives to ensure that public improvements for new development meet or exceed the minimum levels whenever possible.

Table 17.501.15-1
Improvement Requirements for New Development by Land Use District

	Regulatory Land Use Districts											
Improvements	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	GR	AMR	OS
Legal Access	X	X	X	X	X	X	X	X	X	X	X	X
Paved Roadways												
Principal Arterial	X	X	X	X	X	X	X	X	X	X	X	X
Major Collector	X	X	X	X	X	X	X	X	X	X	X	X
Minor Collector					X	X		X				
Local					X	X						
Chip-Sealed Roadways												
Minor Collector	X	X	X	X			X		X	X		
Local			X	X			X	X				
Gravel Roadways												
Minor Collector											X	X
Local	X	X							X	X	X	X
Curbs, Gutters, and Sidewalks				X[1]	X[1]	X[1]		X[1]				
Storm Drainage	X	X	X	X	X	X	X	X	X	X	X	X
Water Supply												
Centralized Service					X[2]	X[2]	X[2]	X[2]	X[2]			
Individual Wells	X	X	X	X						X	X	X
Sewage Disposal												
Centralized Service					X[3]	X[3]	X[3]	X[3]				
Individual Disposal System	X	X	X	X						X	X	X

	Regulatory Land Use Districts											
Improvements	LDR	MDR	LDS	MDS	HDS	GC	NC	I	PSF	GR	AMR	OS
Electric Services	X	X	X	X	X	X	X	X	X	X	X	
Fire Protection												
Fire Flow[4]			X	X	X	X	X	X				
Fire Station with 2.5 mile radius				X[5]	X[5]							

Table Notes:

1. Requirement for these improvements may be waived by the county along local streets when the minimum lot size of new development is 1/2 acre or more.
2. Requirement for centralized water service may be waived by the county pursuant to Section 17.501.30. Individual wells may not be utilized in these land use districts unless the requirement for centralized service has been waived.
3. Requirement for centralized sewage disposal service may be waived by the county pursuant to Section 17.501.35. Individual sewage disposal systems may not be utilized in these land use districts unless the requirement for centralized service has been waived.
4. Where centralized systems are unavailable or are inadequate to provide required fire flow, the applicant shall be required to provide an alternate water source for fire protection, pursuant to Section 17.501.45.
5. Proximity to a fire station may be increased to 10 miles, provided the minimum lot size is one acre or more and the property is not located within a fire hazard area.

Section 17.501.20 Transportation. Legal access and adequate transportation infrastructure to provide a safe, convenient, and functional transportation system for vehicular, pedestrian, and bicycle circulation is required.

Rights-of-way and easements shall be provided, and transportation infrastructure constructed, as necessary, to provide legal access from an existing public road to each new lot with a habitable building. Transportation infrastructure, rights-of-way, and easements shall be adequate to support the development and any additional new development in the reasonably foreseeable future.

Transportation infrastructure shall be provided to new development as required by **Table 17.501.15-1** and Chapter 17.514, Transportation Standards, or required by the county when deemed necessary for consistency with the Master Plan.

Section 17.501.25 Storm Drainage. Adequate storm drainage to new development to mitigate on-site storm water runoff, accommodate the potential storm flows of the upstream drainage area, and prevent flooding within or downstream of the development is required.

The County may require the construction of improvements as necessary to ensure new development complies with the requirements of this section and Chapter 17.512, Storm Drainage Standards. Requirements shall be consistent with the Master Plan and follow applicable local, state, and federal regulations.

Section 17.501.30 Water Supply. Water quality and quantity to serve new development is required. Water shall be provided to new development by a centralized water service system as required in **Table 17.501.15-1** when the boundary of a new development is located within 400 feet of an existing main line of a water system, or when otherwise required by the county when deemed necessary for consistency with the Master Plan. The requirement for centralized water service may be waived pursuant to Section 17.516.15, Water Supply Standards. Where centralized water service is not required or unavailable, water supply shall be provided by individual wells.

Section 17.501.35 Sewage Disposal. Sewage disposal to all new development is required and shall be provided by a centralized system as follows:

A. To lots with an area less than one acre in size and supplied water by wells.

B. To manufactured homes and RV parks that allow more than one unit per acre and supplied water by wells.

C. Required by Table 17.501.15-1 when the boundary of a new development is located within 400 feet of an existing main line of a centralized sewer system or when otherwise required by the county for consistency with the Master Plan.

Sewage Disposal improvements shall be made in accordance with Chapter 17.518, Sewage Disposal Standards. The requirement for centralized sewer service may be waived pursuant to Section 17.518.15. Where centralized sewer service is not required or unavailable, sewage disposal shall be provided by individual systems.

Section 17.501.40 Electric Service. Electricity to all development is required. Electric service shall be provided to all new development in the regulatory land use districts as indicated in **Table 17.501.15-1**.

New development shall be connected to existing public electric utility infrastructure if service is available. This requirement may be waived by the county if public electric utility service is unavailable or due to special circumstances, adherence to this requirement will result in an unnecessary hardship to the applicant. Before the county waives this requirement, the applicant shall prove that an adequate alternative electric source is possible.

Section 17.501.45 Fire Protection. Adequate fire flow and protection to new development is required per **Table 17.501.15-1**. Where centralized systems are unavailable or inadequate to provide required fire flow, applications for new development must provide an alternate water source that may include a standpipe or water tank for consideration and approval by the county.

The county shall not approve new development in accordance with **Table 17.501.15-1** unless the project is within 2.5 miles of a fire station. This distance may be increased to 10 miles, provided the minimum lot size of the development is one acre or more and the property is not located within a fire hazard area.

Section 17.501.50 Other Improvements and Services. The county may require other improvements and services to support new development when necessary. Other improvements and services include, but not limited to, telecommunications, gas, street and safety lighting, bike paths, security fencing around watercourses or other potential hazards, etc.

Section 17.501.55 Easements / Rights-of-Way.

A. Adequate on-site and off-site easements, and rights-of-way shall be provided and offered for dedication to construct public improvements as part of a new development application. Such easements and rights-of-way shall be of sufficient size to facilitate future expansion of public improvements, if deemed reasonably necessary at the time of submittal.

B. Easements shall be located on the centerline with the adjacent property, or adjacent to the property line whenever possible and practical.

C. The minimize size of public utility easements is 10 feet wide. The county may require additional width due to specific conditions which may include topography or the need to address multiple utilities.

Section 17.501.60 Phasing of Development.

A. New development shall be constructed in phases if necessary to maintain adequate levels of service for existing users reliant on public infrastructure to maintain the health, safety, and general welfare of residents.

B. Phased development shall be designed to independently function effectively at completion of each cumulative phase.

Section 17.501.65 Extension / Over-sizing of Improvements.

A. The county may require the extension of public improvements, easements, and rights-of-way completely through the subject property of a new development, when reasonably necessary, to facilitate expansion of public improvements to future development.

B. The county may require oversized infrastructure, when reasonably necessary, to accommodate future development.

C. When the requirements permitted by this section are made, an agreement may be entered into between the county and the applicant for reimbursement for extended or oversized improvements. This agreement shall be made pursuant to Chapter 17.616, Development Agreements.

Section 17.501.70 Improvement Plans. All proposed public improvements shall be reviewed and approved by the County Engineer to ensure improvements are constructed to county standards and comply with the Development Code and other applicable regulations. Improvement plans shall be submitted to the county and reviewed pursuant to Chapter 17.618, Improvement Plans.

Section 17.501.75 Construction and Materials Specifications. Except as otherwise provided in this code, all construction and materials specifications used for public improvements shall be those established in the latest edition of the *Standard Specifications for Public Works Construction* (Orange Book).

Section 17.501.80 Inspections and Testing. All public improvements shall be inspected and tested by the county to ensure they were constructed to county standards and specifications. Public improvements shall pass county inspection prior to occupancy. Inspections and testing shall take place in accordance with Chapter 17.620, Construction, Inspection, and Bonding of Public Improvements.

Section 17.501.85 Bonding. Performance bond(s) shall be required prior to construction to guarantee completion of public improvements. Additionally, maintenance bond(s) shall be submitted after completion of construction to guarantee against defects in workmanship or materials used during the construction of public improvements. Bonding shall take place in accordance with Chapter 17.620, Construction, Inspection, and Bonding of Public Improvements.

CHAPTER 502
LOT DESIGN AND BUILDING PLACEMENT STANDARDS

SECTIONS:

17.502.00 Purpose
17.502.05 General Lot Dimensions
17.502.10 Consolidation
17.502.15 Unobstructed Yards
17.502.20 Single-Family Lots
17.502.25 Non-Residential Lots
17.502.30 Measurements and Exceptions
17.502.35 Height
17.502.40 Corner Lots
17.502.45 Through Lots
17.502.50 Flag Lots
17.502.55 Lots and Blocks
17.502.60 Fences and Screening

Section 17.502.00 Purpose. The purpose of Chapter 502, Lot Design and Building Placement Standards is to establish standards for the design of new lots and the placement of buildings and structures on lots.

Section 17.502.05 General Lot Dimensions. The lot standards apply to each regulatory land use district which permits uses. Every lot shall meet the minimum required setbacks, including required setbacks for a permissible accessory structure in the rear yard as provided in this code. Setbacks apply for all lots with buildings. Density and dimensional standards also apply. Topography, hydrology, or other conditions may necessitate reduced densities, larger setbacks, increased lot sizes, or reduced lot coverage as determined by the Planning & Building Director.

Table 17.502.05-1
Density and Dimension Standards

		Minimum Lot Size		Minimum Setbacks (feet)				
Land Use District	Max Density (units/acre)	Area Sq.Ft./ Acre	Width (feet)	Front	Side	Rear	Max Lot Coverage (percent)	Max Height (feet)
AMR	1 / 160	-	-	50	50	50	-	35
GR	1 / 40	-	-	50	50	50	-	35
LDR	1 / 20	20	300	50	50	50	5	35
MDR	1 / 10	10	300	50	50	50	5	35
LDS	1 / 2 1/2	2.5	150	25	20	20	20	35
MDS	1 / 1	10,890	120	25	20	20	20	35
HDS	4 / 1	10,000	80	20/25[1]	20	20	20	35
NC	n/a	10,000	60	25	20	25	60	35
GC	n/a	2 ac	50	25	20	25	70	40
I	n/a	2 ac[2]	100	30	25	25	80	40

Table Notes

1. The building shall be set back 20 feet from the front property line. Garage must be set back at least 25 feet from the front property line. Dwellings shall not be closer than 20 feet to any other structure except for customary accessory structures (see Chapter 17.306, Accessory Uses and Structures).
2. Unless industry is within an industrial park formed under NRS Chapter 278, minimum is then one acre.

Section 17.502.10 Consolidation. If two or more lots must be combined to meet the minimum requirements of this chapter, both parcels shall be legally merged into one parcel prior to issuance of a building permit.

Section 17.502.15 Unobstructed Yards. Any yard required by this code shall be open and unobstructed from the ground to the sky except as provided in this chapter.

Section 17.502.20 Single-Family Lots. The regulations governing development of single-family lots is as follows:

A. **Bulk and Density Standards.** Maximum height, as well as the minimum lot size, depth, width and building setbacks for single-family development shall comply with the applicable regulatory land use standards and the standards established in Table 17.502.05-1.

B. **Single-Family Lots Less Than 10 acres**. Single family lots smaller than 10 acres shall be deeper than wide, with a depth to width ratio of not greater than 3:1.

C. **Cul-de-Sac Lot.** For lots on cul-de-sacs or similar circumstances, the minimum width shall apply at all points between the front and rear setback lines. Cul-de-sac lots shall have a minimum street frontage width of 30 feet.

D. **Minimum Yard Requirements.** The minimum side and rear yard setback requirements shall be increased from 20 to 30 feet for any parcel which abuts a collector street or larger.

E. **Principal Building/Lot.** Only one principal single-family building is permitted per lot or parcel.

Section 17.502.25 Non-Residential Lots. The regulations governing development of non-residential lots shall be as follows:

A. **Canopy Setback.** Canopies connected to the main building shall be set back a minimum of 15 feet from any property line.

B. **Side Yard Setback**. No interior side yard will be required on contiguous lots developed as a common project, except as required to comply with fire code.

C. **Accessory Structure Setbacks.** Accessory structures shall comply with the setback requirements established by **Table 17.502.05-1**.

D. **Principal Building/Lot.** No more than one principal building is permitted per lot or parcel.

Section 17.502.30 Measurements and Exceptions. The methods of measurement and exceptions to the regulations governing development of single-family and non-residential lots shall be as follows:

A. **Density.** Maximum density is measured as the number of dwelling units per gross acre(s) of land. Maximum density is measured by dividing the number of dwelling units on a lot or parcel by the parcel's gross area in acres.

B. **Lot Area.**

1. **Measurement.** Lot area as required in Table 17.502.05-1 is measured as the net amount of contiguous land area contained within the property lines of a lot or parcel, not including streets or rights-of-way, flood ways, wetlands, ponds, or slopes in excess of 15 percent.

2. **Exceptions.** No building permit or development approval shall be issued for a lot that does not meet the minimum area requirements of this code except in the following cases.

    a. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from minimum lot area standards (i.e., sewer lift station, telecommunications buildings).

    b. The minimum lot area standards of this code shall not prohibit the construction of a detached dwelling unit on a lot that was legally platted or recorded before the adoption of this code, provided that the dwelling unit is constructed in compliance with all applicable dimensional standards and meets the minimum health and safety standards for water and wastewater facilities.

C. **Lot width.** Measured between side lot lines along a line that is parallel to the front lot line or its chord and measured at the front setback.

D. **Street Frontage.** Measured between side lot lines along the front lot line.

E. **Setbacks.**

1. **Measurement.** Setbacks are measured perpendicularly from the property lines of the lot inward towards the center of the lot to the required distance.

    Setbacks must be unobstructed from the ground to the sky except as otherwise allowed in this section.

2. **Exceptions and Permitted Encroachments.** The following features may encroach into required setbacks:

    a. Landscaping.

    b. Bay windows, not to exceed three feet.

    c. Chimneys, not to exceed two feet.

    d. Clothesline post.

    e. Driveways, curbs, and sidewalks.

    f. Flagpoles.

    g. Heating and cooling units, not to exceed three feet.

    h. Mailboxes.

i. Overhanging roof, eave, gutter, cornice, or other architectural features and awnings, not to exceed three feet.

j. Wells and underground utilities.

k. Signs.

l. Steps, stairs, or fire escapes (non-enclosed), not to exceed six feet.

m. Uncovered, unenclosed terraces or porches not to exceed six feet.

n. Accessory buildings, within required rear setbacks only.

o. Fences and walls.

p. Yard and service lighting fixtures, and poles.

3. **Transition Area between Residential, General Rural, and Commercial regulatory land use district within the Agricultural Preservation Boundary.** Where a parcel in a residential regulatory land use district that abuts the Agricultural Preservation Boundary, the setback of the principal building shall be a minimum of 100 feet. When the parcel lies partially within the Agricultural Preservation Boundary, then the setback shall be measured from the boundaries of the Agricultural Preservation Boundary.

4. **Exceptions to Agricultural Preservation Boundary Setback Requirements.** These setback requirements shall not apply in the following circumstances:

   a. The property is separated from the Agricultural Preservation Boundary by either a physical improvement such as a road or a drainage ditch or a natural barrier including streams, rivers, lakes, ponds, or hills and the barrier is a minimum of 50 feet wide.

   b. A use or structure, including accessory uses and structures permitted by right in the Agricultural Preservation Boundary.

5. **Permitted Uses and Activities within Agricultural Preservation Boundary Setbacks.**

   a. Agricultural.

   b. Farm-related.

   c. Landscaping.

   d. Fences, berms, solid walls, or other structures designed principally to minimize nuisances. Nuisances include debris, wind-blown dirt, litter, noise, or glare from adjacent properties. These structures shall be located, to the extent practicable, proximate to the property line abutting adjoining properties.

   e. Alleys or fire access roads.

6. **Prohibited Activities Within Agricultural Preservation Boundary Setbacks.**

   a. Construction, modification, extension, erection or expansions of buildings or structures; land excavation, clearing, improvements or any combination thereof, which facilitates any of the above-mentioned activities.

b. Placement of fill or dumping even for temporary purposes.

c. Storage of materials.

d. Parking areas, driveways, or other impervious surfaces.

F. **Lot Coverage.** All buildings constructed, reconstructed, altered, moved, or enlarged shall not exceed the maximum building coverage regulations of the regulatory land use district in which they are located. Lot coverage is measured as the percentage of the total lot area covered by buildings and other impervious surfaces. It is calculated by dividing the square footage of impervious cover by the square footage of the lot.

Section 17.502.35 Height. All buildings constructed, reconstructed, altered, moved, or enlarged shall comply with the height regulations and exceptions of the regulatory land use district in which they are located.

A. **Measurement.** Building height is measured as the vertical distance between the average finished grade at the base of the building along the side of the building and:

1. The average height level between the eaves and ridge line of a gable or hip roof.
2. The highest point of a mansard or gambrel roof.
3. The highest point of the coping or parapet of a flat roof.
4. Two-thirds the height of an A-type or any roof with a pitch of 1:1 or steeper.

B. **Exceptions.** Regulatory land use district height limits do not apply to:

1. Church spires, belfries, cupolas, domes, chimneys, flues, antennas, satellite dishes, water towers, silos, windmills, and wind machines provided that the measured height of the structures is limited, or the structure is placed on the property to avoid falling across any property lines.
2. Parapet walls extending four feet or less above the limiting height on which they rest.
3. Bulkheads, elevator towers, one-story penthouses, water tanks, or similar structures provided the aggregate floor area of the structures is not greater than 1/2 of the total roof area.
4. Public and Quasi-Public Buildings (e.g., churches, schools, and administrative buildings) may exceed the maximum height limits subject to the approval of a special use permit.
5. Accessory building heights are as set forth in Chapter 17.306, Accessory Uses and Structures.
6. Antennas heights are set forth in Chapter 17.320, Communication Facilities.

Section 17.502.40 Corner Lots.

A. **Obstructions to Vision.** Corner lots in any regulatory land use district shall not be permitted to place a fence, wall, hedge, multi-stemmed trees or other structures or plant

materials that will obstruct vision between a height of 2.5 feet and 10 feet above the center line grades of the intersecting streets within the following areas:

1. **Intersecting of two Local Streets.** The triangular area formed by connecting the right-of-way lines, at points which are 25 feet distance from the intersection of the right-of-way lines and measured along the right-of-way lines.

2. **Intersection Involving One or More Collector or Arterial Streets.** The triangular area formed by connecting the center lines of the intersecting streets at points which are 100 feet from their point of intersection, whichever is greater.

B. **Modification to Standards.** The County Engineer may allow modifications to the distance required at intersections if the safety of pedestrians, bicyclists, and motorists is ensured to the satisfaction of the County Engineer.

C. **Access.** Corner lots adjacent to streets of unequal classification shall access the street of the lesser classification (e.g., designed for the least traffic volume capacity).

D. **Setbacks.** Where two or more of a property's frontages constitute front yards on a corner lot, one of the yards shall be deemed to be the main entrance and front yard and all other yards with street frontage shall be considered side yards.

Section 17.502.45 Through Lots. Through lots or double frontage lots shall be avoided in residential lot design except where essential to separate residential development from arterial roads or to overcome specific disadvantages of topography and orientation. Access to through lots shall be directly from the street with the lowest projected traffic volume.

Section 17.502.50 Flag Lots. Flag lots are prohibited except for parcels in General Rural and Agriculture-Mining-Recreation regulatory land use districts under the following conditions:

A. **Access.** The flag lot directly accesses a local street.

B. **Pole Width.** The aggregate width of the pole, or poles for two adjacent flag lots, is a minimum of 60 feet in width with minimum pole width of 30 feet.

C. **Permanent Structure Access.** A strip of land with a minimum width of 60 feet shall be retained free of permanent structures for the length of the flag lot.

D. **Specific Requirement. F**lag lots may be created for agricultural or business purposes in the General Rural Regulatory Land Use District and within the Agricultural Preservation Overlay District Boundary but are not allowed for residential dwellings.

Section 17.502.55 Lots and Blocks. The length and width of blocks shall be sufficient to accommodate two tiers of lots with minimum standards specified by the applicable regulatory land use district and this Section, except where a single row of lots back up to an arterial street. When reviewing proposed lot and block arrangements, the following factors shall be considered:

A. **Adequate Building Sites Required.** Provisions of adequate building sites suitable to the specific needs of the land use (residential, commercial, or other) shall consider the topographical and drainage features.

B. **Minimum Lot Sizes Established.** Minimum lot area requirements that define lot sizes and dimensions shall be accommodated without creating unusable lot remnants.

C. **Safe Access Required.** Block layout shall enable new development to meet code requirements for convenient access, circulation, control, and safety of street traffic.

D. **Crosswalks.** The Board of County Commissioners may require the dedication of a pedestrian access easement, crosswalk, and the construction of sidewalks for any block that exceeds 1,320 feet in length or for any cul-de-sac located within 1/2 mile of a school, park, or neighborhood commercial center. In the case of the school or park, neither of these facilities need be constructed but may be designated sites for these public facilities on maps recognized by the Board of County Commissioners.

E. **Lot Lines.** All quadrangular lots and, all other lots, shall have side lines at right angles to straight street lines or radial to curved street lines. Unusual or odd-shaped lots having boundary lines that intersect at extreme angles shall be avoided.

F. **Lot Orientation.** The lot line common to the street right-of-way line shall be the front line. All lots shall face the front line and a similar lot across the street. Wherever feasible, lots shall be arranged so that the rear line does not abut the sideline of an adjacent lot.

G. **Driveways.** Driveways shall be designed and constructed in conformance with Pershing County Code. Up to six lots may have access from a shared driveway provided an access easement is recorded.

H. **Lot Remnants.** No lot or parcel shall be created which fails to meet the minimum standards of the applicable regulatory land use district in this code. Reserve strips of land between the end of a street and a parcel boundary are prohibited.

Section 17.502.60 Fences and Screening.

A. **Non-Agricultural Use Types.** Opaque or solid fences shall be placed no closer to the front lot line than the front yard setback line established by the building(s) erected upon the lot. Wood fences not exceeding three feet in height, chain link fences not exceeding four and one-half feet in height, wrought iron fences and other decorative fences may be in the front yard if they do not conflict with the sight triangle. The maximum height for the remainder of the non-agricultural use types shall be six feet. Where two or more of a property's frontages constitute front yards on a corner lot, one yard shall be deemed the main entrance and front yard and all other yards with street frontage shall be considered modified side yards where fences, walls and screening can have a maximum height of six feet if the fences, walls, and screening are located at least 10 feet from the modified side yard property line.

B. **Open Range Use Types.** Property line fences shall be required to prevent livestock from crossing onto adjacent property. The fence shall be constructed and installed in

accordance with NRS 569.431. Generally, fencing used to enclose livestock shall comply with NRS 569.440 to 569.471.

C. **Height.** Fences shall not exceed six feet in height except were used for public utilities, public or private schools, public or private recreation facilities, industrial properties, where required for security, wrecking/disposal operations, and salvage or junkyards, or when permitted by a provision of this code.

D. **Electric Fence.** Electric fences shall be permitted only in the Agricultural Preservation District boundary and Agriculture-Mining-Recreation regulatory land use district.

E. **Barbed Wire Fencing.** Barbed wire fences or barbed wire assemblies atop fences are prohibited in residential regulatory land use districts.

CHAPTER 503

BUILDING REQUIREMENTS FOR RESIDENTIAL CONSTRUCTION IN THE AGRICULTURAL-MINING-RECREATION REGULATORY LAND USE DISTRICT

SECTIONS:

17.503.00 Purpose
17.503.05 Requirements for Application
17.503.10 Site Plan
17.503.15 Construction Plan

Section 17.503.00 Purpose. The purpose of Chapter 503 is to provide uniform building specifications for all residential construction in the Agricultural-Mining-Recreation ("AMR") Regulatory Land Use District. The construction of residential building shall not result in a substantial detriment to the public good or impairment of the intent, purpose, and spirit of the Master Plan. The building permit requirements under this chapter are designed to permit residential construction in this regulatory land use district which is considered incompatible with the permitted uses allowed in AMR. However, residential uses may be permitted with a thorough review of the location, design, and configuration, and potentially impose conditions in order to ensure the appropriateness of a residential use at a particular location within AMR.

Section 17.503.05 Requirements for Application. Prior to the issuance of a residential building permit, the property owner, or the property owner's authorized agent (including a contractor building the home), shall file an Application for the Issuance of a Residential Building Permit in the AMR Regulatory Land Use District. The permit shall be denied if the parcel does not meet the requirements of 17.106.85 for residential building rights. An Application for a Residential Building Permit in the AMR Regulatory Land Use District shall include, at a minimum, the following information:

A. **Residential Building Permit Application.** A residential building permit application with all documents required to build a residence in Pershing County.

B. **Site Plan.** A Site Plan, as set forth herein, which clearly delineates the location the home will be constructed, the roads and easements (if necessary) for access to the parcel from the nearest main county road or state highway, and demonstrated sources for potable water, sanitary sewer, electricity, phone service, fire suppression, and any other necessary utilities. Any improvements and/or natural features within 50 feet of the proposed work beyond the property line shall be shown.

C. **Flood Plain Management.** A sworn statement by the applicant stating the property is not situated within a floodplain area covered by Chapter 17.510 of the Pershing County Code is required. If the Planning & Building Department determines that the property is situated within an area covered by the floodplain management provisions of Chapter 17.510, or if the applicant fails to submit a sworn statement, the applicant must submit a Construction Plan, in accordance with this chapter along with a copy of a notarized agreement with a state of Nevada licensed engineer that the engineer is responsible for the services as required in the Construction Plan.

D. **Building Plans.** The applicant must submit building plans for the proposed residential building for a review and determination that all standards under the County Code and other relevant provisions of state and/or federal Law have been met.

E. **Parcel Improvement Declaration.** The application shall contain a signed acknowledgment that issuance of a building permit is conditional upon construction or reconditioning of pertinent roads needed to access the property from the nearest maintained county road or state highway in accordance with county standards for an access including the base, compaction, culverts, permits, and other applicable requirements deemed necessary based upon the physical location).

Section 17.503.10 Site Plan. The applicant shall submit a site plan that includes the following.

A. **Site Plan.**

1. Proposed location where the home will be constructed indicating required setbacks.
2. If a standpipe is required, the proposed location on the parcel at least 100 feet from the dwelling with separate power source from the dwelling.
3. Proposed locations of the well, pumping apparatus, and water lines.
4. Proposed location of the individual or municipal sanitary sewage system.
5. Proposed location of the electrical, telephone, and other utilities and services.
6. Proposed location of fire suppression fuel breaks a minimum of 100 feet from the dwelling.
7. Proposed location of a driveway turnaround to accommodate fire truck(s) and/or emergency equipment.

8. Proposed location of drainage ditches/washes/canals.

9. Proposed location of roads providing access to the parcel and dwelling, detailing easements (existing and proposed), and the route to the nearest county road or state highway.

10. Proposed location of easements for electrical, telephone, or other utility services.

A. **Certification Required.** Prior to the issuance of a certificate of occupancy, the applicant must submit a certification demonstrating that the property addresses the following.

1. Adequate water supply and quality (using a designated infiltration system if necessary) to satisfy the state of Nevada drinking water standards; provides a minimum of 15 gallons per minute and pumps adequate supplies for fire suppression for the standpipe using a pump with a separate electrical source, and fixtures that connect to standardized fire suppression hoses.

2. Adequate electrical resources from an electrical company or a plan to obtain electricity through other means (i.e., generator, solar, or other source).

3. Adequate telephone service from a land line telecom provider or demonstrated service from another form of telephone service.

4. Type of septic or sewer system and necessary test results to demonstrate that the sanitary sewer system is suitable for the type of soil and drainage on the parcel and complies with county, state, and federal regulations, and requirements for an individual septic system.

5. Certification by the Road Superintendent that the road was constructed in accordance with the requirements of this chapter.

6. A Road Maintenance Acknowledgment, which will be filed as a Notice on the property, that states the owner of the property is required to maintain roads that provide access to the parcel from the nearest county road or state highway in accordance with the standards for an access road in Pershing County (as to the base, compaction, access permits, and other requirements).

Section 17.503.15 Construction Plan. If required as set forth in Section 17.503.05, the applicant shall submit a Construction Plan with the application that provides road construction plans and specifications prepared by a professional engineer, registered in the State of Nevada. Construction Plans together with plan check fees shall be submitted to the Planning & Building Department for review, processing, and county approvals.

A. **Contents.** Complete documents and specifications for all roadways providing ingress and egress to the home and to the nearest county road or state highway (herein referred to the "Road Improvement"), including access permits.

B. **Design Standards.** The road improvements required pursuant to this section shall be constructed in accordance with the design standards and plan requirements of this Code,

the standards, and specifications of the county, and, where applicable, the requirements and authorization of the appropriate state agency, utility company, or local franchisee.

C. **Construction Drawing Requirements.** The Construction Plan shall be stamped and signed by a professional engineer and five copies submitted. The Construction Plans shall be drawn at a scale no less than one-inch equals 100 feet. The scale increment shall be 10 feet and sufficiently clear to reflect the proposed construction details. All Construction Plans shall be prepared on 24 x 36-inch sheets unless otherwise approved and include individual plan sheets containing the following information:

1. **Cover Sheet.** Project owner, developer, engineer (with addresses and phone numbers); a vicinity map indicating the location of the site relative to the principal roads, water bodies, and other development in the area; all standard notes, signature block for utility and county approvals, and an index of plan sheets.

2. **Roads.** Construction plans, profiles, and detail sheets.

3. **Storm Water Management Plan.** Approximate boundaries of any areas with a history of flooding; plan and profile of proposed storm water disposal for the Road Improvement.

4. **Grading.** Existing terrain, proposed contour lines at intervals not greater than five feet; approximate location of cut and fill line extents and finished slopes of all proposed grading and limits of grading, including borrow and stockpile areas; cross sections, profiles, elevations, dimensions, and details based on accurate field data; spot elevations 25 feet on center showing topographic features and drainage patterns throughout the area; the contour lines/spot elevations shall extend a minimum of 50 feet beyond the property line.

5. **Development Schedule.** A schedule of the timing and sequence of construction for the Road Improvement.

6. **Roadway Construction Detail Sheet(s).** Construction details for the Road Improvement (surfacing, base, culverts or other drainage devices, and unpaved areas) shown on typical section, in plan and profile. Specific details shall include, but not be limited to, (and reference to appropriate county improvement standards):

    a. Street Installation, widening, resurfacing improvements dimensioned and developed in accordance with county improvement standards.

    b. Street improvements in the right-of-way as measured from the center line.

    c. Mathematical profile grade and elevations at 25-foot intervals on vertical curves and 50 feet intervals on tangent sections for all roadway construction.

    d. Resurfacing Profile Grade elevations on existing center line and edges of pavement at 25-foot intervals and breaks in grade (i.e., irregularities in pavement).

D. **Review Procedures:** Prior to approving a Construction Plan, the applicant shall submit the complete plan set to all applicable local reviewing agencies and public utility companies that may service the property for approval. Certificates of approval shall be

submitted to the Planning & Building Department. The applicant shall pay for the costs of review by the County Engineer if the Planning & Building Director determines that a review by the County Engineer is necessary. If the County Engineer is consulted, the County Engineer may seek consultation in the review of the Construction Plan and the cost associated with the consultation shall be paid by the applicant prior to the issuance of a building permit.

1. **Inspection and Acceptance of Improvements.** Prior to the issuance of final certificate of occupancy, all improvements required by this Code shall be inspected by a designee of the County as provided below, except for improvements made under the jurisdiction of other public agencies, in which case engineers or inspectors of such agency will make the necessary inspections. Where inspections are made by other agencies, the applicant shall provide the county with written documentation of each final inspection.

2. **Compliance with Standards.** The applicant and/or a bonded construction contractor shall bear full and final responsibility for the installation and construction of all required improvements according to the provisions of this Code and the standards and specifications of other public agencies.

3. **Costs of Inspection.** The applicant shall provide the county with an executed contract providing for the inspection and testing services by Nevada Registered Civil Engineer. A final report must be provided by the engineer named in the contract to include the following information:

    a. Daily logs; test results; and other necessary inspections. Prior to the issuance of a final certificate of occupancy, the County Road Superintendent shall inspect the roads to determine if the roads are appropriate at both a cost for travel which will be based upon a cost per mile as set forth by the county for reimbursement for travel (calculated by determining the mileage to the location from the Pershing County Road Department in Lovelock, Nevada) and an hourly rate based upon the cost to the county for employing the Road Superintendent (which includes salary costs, benefits costs, PERS costs, FICA costs, etc.). The County Building inspector shall provide building inspections for electricity, plumbing, fire suppression, phone service, construction of the home, and a certification of completeness and occupation; and the homeowner shall bear the normal costs associated with building inspections.

4. **Acceptance.** Approval by the appointed engineer of the construction improvements shall not constitute acceptance by the county of improvement for dedication purposes.

5. **Site Cleanup.** The applicant shall be responsible for removal of all equipment, material, and general construction debris from the property and from any lot, street, public way, or property therein or adjacent thereto. Dumping of such debris onto adjacent property or onto other land in the county is prohibited unless it is a licensed landfill.

[Chapter 17.503 added by Ord. 230, passed 10/16/06, provisions eff. 11/03/06]

CHAPTER 504
(This chapter reserved for future ordinance.)

CHAPTER 506
PARKING STANDARDS

SECTIONS:

17.506.00 Purpose
17.506.05 Applicability
17.506.10 Minimum Requirements
17.506.15 Parking Reductions Mixed Use Development
17.506.20 Off-site/Remote Parking
17.506.25 Special Parking Provisions
17.506.30 Facility Design Standards

Section 17.506.00 Purpose. The purpose of Chapter 506, Parking Standards, is to ensure that adequate off-street parking and loading facilities are provided for new land uses and for alterations and enlargements of existing uses to provide safe, orderly circulation, loading, unloading, and parking within parking areas, and minimize conflicts between pedestrian and vehicular circulation.

Section 17.506.05 Applicability. The provisions of this chapter shall apply to any new building constructed, reconstructed, altered, enlarged, or moved. Parking shall be located entirely on the same property as the main use with no portion other than the necessary drives extending into any street right-of-way or other public way.

Section 17.506.10 Minimum Requirements. Off-street spaces shall be provided in the quantities set forth in **Table 17.506.10-1**.

A. **Location.** Parking shall be provided on the same property with the use except as permitted by this chapter.

B. **Calculation of Space.** Any fraction of a parking space calculated as required under this Section shall be counted as a full parking space.

C. **Employees.** Where an on-site parking requirement is stated as a ratio of parking spaces to employees, the number of employees shall be based on the largest shift that occurs in a typical week.

D. **Cumulative Requirements.** For sites with more than one given use type, or for adjacent sites served by a common parking facility, the parking requirement shall be the sum of the requirements calculated separately for each use, except as otherwise provided.

E. **Additional Parking Required.** Applicants requesting a change of occupancy or manner of use that requires additional parking shall demonstrate the parking requirements can be provided on-site otherwise the change of occupancy or manner of use shall not be permitted.

F. **Existing Parking Facilities Maintained.** Facilities used for off-street parking on the effective date of this code shall not be reduced in capacity to less than the number of spaces prescribed or altered in design or function to less than the minimum standards prescribed herein.

G. **Standards for Unlisted Uses.** The Director of Planning & Building shall determine the number of parking spaces required for uses not referenced in Table 17.506.10-1 based on the particular characteristics of the proposed use, and any other relevant data regarding parking demand. If no similar use exists, the Director of Planning & Building shall determine the required number of parking spaces based on available parking studies or standards for similar uses from other jurisdictions. When a special use permit is required for the use, the county commission shall establish the parking requirement.

H. **Prohibited Parking.** Head-in parking from any public right-of-way shall not be permitted.

Table 17.506.10-1
Off-Street Parking Requirements

Use Type	Parking Spaces Required
Residential	
Duplex	1 space per unit
Multifamily	1 space per studio or 1 bedroom; 1.75 per 2 or 3 bedroom unit; 2 per 4 or more bedroom unit. Guest parking shall be provided at a minimum of 1 space per ten units with a minimum of 2 guest spaces per project
Second dwelling	1 space per unit
Single family dwelling, attached, detached	1 space per unit
Caretaker residence	1 space per caretaker residence
Elderly and long-term care	1 space per 3 beds + 1 space per employee

Use Type	Parking Spaces Required
Family Day Care	
Small	None beyond that required for the residential unit.
Large	1 space per non-resident employee.
Boarding Facility	1 space per bedroom
Manufactured home park	2 spaces per manufactured home space
Residential care facilities	1 space per 3 beds + 1 space per employee
Public & Semi Public Uses	
Community Assembly	1 space per 3 permanent seats in assembly areas under maximum occupancy
Libraries and museums	1 space per 400 sq. ft. of public display area
Theaters and auditoriums	1 space per 5 permanent seats in assembly areas, or 1 space per 50 sq. ft. of assembly area where no fixed seats plus 1 per classroom of office
Day care centers	1 space per employee + 1 space per ten children or clients
Hospitals and clinics	
Clinic	1 space per 250 sq. ft. or 4 spaces per physician, whichever is greater
Hospital	1 space per bed plus 1 space per 500 sq. ft of office, physical therapy, laboratory, or clinic area
Commercial Uses	
Grooming and pet store	1 space per 300 sq. ft.
Kennels	1 space per employee
Veterinary services	1 space per 250 sq. ft of gross floor area
Banks and financial institutions	1 space per 300 sq. ft
Bars and drinking establishments	1 space per 150 sq. ft.
Business services	1 space per 300 sq. ft.
Medical and dental	1 space per 200 sq. ft.
Restaurant	1 space per 100 sq. ft.
Retail sales	1 space per 300 sq. ft.
Neighborhood community centers	1 space per 500 sq. ft.
Industrial Uses	
General Industrial	1 space per 1,500 sq. ft.
Salvage and wrecking	1 space per employee + 1 per company vehicle
Warehousing, storage, distribution	1 space per employee
Personal storage	1 space per 350 sq. ft. of office area + 4 customer spaces + 1 space for caretaker unit
Agricultural uses	
Agricultural processing	1 space per 1,500 sq. ft of enclosed production, warehousing, and storage areas

Use Type	Parking Spaces Required
Farmers market	As determined by Planning & Building Director
Special events	As determined by Planning & Building Director
Vehicle sales and services	
Rental, sales, and leasing	1 space per employee + 1 space per 2,000 sq. ft. of lot and building area used for display and storage of automobiles
Repair	2 spaces per service bay
Large vehicle and equipment sales, service, rental	1 space per employee + 1 space per 3,000 sq. ft. of lot and building area used for display and storage of vehicles and equipment

Section 17.506.15 Parking Reductions Mixed Use Development. The Planning & Building Director may authorize a reduction in the total parking requirement for separate uses located on the same site or adjoining sites which are served by a common parking facility. Reductions pursuant to this section shall not be granted for facilities using off-site or remote parking. In determining whether to approve an adjustment for mixed-use developments, the Director shall consider all relevant factors, including:

A. The characteristics of each use and the differences in projected peak parking demand, including days and hours of operation.

B. The potential reduction in vehicle movements afforded by multi-purpose use of the parking facility by employees, customers or residents of the uses served.

C. The potential improvements in parking facility design, circulation, and access afforded by a joint parking facility.

D. If required, a parking demand study prepared by an independent traffic engineering professional may be requested to support the proposed reduction.

Section 17.506.20 Off-Site/Remote Parking. The Director of Planning & Building may approve off-site parking when:

A. **Location in land use district.** Both the primary use and the off-site parking are in a land use district for the primary use served by the off-site parking.

B. **Access to Use.** The off-site parking is located within 300 feet of the primary use it serves.

C. **Documentation of Parking Availability.** The applicant has provided written documentation of the continued availability of the proposed off-street parking facilities.

D. **Parking for Persons with Disabilities.** Adequate parking is provided on-site for persons with disabilities.

Section 17.506.25 Special Parking Provisions. In any parking facility serving the public, parking for persons with disabilities shall be provided as set forth in this section.

A. Handicapped parking spaces shall be provided in accordance with **Table 17.506.25-1**. One of every eight required handicapped spaces shall be a van accessible space (a minimum of one van accessible space per parking area.)

B. Handicapped spaces shall be located as near as possible to accessible building site entrances and shall be located to provide convenient access to curb ramps.

C. Handicapped spaces shall be provided with an adjacent access aisle. Access aisles shall be a minimum of five feet wide. Van access aisles shall be a minimum of eight feet wide. Access aisles shall be located on the passenger side of each space unless it is located between and is shared by two designated spaces.

D. All handicapped accessible spaces shall be clearly marked.

E. Parking spaces for persons with disabilities shall be provided in accordance with all American with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and Facilities.

Table 17.506.25-1
Parking for Persons with Disabilities

Parking Capacity	Required Spaces for Persons with Disabilities
Up to 100 spaces	4
101-200	6
201 and more	9 plus 1 additional handicapped space per 100 spaces over 500 spaces

Section 17.506.30 Facility Design Standards. The minimum design standards for parking areas are provided in accordance with **Table 17.506.30-1.** The Planning & Building Director may require modifications to parking lot design to ensure the safety of pedestrians, bicyclists, and motorists:

A. **Timing of Parking.** All parking areas and drives shall be ready for use prior to occupancy of a building and approved by the Director prior to the issuance of a certificate of occupancy. The Director may grant special permission to delay this requirement due to special circumstances that may include weather conditions that are unsatisfactory for proper installation of surfacing materials.

B. **Location.** All off-street parking shall be located outside of required landscape areas.

C. **Design Standards.** Parking facilities constructed or substantially reconstructed subsequent to the effective date of these regulations, whether required or not, shall conform to these design standards.

D. **Maintenance of Required Spaces.** All required parking facilities shall be maintained for the duration of the use requiring parking. Required facilities shall be used exclusively

for the temporary parking of passenger automobiles, motor vehicles, or light trucks not exceeding one ton in capacity, and shall not be used for the sale, display, or storage of merchandise, or for the storage or repair of vehicles or equipment.

E. **Accessibility.** Each standard parking space shall consist of an independently accessible rectangular or trapezoidal area.

F. **Vertical Clearance.** Each parking space shall have a vertical clearance of at least 7 ½ feet.

G. **Circulation.** Each parking and loading area shall have adequate drives, aisles, and turning and maneuvering areas for access and usability, and shall always have access to a street or alley and provide sidewalk access to buildings.

Table 17.506.30-1
Parking Facility Design Standards

Angle	Stall Width	Length	Aisle Width (2 way)	Aisle Width (1 way)
90°	9 ft	18 ft	25 ft	25 ft
60°	9 ft	18 ft	20 ft	18 ft
45°	9 ft	18 ft	20 ft	13 ft
30°	9 ft	18 ft	20 ft	11 ft
0°	8 ft	22 ft	20 ft	12 ft
Compact stalls width 8 ft; length 16; parallel stalls 20 ft length				

H. **Parking Area Paving and Drainage.** All parking and loading facilities shall be designed, graded, and constructed with permanent storm drainage facilities that prevent standing water on the parking area and does not increase the flow of water onto adjacent properties, streets, or alleys. All parking areas projected to generate 100 or more average daily trips shall provide paved parking areas and driveways.

I. **Parking Area Lighting.** Public parking areas shall be provided with a minimum of one-half foot-candle and a maximum of 3.0 foot-candlelight over the parking surface during the hours of use. Parking lot lighting shall, to the maximum extent feasible, be designed and installed so that light and glare are not directed onto abutting residential use areas or adjacent public rights-of-way.

J. **Landscaping and Screening.** Parking lot landscaping and screening shall comply with Chapter 17.508.

CHAPTER 508
LANDSCAPING STANDARDS

SECTIONS:

17.508.00 Purpose
17.508.05 Applicability
17.508.10 General Provisions
17.508.15 Water Conservation
17.508.20 Public Safety
17.508.25 Minimum Landscape Requirements
17.508.30 Landscaping Standards
17.508.35 Irrigation Standards
17.508.40 Screening Standards
17.508.45 Dust, Erosion and Storm Water Control
17.508.50 Maintenance
17.508.55 Defensible Space
17.508.60 Landscape and Irrigation Plans
17.508. 65 Inspection and Bonding of Improvements

Section 17.508.00 Purpose. The purpose of Chapter 508, Landscaping Standards, is to provide the minimum standards and procedures for the installation and maintenance of landscaping. The intent of these regulations is to:

A. Create an aesthetically pleasing boundary between residential, commercial, and industrial uses and roadways while also promoting attractive development.

B. Screen undesirable views and help define and organize public and private spaces.

C. Improve the air quality and reduce environmental disturbances such as noise, dust, glare, and erosion.

D. Increase property values by improving the appearance of new development.

E. Conserve energy by shading homes, commercial, and industrial buildings, roads, and parking lots.

F. Preserve existing trees and other significant vegetation which may be best suited for the local climate.

G. Conserve water resources through proper landscaping and irrigation planning, design, and management, and by encouraging the use of established water conservation principles and practices.

Section 17.508.05 Applicability.

A. **New development and Additions.** The provisions of this chapter apply to new development and additions (other than single-unit dwellings or duplexes), that expand existing floor area by 25 percent or more, or changes in use that requires a permit or county review, except specifically exempted by the provisions of this chapter.

B. **Site Plan Area.** Land area on the Site Plan intended to remain undisturbed is exempt from the landscape provisions of this chapter.

C. **Waiver of Requirements.** The Planning Commission or Board of County Commissioners may waive the provisions of this chapter, or portions thereof, based upon specific circumstances of the project site and development proposal. The Planning Commission or Board of County Commissioners must be able to find that waiving the requirements will not cause any detriment to the public health, safety, and welfare.

Section 17.508.10 General Provisions.

A. All proposed landscaping, screening, and irrigation system improvements required by this chapter shall be reviewed and approved by the Planning & Building Director to ensure that such improvements will be constructed to county standards and comply with the Development Code and other applicable regulations. Plans shall be prepared, submitted, and reviewed in conformance with Sections 17.508.65 for all required improvements.

B. All proposed landscaping, screening, and irrigation system improvements required by this chapter for all land use types except single family residential shall be designed by a registered landscape architect in the State of Nevada.

C. The developer shall be responsible for the payment of all fees associated with the processing and review of landscape and irrigation plans and the inspection of required improvements.

Section 17.508.15 Water Conservation. To promote the conservation of water through resource-efficient landscaping, the following principles and practices are encouraged when preparing landscaping plans:

A. The preservation and incorporation of existing native species vegetation whenever possible.

B. The reestablishment of native vegetation after construction.

C. Use of plant species well suited for arid climates.

D. Practical turf areas.

E. Use of large shade trees to create a canopy effect.

F. Grouping of plants with similar water requirements.

G. Selective use of shade trees to reduce transpiration rates of vegetation located under the canopy.

H. Use of Xeriscape and hardscape.

I. Use of compost and mulches to a depth of four inches

J. Use of soil amendments.

K. Use of efficient irrigation systems specifically designed to meet plant needs.

L. Installation of permeable hard surfaces to decrease run-off and to increase groundwater recharge and re-use.

M. Appropriate and timely maintenance.

Section 17.508.20 Public Safety. Landscaping shall comply with the following safety requirements:

A. Landscaping elements shall not create a hazard to public health, safety, and welfare.

B. Thorny and/or poisonous vegetation is prohibited along public sidewalks and bicycle paths, and on properties used primarily by children, such as schools, day care centers and nurseries.

C. The height, width, and anticipated future growth of vegetation shall not interfere with or impede the use of a right-of-way or access easement and shall not obstruct any line of sight along roadways.

Section 17.508.25 Minimum landscape requirements. Land uses shall comply with the requirements of this section.

A. Single-family. Individuals constructing a single-family home on private property are exempt from the requirements of this section. All other residential land use types, including single family subdivisions, duplexes, triplexes, and quads shall provide a minimum of 20 percent of the total developed land area with landscaping. Turf shall constitute 50 percent of the required front yard landscaping and include at least two canopy shade tree species with a minimum caliper of 2 ½". Manufactured home park subdivisions shall be landscaped within the required setbacks along the perimeters of the subject property which abut a street(s). The Planning Commission or Board of County Commissioners may require the installation of additional landscaping and/or screening when deemed reasonably necessary to accomplish the intent of this chapter as established by Section 17.508.00.

B. Commercial/Industrial. Each parcel developed shall contain at minimum of two canopy shade trees and ten shrubs for the portion of the lot area not utilized for vehicular use areas. Parking and loading areas shall be screened with a solid decorative wall or fence along portions of the perimeter of the subject property which abut a residential land use. The wall or fence shall be screened with a combination of deciduous and evergreen trees

spaced 1 tree for every 25 feet within the setback along the residential land use edge and adjacent public street(s). The screen shall be six feet in height but may be increased with additional setbacks and Planning & Building Department approval. Wrecking/ Disposal Operations and Salvage/Junk Yards also require a solid wall or fence along the entire perimeter of the subject property and exceed eight feet in height. The Planning Commission or Board of County Commissioners may require the installation of additional landscaping and/or screening for non-residential land uses, when deemed reasonably necessary, to accomplish the intent of this chapter as established by Section 17.508.00.

Section 17.508.30 Landscaping Standards. All required landscaping shall comply with the standards established by this section.

A. All landscape areas shall be completely covered by one or more of the following: trees, shrubs, hedges, living and non-living groundcover and other similar landscaping materials.

B. The county encourages utilizing a mixture of landscaping materials, both living and non-living materials, as well as selecting tree and plant species that are well suited for the local climate and which have similar water use requirements.

C. When more than fifteen (15) trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species shall vary according to the overall number of trees required to be planted. The minimum number of species is indicated below:

Required number of trees	Minimum number of species
16-20	2
21-30	3
31-40	4
41+	5 or more

D. Ground cover may encompass living and non-living materials. Living groundcover includes turf, shrubs, native species, low-growing vines, meadow grasses, perennials, or other similar vegetation. Non-living groundcover includes wood chips, bark, decorative rock, mulch, stone, or other similar materials.

E. Any existing vegetation which is classified as endangered or is otherwise protected by any local, state, and federal regulations shall be preserved and protected. This requirement may be waived as permitted by applicable regulations.

F. Trees, plants, and other landscaping components shall not adversely affect rights-of-ways, easements, utilities, and other infrastructure. To minimize any disturbance with trees planted along sidewalks and other paved areas, the planting area shall be a minimum of 4' x 8' and 24-36" minimum depth.

G. Amended soil shall consist of fertile, friable soil of loamy character that contains organic matter in quantities natural to the local area and be capable of sustaining healthy tree

growth. Tree soil shall be free from deleterious substances and materials including road base, littler, refuse, toxic waste, stones larger than 1" in size, heavy or stiff clay, brush, sticks, roots, weeds, or any other substances detrimental to plant health.

Section 17.508.35 Irrigation Standards. Required irrigation systems shall comply with the requirements of this section.

A. A County-approved backflow prevention device is required to be installed on all irrigation systems. Backflow prevention devices shall be installed on the main line of the system before the control valves.

B. All trees planted in parkways, setbacks, and screening areas are required to identify the dripline ring area for the tree and wrap the first dripline 12" from the tree truck, and a second ring 38" from the tree trunk. A minimum of 10 emitters per tree at 0.90 GPH is required. An expansion dripline with ball valve connected to the dripline ring is require for future/tree maturity. As the tree grows and expands, the dripline must be expanded on both sides of the tree.

Section 17.508.40 Screening Standards. In areas where land development regulations require a landscaped buffer area, the following screening requirements apply:

A. **Permitted Types.** Screening may be provided through one of the following types, or a combination thereof:

1. Decorative walls constructed of block, rock, rock gabion basket, stone, brick, or other masonry material of at least eight inches in width.

2. Decorative, opaque fencing constructed of wood or other building material.

3. Landscaping materials planted to form a screen hedges. Plant screening may only be used when specifically permitted in this chapter, and when used, shall comply with the requirements of subsection B.

4. Tree planting along the perimeter of the project area adjacent to roadways and abutting residential land uses require a tree spacing of one tree for every 25 linear feet. Plantings shall be of a size and type which ensure meeting the eighty (80) percent opacity requirement within no longer than three years of the date of first planting. The Planning & Building Director shall rely on the stamped landscape architect plans to ensure the proposed plant materials will meet this requirement.

5. The remainder of the landscaped buffer area not covered by trees shall be landscaped with ground cover, turf, or other landscape treatment.

6. The landscaped buffer area shall be maintained by the property owner and continued so long as the primary use continues. Failure to maintain the landscaped buffer area as established in this Code shall be a violation of the land development regulations.

7. Chain-link fencing with inserts of wood, metal, or other material to produce an opaque condition is permitted in industrial use types only.

B. **Location and Height.**

1. Screening shall be located to maximize the benefit of the screen.
2. Height of a screen shall be measured from finished grade.

Section 17.508.45 Dust, Erosion and Storm Water Control. Dust, erosion, and storm water control shall be provided to landscaped areas and new development as required by this section.

A. Land clearing shall be minimized as much as possible.

B. To minimize erosion during construction, straw or other appropriate material shall be applied to slopes susceptible to storm water runoff during construction and on graded sites which are vacant prior to construction.

C. The Planning & Building Director, Planning Commission or Board of County Commissioners may require temporary and/or permanent dust control measures during and after construction of new development, if deemed reasonably necessary.

D. Runoff from landscape areas shall be detained or filtered by earth berms, planting strips, catch basins, or other methods to prevent sedimentation from entering and/or obstructing natural and man-made waterways or drainage infrastructure and to prevent deposition on paved areas.

E. No earth, organic or construction material shall be deposited in or placed where it may be directly carried into any natural and man-made waterways or drainage infrastructure.

Section 17.508.50 Maintenance. All landscaping, screening, irrigation systems and related components shall be maintained as follows:

A. All landscaping, screening, irrigation systems, and related components shall be maintained to comply with the requirements of this chapter as long as the use continues. Maintenance shall be the responsibility of the property owner and subsequent property owners as applicable. Failure to maintain the landscaping as required in this chapter will be a violation of the land development regulations.

B. Maintenance of vegetation and planting areas encompasses routine watering, pruning, fertilization, clearing of weeds, litter, and debris, and otherwise cared for to sustain healthy, disease and pest-free conditions that promote a pleasing aesthetic appearance. Vegetation which has suffered from a lack of maintenance and is no longer living or critically damaged shall be fully replaced at the cost of the property owner.

Section 17.508.60 Defensible Space. The county encourages the creation and maintenance of defensible space around homes and other structures to aid in the prevention of wildfire damage. "Defensible space" refers to the area surrounding a house where vegetation and other flammable materials has been managed to reduce the risk of wildfire and to allow firefighters to safely defend the structure.

Defensible space can be created by performing the following steps:

Step 1: **Determine the size of an effective defensible space.** The size of the defensible space zone is based upon the steepness of the slope and the types of vegetation surrounding a home. A defensible space zone extending at minimum of 30 feet to 100-200 feet if the home borders heavy wild land fuels is recommended. The size of the zone may need to be increased based upon specific site conditions. See below for additional information on determining the size of an appropriate defensible space zone.

Step 2: **Remove dead vegetation and other combustible materials.** The following should be completed to remove fire fuel from the defensible space zone:

- Dead and dying trees, limbs, and shrubs.
- Dead leaves, needles, bark, cones, branches, twigs, grass, weeds, and other debris.
- Roofs and gutters should be kept clear of flammable debris.
- Clear all flammable vegetation from within 10 feet of propane tanks.
- Other combustible material, such as stacked firewood.
- Trees or limbs which overhang the home or are within 15 feet of the structure or chimney outlet should be heavily pruned or removed.
- Trees or limbs within 15 feet of overhead utility lines should be removed by contacting the telephone or power company for removal.

Step 3: **Create horizontal separation between shrubs and trees.** Horizontal separation between shrubs and trees helps to prevent a wildfire from spreading. Dense stands of trees and shrubs within the defensible space zone create a significant risk and should be thinned to create separation. See below for additional information on creating horizontal separation.

Step 4: **Create vertical separation between tree branches and lower-growing plants.** Vertical separation between tree branches and lower-growing plants helps to prevent to a wildfire from burning into tree canopies. Trim lower tree branches, shorten the height of shrubs and remover lower-growing plants to create vertical separation between different types of vegetation. See below for additional information on creating vertical separation.

Step 5: **Create a Lean, Clean, and Green Area extending at least 30 feet outward around the home.** The purpose of the Lean, Clean and Green Area is to eliminate easily combustible fuels near the home and, if a fire does start near the home, to keep the fire intensity low to prevent the home from catching fire. This area is typically the landscaped area around the home. In the Lean, Clean and Green Area:

- Remove flammable wild land vegetation and other easily ignitable materials.
- Select fewer flammable plants for landscaping. When selecting plants, choose those which are shorter rather than taller, green, and herbaceous rather than woody, and deciduous rather than evergreen.
- Utilize hard surfaces, such as concrete, brick, pavers, or rock mulch.

– Create a noncombustible area within three feet of the home where most or all combustible materials have been removed.

Step 6: **Maintain the Defensible Space Zone.** Perform ongoing maintenance of the defensible space zone by utilizing the first five steps before and during the fire season each year.

Additional Information. The information provided in this section does not represent a complete guide to creating adequate defensible space. More detailed information should be obtained. Additional information can be obtained from various public programs and agencies, including the Living with Fire Program, the Nevada Fire Safe Council, the Nevada Division of Forestry, the United States Forest Service, the Bureau of Land Management, and others. Residents may contact the Planning Department Office for contact information or assistance obtaining additional information.

Sources: The information in this section was obtained from the Living with Fire Program; California Department of Forestry and Fire Protection.

Section 17.508.60 Landscape and Irrigation Plans. Landscape and irrigation plans shall be prepared and submitted with the permit application for all projects which landscaping is required.

A. **Information Required.**

1. Project type (i.e., new residential, new non-residential, rehabilitated, etc.)
2. Total landscape area in square feet including a breakdown of the area dedicated to turf, hardscape, and live plant material.
3. Water support type (i.e., potable, recycle, well) and the water purveyor if not served by a private well.
4. Proposed plant locations, species, sizes, and water use needs (e.g., low, medium, or high).
5. Proposed irrigation system and its related components designed to avoid runoff, low head drainage, over spray, or other similar conditions and which accommodates for the proper installation, management, and maintenance of landscaping.
6. Location of any existing trees over six inches in caliper, and whether the tree is proposed for retention or removal.
7. Location and type of any existing and/or proposed hardscape.
8. Identify the soil amendments, type, and quantity.
9. Identify the type of mulch and application depth for all trees.
10. The Planning Director may require additional information to be included, as deemed necessary, for review of the plans.

B. **Additional Requirements.**

1. Plans shall be prepared by a landscape architect registered in the State of Nevada or other person permitted to prepare landscape plans pursuant to NRS chapter 623A.
2. Plans shall comply with all applicable local, state, and federal regulations.
3. Plans shall be reviewed and approved by the Planning & Building Director prior to approval of the development proposal or issuance of a building permit. The Director may require review and approval of the plans by other parties, such as the County Building Department or the County Engineer, if deemed necessary.
4. The Planning Director may allow different types of plans to be combined on the same sheet(s) so long as all information necessary for review of the development project is included and is shown in a clear and distinguishable manner.
5. Information shown on plan sheets shall be clearly and neatly drawn to the same scale utilizing a commonly used scale (i.e., 1 inch = 20 feet or ¼ inch = 1 foot).
6. Plans shall be prepared on durable paper with permanent black ink. Each sheet shall be 24 inches by 36 inches in size. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom, and right edges, and of two inches at the left edge along the 24-inch dimension.

C. **Information Required on Each Sheet.** The following information, at a minimum, shall be shown on each plan sheet:

1. North arrow.
2. Scale (numeric and bar).
3. Title block, which contains project name, developer, property owner(s), and type of design shown on the sheet.
4. Name and contact information of firm responsible for preparing the plans.
5. Name, signature, and stamp of the Nevada registered landscape architect (or other person permitted to prepare landscape plans pursuant to NRS 623A) responsible for preparing the plans.
6. Date of plans.
7. Sheet number and reference to total number of sheets.
8. Information which indicates the relationship of the sheet to adjoining sheets.
9. A legend providing definitions and descriptions of symbols used, as necessary.
10. Signature block for County approval, on the first plan sheet only.
11. Revision block for revised sheets, when applicable, which contains revision number, date of revision, initials of design professional, description of plan changes, and signature block for county approval.

D. **Site Plan.** A site plan shall be included which provides the following information at a minimum:

1. Existing and proposed property boundaries, rights-of-way, and easements.
2. Topographic information showing final site grading and drainage.
3. Existing and proposed buildings, structures, and other significant site improvements.
4. Existing natural features which will impact the project design.
5. Walls, fences, and other types of screening, with dimensions and details.
6. Buildings, structures, and other significant site improvements on abutting properties within 30 feet of the property boundaries.
7. Overhead, ground-mounted, and underground utilities, equipment, and infrastructure.
8. Impervious surface areas, including but not limited to streets, driveways, sidewalks, parking areas and building footprints.

E. **Planting Plan.** A planting plan shall be included which provides the following information at a minimum:

1. Location, common and botanical names, planting size and mature size, and spacing of proposed trees and shrub plantings.
2. Location, common and botanical names, and area of proposed turf areas.
3. Indication of plantings to be utilized for slope protection and erosion control.
4. Location, size, and common and botanical names of all existing vegetation including trees that are proposed to remain.
5. Existing vegetation and natural features on abutting properties within 30 feet of the property boundaries.
6. The location and area of impervious areas.
7. Plant list in tabular format which provides the following information for all proposed trees and plants:
    a. Common and botanical name.
    b. A key number or identifying symbol assigned to each plant type.
    c. Quantity to be used.
    d. Planting size and mature size.
    e. Spacing.
8. Details for planting, staking, soil amendments or other additional information as necessary.

F. **Irrigation Plan.** An irrigation plan shall be included which complies with the following requirements:

1. Irrigation plans shall follow the most current plumbing code adopted by the county.
2. Information must be provided for both permanent and temporary irrigation systems.
3. Irrigation plans shall provide the following information at a minimum:
    a. All irrigation system components, including but not limited to pipes, valves, sprinkler heads, emitters/bubblers, controllers, backflow preventors, hydrants, meters.
    b. The location, type, size, dimensions, and specifications shall be indicated for these components as applicable.
    c. The point of connection and available water pressure.
    d. The maximum demand of the system in gallons per hour (gph) or gallons per minute (gpm).

G. **Submittal Requirements.** The following items shall be submitted to the Planning & Building Department to begin review of landscape and irrigation plans:

1. Copies of the plans and accompanying materials, of the size and number required by the Planning & Building Director.
2. Performance bond estimate prepared by the design professional responsible for preparation of the plans.
3. Payment of all required fees associated with the processing and review of the plans, as established by the county and other entities that shall review the plans.
4. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the plans.

Review of landscape and irrigation plans shall not begin until the submitted materials are deemed complete by the Director.

H. **Review Procedures.** Landscape and irrigation plans shall be reviewed in accordance with the following:

1. **Review for Completeness.** Upon receipt of plans and accompanying materials, the Planning & Building Director shall have 15 working days to review the materials received and accept or reject the plans as complete. If the plans are found to be incomplete, they will be returned to the applicant and/or the applicant will be notified of any additional information needed.
2. **Review by County.** Following acceptance of a complete set of plans, the plans will be reviewed by the Planning & Building Department. The plans shall be checked for errors to ensure accuracy and compliance with the Development Code and other applicable regulations. If deficiencies are determined, corrections or changes will be required. The applicant will be responsible to notify the design professional responsible for required

corrections or changes. The plans shall be revised and re-reviewed until approved by the Planning & Building Director.

The Planning & Building Director may cause the plans to be reviewed by other entities, such as the County Building Department or County Engineer, as deemed necessary.

3. **Final Review and Approval.**

    a. Upon making all corrections and changes as required by the county, the developer shall submit a revised copy of the improvement plans to the Planning & Building Department for final review and approval. The plan set shall be signed and stamped by the design professional responsible for their preparation.

    b. The revised plans shall be reviewed by the Director to ensure that all required corrections have been made.

    c. Upon determining the plans are correct; the Planning & Building Director shall approve the plans by signature.

    d. At least one copy of the approved plans with approval signature shall be returned to the applicant/developer.

Section 17.508.65 Inspection and Bonding of Improvements. To ensure proper installation and completion of required landscaping, screening, or irrigation improvements, the county may require inspection and bonding of such improvements in accordance with this section.

A. Improvements which are required as part a building permit shall be completed prior to issuance of a certificate of occupancy, unless bonding has been submitted to the county pursuant to subsection C.

B. Improvements which are required as part of a subdivision, parcel map, or special use permit shall be bonded pursuant to subsection C. This bond may be submitted along with other performance bonding which may be required for other public improvements.

C. If required, a developer shall provide a performance bond to the county to ensure that required improvements are completed and constructed to county standards. Performance bonds shall comply with the provisions of this subsection.

    1. The amount is sufficient to ensure all improvements are completed and constructed to county standards.

    2. The amount shall be determined by the Planning & Building Director. In making the determination, the Director shall consider the bond estimate submitted by the design professional with the landscape and irrigation plans.

    3. The amount shall equal at least 110 percent of the total cost to install all improvements, as shown on the approved plans.

    4. The submitted form is approved by the District Attorney.

5. The performance bond shall be held by the county during the construction of the required improvements. If the developer fails to complete the improvements, the county may use the performance bond to fund the completion of such improvements. Upon completion, inspection, and acceptance of all improvements, the total amount or remaining balance (if any) shall be refunded to the developer.

D. **Inspections.** The Planning & Building Director or his designated representative may conduct inspections of any improvements required by this chapter to ensure that such improvements follow the Development Code and other applicable regulations. If it is determined that the improvements do not comply with applicable regulations, the Director may delay issuance of a certificate of occupancy or release of the performance bond until any issues are satisfactorily mitigated. If it is determined that the improvements are not in compliance, the developer shall be notified in writing of the deficiencies and the action which must be taken to successfully mitigate them to the satisfaction of the county.

CHAPTER 510
FLOOD PROTECTION STANDARDS

SECTIONS:

17.510.00 Purpose
17.510.05 Applicability
17.510.10 Disclaimer of Liability
17.510.15 Permit Required
17.510.20 Letter of Map Amendment
17.510.25 Application Requirements for Permit
17.510.30 Owner/Developer Responsibilities
17.510.35 County Responsibilities
17.510.40 Flood Zone Requirements
17.510.45 Automatic Equalization of Hydrostatic Flood Forces
17.510.50 Prohibited Uses in Floodplains
17.510.55 Appeals

Section 17.510.00 Purpose. The purpose of Chapter 510, Flood Protection Standards, is to establish guidelines and requirements for the development of property within areas determined to be subject to flooding and potential flood damage.

Section 17.510.05 Applicability. The provisions of this chapter shall apply to all unincorporated areas of Pershing County identified on the Flood Insurance Rate Maps (FIRM) or Floodway Maps as promulgated by the Federal Emergency Management Agency (FEMA) and determined to be within the Floodway and Floodway Fringe districts as defined in this Development Code.

Section 17.510.10 Disclaimer of Liability. The provisions of this sub-section do not imply or otherwise warrant that areas outside of the Floodway and Floodway Fringe districts or land uses permitted in the districts will be free from flooding or flood damage nor does this code create liability on the part of Pershing County, its officers, or employees for any flood damages that may result from reliance on these floodplain management provisions, FEMA, or any regulations or administrative decision made hereunder.

Section 17.510.15 Permit Required. In all areas covered by these floodplain management provisions, no development or construction, including the placement of manufactured homes, located, extended, converted, structurally altered, or otherwise shall be permitted except upon issuance of a permit by the county granted under these procedures:

A. No person, firm, or corporation shall initiate any development, construction, or substantial improvement within a designated floodplain without first obtaining a separate permit for development under provisions of this chapter and in compliance with FEMA regulations.

B. Development shall be restricted and/or significantly limited in a floodplain and shall require engineered flood proofing of all residential, commercial, industrial, and other uses.

    1. No development shall be allowed in a designated floodway district.

    2. The extent of 100-year flood inundation area shall be shown on the plat based on a final drainage study conducted by registered engineer in the State of Nevada.

Section 17.510.20 Letter of Map Amendment. An owner or developer of property who believes the property to be inappropriately designated as being in a flood hazard area on the Flood Insurance Rate Maps may appeal to the Federal Emergency Management Agency (FEMA).

A. **Appeals Procedure.** All appeals must be submitted to the Planning & Building Director for review. The Director shall transmit the appeal to the Federal Emergency Management Agency for consideration. All appeals must include the provisions set forth in this subsection and FEMA regulations current at the time of application.

    1. A stamped copy of the recorded plat of the property showing official recordation and proper citation, or a photocopy of the property's legal description as shown on the recorded deed (e.g., lot, block, and plot number, etc.), together with a photocopy of the appropriate page of the County Assessor's parcel map.

    2. A copy of the Flood Insurance Rate Map (FIRM) with the location of the property identified.

3. Certification by a Nevada Registered Civil Engineer or surveyor stating:

4. The type of structure.

5. The elevation of the lowest adjacent grade (LAG) to the structure, which must be above the base flood elevation.

6. The elevation of the top of the lowest floor.

7. When appealing the elevation or boundaries of the base flood, a comprehensive technical hydrological study prepared by a registered engineer of the state of Nevada will be required to support the appeal.

8. A signed copy of the statement asserting the accuracy of the information submitted on the form entitled "Request for Letter of Map Amendment."

B. **Letter of Map Amendment.** If the appellant shows that the lowest adjacent grade (LAG) is higher in elevation than the base flood and that the elevation of the base flood or its boundaries are incorrect, the Federal Emergency Management Agency will provide the property owner with a Letter of Map Amendment (LOMA) which will exempt the property from the requirements of this article, and which may exempt the owner from the mandatory purchase of flood insurance.

Section 17.510.25 Application Requirements for Permit. All written applications for development or substantial improvement in a floodplain district shall comply with the following requirements.

A. Provide a description of the proposed development including intended use and occupancy, land area, street address and Assessor's parcel number.

B. Attach the plans and specifications for proposed construction.

C. Signed permit application by the permittee or authorized agent responsible for submitting evidence supporting the development or substantial improvements in the floodplain district.

D. Tender other information requested by an Enforcement Officer or as required under any part of this Code, including, but not limited, to evidence of compliance with FEMA regulations or guidelines for anchoring to prevent flotation and lateral movement, the use of flood resistant materials and utility equipment and construction methods which minimize flood damage.

Section 17.510.30 Owner/Developer Responsibilities. The responsibilities of the owner/developer as set forth herein.

A. **Information Requirements. A**ll information required within this subsection shall be submitted to the Planning & Building Department.

1. The elevation of the base flood at each site proposed for development within a flood hazard area.

2. In Zones AE and AH, proposed elevation in relation to mean sea level of the top of the lowest floor of all structures, certified by a Nevada Registered Civil Engineer or Professional Land Surveyor. In Zone A and Zone AO, elevation of highest existing grade and proposed elevation of the top of the lowest floor of all structures.

3. Proposed elevation in relation to mean sea level to which any structure will be flood proofed, certified by a Nevada Registered Civil Engineer or Professional Land Surveyor.

4. Certification by a Nevada registered engineer that the flood proofing methods used for any nonresidential structure meet the flood proofing criteria in Section 17.510.40.

5. Plans for any watercourse proposed to be altered or relocated, which must be designed by a Nevada registered engineer in conformance with the requirements of Pershing County. The flood carrying capacity of the unaltered watercourse shall be maintained in the altered watercourse.

6. An operation and maintenance plan for any acceptable flood protection measures (e.g., levees, culverts, dams, dikes, reservoirs).

B. **Permit Requirement.** The owner or developer shall obtain all applicable permits from the State of Nevada Division of State Lands, Nevada Division of Environmental Protection, and all other state and federal agencies. Permits must be obtained before altering or relocating any waterway under the jurisdiction of such agency. A copy of the permit will be provided to the Planning & Building Department.

C. **Certification Requirements.** The owner or developer is responsible for compliance with all provisions of this chapter. The owner or developer shall provide an "as-built" certification of the elevation requirements, or if flood proofing is a permissible means of compliance, shall provide an "as-built" certification of the flood proofing requirements for any applicable nonresidential structure. The certifications shall be prepared by a Nevada Registered Civil Engineer or Professional Land Surveyor and provided prior to issuance of a Certificate of Occupancy. Certification requirements as required in this article shall be provided on a FEMA "Elevation Certificate" form. The signing of the Elevation Certification by a Nevada Registered Civil Engineer or Professional Land Surveyor constitutes the signatory's assurance that compliance with all requirements of this article have been met.

Section 17.510.35 County Responsibilities. The Planning & Building Director is hereby designated as the Enforcement Officer for compliance under these floodplain management provisions and FEMA regulations. The duties of the Enforcement Officer shall include, but not be limited, to the following:

A. Review of all development permit applications to ensure sites are reasonably safe from flooding and the requirements of this Section and others in this code have been satisfied.

B. Review of all development permits to confirm necessary approvals have been obtained from those federal, state, or local governmental agencies as required.

C. Provide evidence to FEMA that the adjacent communities and the State of Nevada Division of Water Resources were notified prior to any alteration or relocation of a watercourse.

D. Ensure that the flood-carrying capacity is not diminished by requiring maintenance be provided within the altered or relocated portion of the watercourse.

E. Require verification, recording, and updating of records of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, using reference marks ("RM") established by FEMA.

F. Require verification, recording, and updating of records of the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood proofed and certified by a qualified individual as defined by FEMA when flood proofing as defined herein is utilized for a particular structure.

G. Act necessary to assure compliance with FEMA regulation in the granting or denial of applications for any permits in the Floodway and Floodway Fringe districts.

H. Require proposals for subdivision (including manufactured home subdivisions and parks) and other new development are consistent with the need to minimize floor damage and that:

1. All public utilities and services including sewer, water, gas, and electric are located, elevated, and constructed to minimize or eliminate damage from floods.

2. Adequate drainage is provided for the purpose of reducing exposure to flood hazards.

3. Regulatory flood elevations utilizing FEMA "RM" are included in all proposals for all development.

Section 17.510.40 Flood Zone Requirements. In all flood hazard areas, elevation and flood proofing standards shall be in accordance with the provisions of this section. Elevations shall be certified by a Nevada Registered Civil Engineer or Professional Land Surveyor.

A. **Zones AE and AH Requirements.** In Zones AE and AH, new construction and substantial improvement of any structure shall have the top of the lowest floor (including basement floor) elevated to one foot or more above the base flood elevation. Nonresidential structures must meet the standards in subsection F of this section.

B. **Zone AO Requirements.** Zone AO include areas subject to alluvial fan flooding. This zone has irregular flow paths that result in erosion of existing channels and the undermining of fill material. In Zone AO, these provisions shall be met:

1. All structures must be securely anchored to minimize the impact of the flood and sediment damage.

2. New construction and substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to at least one foot above the depth

number specified on the Flood Insurance Rate Maps. Nonresidential structures must meet the standards in subsection F of this section.

3. Use of all fill materials must be armored to protect the material from the flood flow velocity.

4. All proposals for subdivision must provide a mitigation plan that identifies the engineering methods to protect structures from erosion and scour caused by the velocity of the flood flow and capture or transport flood and sediment flow through the subdivision to a point of deposition that will not create a health or safety hazard.

C. **Zone A Requirements.** In an unnumbered Zone A, new construction or substantial improvement to any structure shall have the top of the lowest floor (including basement floor) elevated to either of the standards in this subsection. Non-residential structures must meet the standards of subsection F of this section.

1. A height of at least two feet above the highest adjacent undisturbed ground elevation if no base flood elevation has been determined.

2. A height of at least one foot above the base flood elevation as determined by a Nevada State registered engineer's hydrological study provided to the Planning & Building Department by the owner or developer.

D. **Fabricated Housing Requirements.** All fabricated housing, as specified in Chapter 17.308, Fabricated Housing, and additions to fabricated homes shall be constructed using methods and practices in conformance with subsection A, B, or C of this section to minimize flood damage. Fabricated homes will be set on a securely anchored permanent foundation system to resist flotation, collapse, and lateral movement. A Nevada state registered engineer shall design the foundation.

E. **Recreational Vehicle Requirements.** All recreational vehicles placed on sites within Zones, A, AH, AE and AO shall meet the following requirements:

1. Remain on-site no more than 30 consecutive days in a single calendar year. Movement or relocation of the RV shall not restart the specified time period.

2. Maintain required licensing and ready for highway use.

F. **Nonresidential Requirements.** Nonresidential construction shall either be elevated in conformance with subsection A, B, or C of this section or together with attendant utility and sanitary facilities, be flood proofed to the same appropriate elevations as the top of the lowest floor elevations as indicated in subsection A, B, or C of this section. A Nevada registered engineer shall design all flood proofing measures. Examples of flood proofing include, but are not limited to, the following:

1. Watertight doors, bulkheads, and shutters installed throughout.

2. Reinforced walls to resist hydrologic pressure.

3. Application of paints, membranes, or mortars to reduce seepage through walls.

4. Addition of mass or weight to the structure to resist flotation.

5. Armored protection of all fill areas on site from scour and erosion.

Section 17.510.45 Automatic Equalization of Hydrostatic Flood Forces. For all new construction or substantial redevelopment, fully enclosed areas below the lowest floor that may be subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. All design and engineering requirements to satisfy this requirement shall be certified by a registered professional engineer or registered architect and satisfy the following criteria:

A. Minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed constructed area shall be provided.

B. The bottom of all openings shall be no higher than one foot above grade.

C. Openings may be equipped with screens, louvers, or other coverings or devices provided they permit the automatic entry and exit of floodwater.

Section 17.510.50 Prohibited Uses in Floodplains. The following uses shall not be permitted in a floodplain:

A. Storage, transfer, or disposal of hazardous substances.

B. Landfills.

C. Livestock operations.

D. RV or manufactured home parks.

Section 17.510.55 Appeals. Appeals shall be as set forth in this section.

A. Appeals for Variances. The Board of County Commissioners shall hear and decide appeals for variances from the requirements of this sub-section.

B. Appeals for Errors. The Board of County Commissioners shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination.

C. Appeals Considerations. The Board of County Commissioners shall consider all technical evaluations, relevant factors, and standards specified in other Sections of this code, and the provisions of this subsection in considering an appeal:

1. The danger that materials may be swept onto other lands to the injury of others.

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

3. The susceptibility of the proposed land use to flood damage and the effect of such damage on the individual owner.

4. The importance of the services provided by the proposed land use to the community.
5. The necessity to the proposed land use at a waterfront location, where applicable.
6. The availability of alternative locations for the proposed land use in an area not subject to flooding or erosion damage.
7. The compatibility of the proposed land use with existing and anticipated development.
8. The relationship of the proposed land use to the comprehensive floodplain management program for that area.
9. The safety of access to the property in times of flood for emergency vehicles.
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site.
11. The costs of providing governmental services during and after a flood event including maintenance and repair of public utilities and services (sewer, water, gas, electric, roads, and bridges).

CHAPTER 512
STORM DRAINAGE STANDARDS

SECTIONS:

17.512.00 Purpose
17.512.05 Applicability
17.512.10 Relation to Other Standards
17.512.15 Authorization of Alternative Standards
17.512.20 General Requirements
17.512.25 Drainage Report Contents
17.512.30 Storm Drainage and Grading Plans
17.512.35 Design/Improvement Requirements
17.512.40 Easements
17.512.45 Maintenance and Repair

Section 17.512.00 Purpose. The purpose of Chapter 512, Storm Drainage Standards, is to promote the public health, safety, and welfare by establishing guidelines and requirements for managing stormwater, protecting surface water from contamination, and minimizing the loss of wildlife by preserving habitat and linkages between habitat areas.

Section 17.512.05 Applicability. The provisions of this chapter shall apply to public and private improvements for projects including, but not limited to, the following:

A. **Projects that require an engineered Drainage Report.**

1. Public Works.
2. Subdivisions.
3. Projects within or abutting a floodplain, stream, lake, or major drainage facility.

B. **Projects that may require an engineered Drainage Report but also may require any of the following.**

1. Site plan review.
2. Special use permit.
3. Building permit.
4. Grading permit.
5. Parcel maps.

Section 17.512.10 Relation to Other Standards. The standards set forth in this chapter shall be used in conjunction with the latest edition of the *Standard Specifications for Public Works Construction* and the *Standard Details for Public Works Construction* (Orange Book), and the American Association of State Highway Transportation Officials' (AASHTO) guidelines.

Section 17.512.15 Authorization of Alternative Standards. In instances where unique situations necessitate the application of storm drainage and flood control design and systems not provided in this chapter, the following provisions apply:

A. **Accepted Engineering Practices.** Any storm drainage or flood control systems not allowed by these standards shall be designed in accordance with accepted engineering practices, the *Standard Details for Public Works Construction,* and shall be subject to the approval of the County Engineer.

B. **Alternative Standards.** The County Engineer may, at his or her discretion, authorize alternative standards not covered in this article, subject to the following:

1. The alternative standards shall be equivalent to the design requirements as set forth in Sections 17.512.20, 17.512.30, and 17.512.35.
2. The alternative standards shall not be used for purposes of mere convenience or economy unless the alternative has a demonstrated equal or better function and/or quality.

Section 17.512.20 General Requirements. The requirements set forth in this section shall apply to all new development and substantial modification subject to this chapter.

A. **Required Drainage Report.** Unless waived by the County Engineer or the Board of County Commissioners, all applicants shall submit for approval a Drainage Report signed and stamped by a Nevada Registered Civil Engineer in accordance with the provisions of this chapter and other applicable County regulations. The Drainage Report shall be based on the regulatory land uses permitted in the Master Plan, existing uses, or the Storm Drainage Master Plan, whichever document and subsequent analysis produces the greater runoff flow rate. Flows shall be based on the latest edition of NOAA Atlas rainfall data pertaining to Pershing County.

B. **5-Year Runoff Improvements.** When a Drainage Report indicates that the 5-year storm runoff from a proposed development cannot be handled by the existing storm drain system, the applicant shall be responsible for accomplishing one or more of the following, as determined by the County Engineer:

   1. Upgrade the existing off-site system to accommodate the runoff.

   2. Provide on-site detention and controls for acceptable discharge into the off-site system(s).

   3. Provide an on-site retention/infiltration system designed by a Nevada Registered civil engineer that accommodates runoff from the proposed development. The operation and maintenance of the on-site system shall be the responsibility of the property owner.

C. **100-Year Storm Runoff Improvements.** The provisions of this section shall govern 100-year storm runoff improvements.

   1. Discharge of the 100-year frequency stormwater into a major drainage facility or natural drainageway shall not increase the existing peak flow of storm drainage runoff in the drainage facility or natural drainageway, except as provided in subsection C.2. of this section.

   2. The County Engineer may allow an increase in peak flow from the 100-year storm event if a Nevada registered civil engineer provides documentation in the Drainage Report that any increase in peak flow will not adversely affect or cause damage to any property along the existing drainage facility or natural water course, now or in the future, based on the existing and proposed land uses allowed in the Master Plan, whichever is more restrictive.

D. **Natural Water Facilities.** Development of property shall not adversely affect any natural drainageway or water course and shall be subject to the following provisions:

   1. Natural facilities shall remain in as near a natural state as is practicable with any modification proposed including erosion mitigating measures, addressed in the Drainage Report and drainage plans.

   2. When the flows, velocity, or side slope as determined by the Drainage Report indicates a hazard, the applicant shall provide fencing in accordance with county standards.

E. **On-Site Facilities.** All drainage relating to the proposed development shall be collected on-site by facilities that accommodate, at a minimum, the storm drain waters for the 5-year return frequency storm flow, both entering the site and generated on-site. The drainage shall be piped in accordance with county standards to an existing public storm drain system capable of handling the additional flow, major drainage facility, or natural watercourse. A major drainage facility is a channel or drainageway that has a storage basin of 100 acres or more.

   1. Whereby reason of terrain or other circumstances, the County Engineer or County Commission determines that piping storm drain waters is inappropriate or unnecessary, alternative methods may be approved in lieu of piping, including methods pursuant to the provisions set forth in Section 17.512.15 to facilitate transporting such waters.

   2. Easements to access and accommodate stormwater flow across private property shall be provided as set forth in Section 17.512.40.

F. **Detention.** On-site detention requirements for the 5-year and 100-year event are as follows:

   1. For a 5-year event, detention of the difference in runoff between the developed and undeveloped conditions shall be required if the capacity of the downstream storm drainage facilities will be exceeded.

   2. For a 100-year event, detention of the difference in runoff between the developed and undeveloped conditions may be required if the capacity of the downstream storm drainage facilities will be exceeded.

G. **Wetlands.** When the U.S. Army Corps of Engineers (USACE) has determined there are wetlands on a proposed site, a wetlands delineation map approved by the USACE must be submitted to the Department of Planning & Building in conjunction with approval of a 404 Permit from the USACE.

H. **Waters of the State of Nevada.** Any work which requires fill to be placed within the "Waters of the State of Nevada" shall receive permission from the Nevada Division of Environmental Protection prior to commencing construction. The Planning & Building Department shall receive a copy of this approval prior to issuance of any permit.

I. **Construction within a 100-Year Floodplain.** Embankments or other structures shall not be placed within a 100-year floodplain, as determined by the most recent hydrologic study approved by the County Engineer. If the county approves the request, embankments or other structures shall be constructed in accordance with the standards specified in Section 17.512.70. Development within areas shown on the Flood Insurance Rate Map (FIRM) shall comply with Chapter 17.510, Flood Protection Standards.

J. **Discharge Across Property Lines.** Surface drainage from a developed area shall not cross any property line except by way of a natural watercourse, major drainage facility, approved drainage system within a public storm drain easement, or permanent surface drainage easement. The County Engineer shall approve the manner of discharge.

Discharge must produce no significant adverse impacts to the downstream property. Surface flows may traverse property in historic drainage ways and in a similar manner and quantity (or less) as the pre-developed conditions.

K. **Extension of Storm Drain Facilities.** Storm drain facilities shall be extended from new development to adjacent undeveloped properties for future extensions in accordance with approved drainage plans.

L. **Adjoining Property Surface Drainage.** Existing surface drainage from adjoining property shall be perpetuated through a development unless other means of disposal acceptable to the County Engineer are used.

M. **Irrigation Water.** Irrigation water not controlled by a ditch or utility company and storm drain waters shall be conveyed by separate systems.

Section 17.512.25 Drainage Report Contents. Drainage Reports shall contain the contents set forth in this section.

A. **Title Page.**

1. Project name.
2. Preparer's name, firm, and date.
3. Professional Engineer's Stamp and signature.

B. **Introduction.**

1. Project description, physical address, Assessor's parcel number(s), section reference, and adjacent regulatory land uses and/or existing developments.
2. Topography, ground cover, irrigation ditches, drainage facilities, flood hazard areas, and other site conditions. Maps shall be used to complement and clarify the project.
3. Previous studies relevant to the site.

C. **Pre-development Drainage System.** The Drainage Report contents shall include a discussion of the pre-development drainage system:

1. Major basins (100 acres or more), including relationship to major drainage facilities and major basin drainage characteristics (topography, runoff, cover, use, erosion).
2. Sub-basin and site drainage, including 5-year and 100-year storm flows for each sub-basin affecting the site, existing drainage patterns, channeled or overland flow, points of entrance and discharge, and effect of historic flows on adjacent properties. All items listed in this subsection, excluding the effects of historic flows on adjacent properties, may be tabulated on a map.

D. **Proposed (Developed) Drainage System.** At a minimum, the following information regarding the proposed drainage system shall be provided in the Drainage Report. Maps shall be used to complement and clarify the project description.

1. Size of major basins and tributary sub-basins, hydrologic method used for analysis (Rational, Soil Conservation Service or Hydrologic Engineering Center), and design storm intensities for 5-year and 100-year events.

2. Runoff analysis based on the latest edition of the NOAA Atlas rainfall data pertaining to Pershing County, including pre-development storm flow rates and paths, and developed storm flow rates and paths for 5-year and 100-year storms.

3. Design of the storm drain system to pass the 5-year storm, including all downstream improvements, with an overland system to pass up to the 100-year storm, verified storm flows from inlets to ultimate outlets of the drainage system.

4. Detention/retention/infiltration information for the 5-year and 100-year events may be required based on limiting conditions downstream. For example, if the off-site piped system cannot pass the 5-year storm, the portion of the 5-year storm flow exceeding the capacity of the downstream drainage facilities shall be detained on-site. If the off-site overland flow facilities cannot pass the 5-year [up to the 100-year] storm, on-site detention for all storms exceeding that capacity shall be provided. Required Information includes:

    a. Detention/retention/infiltration volume.

    b. Release rates and methods.

    c. Passage of storms exceeding the 5-year up to the 100-year storm.

    d. Emergency overflow provisions which will not cause a direct impact to neighboring sites.

    f. A detailed description provided by a Nevada Registered Civil Engineer of all downstream constraints, design calculations, and mitigation recommendations.

    Detention area(s) clearly identified in preliminary or schematic plan and the necessary area(s) identified on preliminary and final plans.

5. For 5-year and 100-year events, show the depth and velocity of flow on surrounding streets and the supporting drainage system on all maps.

6. The type, depth, and velocity of open channel flow shown on plan maps.

7. Storm drains and culvert layouts and supporting data shown on plan maps.

E. **Areas with Flood Hazard Zone.** Where the proposed development is located within a flood hazard area or limited flooding area as defined in Chapter 17.510, the following information shall be documented in the drainage report:

1. Impacts.

2. Protection.

3. Compliance with Federal Emergency Management Agency requirements and Chapter 17.510, Flood Protection Standards, of this Development Code.

F. **Conclusions.** The Drainage Report shall discuss the following with respect to the proposed drainage system improvements:

1. **Benefits.**

2. **Adverse effects with mitigation measures**.

G. **Drainage Report Appendices.** The Drainage Report shall include the following information in the Appendices.

1. **Computations.** Hydrologic and hydraulic computations including:

a. Off-site and on-site historic runoff.

b. Off-site and on-site developed runoff.

c. Detention/retention/infiltration for up to the 100-year storm.

d. Hydraulic grade line (HGL) for 5-year storms and 100-year storms.

2. **Site-Location Map.** Site location map on a USGS map, at a scale appropriate to show relation of site to major drainage basin(s) and sub-basins(s), showing flood hazard areas and 100-year flood plains, if applicable, and off-site flows through project.

Section 17.512.30 Storm Drainage and Grading Plans. Storm drainage and grading plans shall be prepared and reviewed in accordance with the applicable provisions of Chapter 17.618, Improvement Plans.

Section 17.512.35 Design/Improvement Requirements. Design and improvement requirements for storm drainage systems shall be in accordance with this section.

A. **Minimum Pipe Diameter.** Minimum pipe diameter for any public storm drain shall be 12 inches.

B. **Drainage Channel Lining.** Lining for drainage channels shall conform to the requirements of this subsection.

1. Design velocity less than six feet per second (FPS), the following standards apply:

a. Channel lining shall be a non-eroding, long-life, low maintenance material as approved by the County Engineer.

b. Side slopes shall be a maximum of three horizontal to one vertical proportion (3:1) unless otherwise approved by the County Engineer.

2. Design velocity between 6 and 10 FPS, the following standards apply:

a. Channel lining shall consist of loose rock rip-rap size for design velocity.

b. Side slopes shall be a maximum of two horizontal and one vertical proportion (2:1).

3. Design velocity greater than 10 FPS, the channel lining shall consist of concrete or an engineered equivalent.

4. Access roads to the maintain the storm drainage facility shall be constructed when required by the County Engineer.

C. **Corrugated Metal and Plastic Piping.** Corrugated metal pipe or thermoplastic pipe for public improvements may be used only when approved by the county Engineer. Corrugated metal pipe is not acceptable for county-owned storm drain systems. Thermoplastic pipe with a minimum pipe stiffness of 46 psi may be allowed for county-owned storm drain systems when the proper installation and testing procedures have been adopted in the Standard Specifications for Public Works Construction (Orange Book).

D. **Storm Water Piping.** Storm drains to a major drainage facility shall extend, at a minimum, to the 100-year flood line and be rip-rapped from the outlet to the bottom of the channel in the direction of the flow. Channel modifications for erosion control shall be designed so that the receiving channel or entering channel will contain the flows without erosion.

E. **Overland Flow.** Overland flow shall be channeled in accordance with county standards, within dedicated easements, or public rights-of-way to protect structures from flood during events that exceed the 5-year storm, up to and including the 100-year return frequency storm.

F. **Public Drainage Facilities.** Public drainage facilities with design flows of 60 cubic feet per second or less shall be piped in accordance with county standards. Constructed drainage facilities with flows exceeding 60 cubic feet per second may consist of open channel construction in accordance with county standards with approval from the County Engineer.

G. **Piping in County Right-of-Way.** The storm drain piping contained within county right-of-way shall be a minimum of Reinforced Concrete Pipe (RCP) Class III or the appropriate class when design requires a higher pipe support strength. Thermoplastic pipe with a minimum pipe stiffness of 46 psi or the appropriate class or strength may be permitted when the proper installation and testing procedures have been adopted into the Standards Specifications for Public Works Construction (Orange Book).

H. **Headwalls.** Standard headwalls shall be placed on the inlet and outlet of all public pipe culverts. Pipes up to and including 72 inches in diameter shall comply with county design, size, and material standards without exception. Headwalls for pipes exceeding 72 inches require special design pre-approved by the County Engineer.

I. **Trash Racks.** Trash racks shall be provided at the upper end of all closed public conduits as approved by the County Engineer.

J. **Interceptor Swales.** Paved interceptor swales shall be provided along the top of retaining walls and cut slopes to intercept drainage. When required by the County Engineer, paved swales shall be provided to intercept drainage from adjacent property.

K. **Manholes.** Manholes for public improvements shall be located at junction points, at changes in horizontal or vertical alignment exceeding the minimum allowable pip deflection, at changes in conduit size, and at the end of public lines, unless otherwise approved by the County Engineer. Manholes shall be made of pre-cast concrete, brick, or concrete block twice coated with Portland Concrete Cement. Manhole frames and covers shall be constructed of cast iron complete with locking devices and "STORM SEWER" integrally cast into the cover.

1. When permitted by the County Engineer, pipe placed on curves (horizontal and vertical) shall meet manufacturer's recommendation for curved alignment.

2. All curves, radii, length of pipe joints, and types of pipes shall be shown on the plans.

3. Manholes shall be spaced as follows:

Table 17.512.35-1
Manhole Spacing Requirements

Pipe Size	Manhole Spacing (feet)
15" or smaller	500
18" to 36"	600
42" to 60"	700
60+ inches	700+

4. The top riser shall terminate no less than one foot below finished grade. The manhole cover shall be flush with finished grade.

L. **Catch Basins.** Catch basins are to be designed and located in accordance with the Nevada Department of Transportation Standards and Specifications in addition to the following criteria:

1. Catch basins shall be installed at low points of vertical curves, at all major street intersections where appropriate, and at sufficient intervals to intake the peak flow for the 5-year return storm runoff, such that flows will not interfere with traffic or flood adjoining property.

2. In no instance shall the flow from a 5-year return storm extend more than 50 percent onto the travel lane adjacent to the curb.

3. Laterals from catch basins are to tie into manholes in the direction of the flow (catch basins shall not tie into each other unless otherwise approved by the County Engineer).

4. Flow along gutters and into inlets shall be computed by the Rational Method or other recognized industry standards using coefficients based on regulatory land use district classifications and ultimate future development.

5. Sir-traps, or an appropriate equal, shall be installed within all catch basins to provide pre-treatment for petrochemicals and silt.

6. Sheet flow across intersections is not permitted.

7. "Bubble up" type outlet basins are not permitted.

M. **Structures Under County Roadways.** Drainage structures located under county roadways shall be designed to pass the 100-year storm flow resulting from a fully developed condition within the watershed.

N. **Valley Gutters.** Reinforced concrete valley gutters for public improvements may be placed at street intersections only when approved by the County Engineer and shall not be placed transverse to collector and arterial streets.

O. **Floodplains.** Embankment shall not be placed within the 100-year flood plain of a major drainage facility without prior approval by the County Engineer. Where such approval is given, the embankment shall be faced with rip rap, or an approved lining designed for velocity to a minimum of one foot above the 100-year flood line. Development within areas shown on the Flood Insurance Rater Map (FIRM) shall comply with Chapter 17.510, Flood Protection Standards.

P. **Sump Conditions.** Sump conditions within streets shall require paved overland concrete swales in drainage easements and a storm drain system for conveyance of storm water.

Q. **Lot Drainage Swales.** Lot drainage swales on private property shall be provided in accordance with the provisions of this subsection.

1. Surface drainage swales shall be maintained and perpetuated by the property owner(s). Lining shall be required for rear or common side lot drainage swales if the 5-year flow will cause erosion or if the flow depth is greater than ½ foot. Lining is not required for common side lot swales serving only two adjacent lots. A geotechnical investigation conducted by a registered engineer in the state of Nevada shall evaluate soil erosion potential to be reflected in the design of drainage swales.

2. Standard lot line drainage swales shall be designed to carry the water and flow generated by a 100-year frequency event.

   a. Discharge from swales shall be conveyed to an acceptable drainage facility.

   b. When inlets and piping are used, inlets shall be approved by the County Engineer, and the pipes shall have a minimum diameter of 12 inches.

   c. Provisions shall be made for overland flow in the event catch basins plug.

R. **Design Computations.** Storm drainage systems, for both public and private improvements, shall be designed in accordance with this subsection.

1. **Manning's Equation.** Manning's equation shall be used in computing capacities of all open channels and closed conduits with the following minimum values for roughness coefficient "n".

Table 17.512.35-2
Manning's Equation for Computing Capacities

Channel/Conduit	"n" Value
Pvs or ABS	0.010
Concrete Pipe	0.014
Corrugated Metal Pipe (100% paved)	0.015
Corrugated Metal Pipe (paved invert)	0.019
Corrugated Metal (plain)	0.024
Open channels with gunite lining	0.019
Open channels with paved bottom	0.025
Earth channels (no rock or gravel)	0.030
Rock or gravel - per approved Engineers Manual based on size and placement of materials	

2. **Rational Method.** The Rational Method may be used in computations for the rate of runoff for urban and small watershed (500 acres or less). The Soil Conservation Service ("SCS") method, SCS TR-55 "Urban Hydrology for Small Watershed,s" or other acceptable method may be used for larger watersheds.

   a. The design flow for the Rational Method is expressed as Q=CiA, where:

      Q = peak rate of runoff, cubic feet per second.

      C = runoff coefficient

      i = average rainfall intensity, inches per hour

      A = watershed area, acres

   b. The following listed runoff coefficients shall be used in performing computations with the Rational Method. A "build-up" C valve may be required in special conditions such as very small lots with large houses or duplexes.

Table 17.512.35-3
Runoff Coefficients for Computing Capacities

Land Use Designation	Runoff Coefficient "C"
LDR, MDR, AMR, GR	0.25 - 0.35
LDS, MDS, HDS	0.45 - 0.60
General Commercial	0.85
Neighborhood Commercial/Office	0.85
Industrial	0.85 - 0.90
Public Services & Facilities	0.50 - 0.85
Pavement & Concrete Surfaces	0.90 - 0.95
Parks & Recreation	0.25

Open Space (0.5% grade-vegetated)	0.20 - 0.30
Open Space (0 - 5% grade-no vegetation)	0.30 - 0.40
Open Space (0 - 5% grade vegetated or unvegetated)	0.40 - 0.50
Open Space (Over 15% grade-sparsely vegetated, rock or clayey soils	0.40 - 0.60

c. The rainfall intensity curve shall be used to determine the average intensity. The time of concentration, with a minimum build up time of ten (10) minutes is expressed as:

$$tc_1 = 10 \text{ or } \frac{L}{V \times 60} \quad \text{(whichever is greater)}$$

where:

tc1 = time of concentration at initial inlet (in minutes)
L = length from uppermost point of watershed inlet (in feet)
V = channel or overland velocity (in feet per second)

d. Given the time of concentration at a design point, the time of concentration at the next design point is determined by adding travel time, expressed as:

$$t = \frac{L}{V \times 60}$$

where:

t = travel time (in minutes)
L = length of channel or conduit between design points (in feet)
V = channel or conduit velocity (in feet per second)

3. **HEC-1 Method.** HEC-1 with the SCS subroutine may be used in computations for urban and small watersheds (500 acres or less). HEC-1 method may be used to calculate the rate of runoff for large watersheds.

4. **Minimum Design Velocity.** Minimum design velocity shall be three feet per second for closed conduits. Minimum design velocity shall be calibrated at 1/2 of pipe diameter.

Section 17.512.40 Easements. Easements shall be provided in accordance with the provisions set forth in this section.

A. Vehicular Access. Easements with improved vehicular access in accordance with county standards shall be provided to publicly owned storm drain manholes, storm drain inlets and outlets, ditches and associated structures not located within an improved street. Improved vehicular access may be waived by the County Engineer due to special conditions including but not limited to rough terrain. (Refer to Chapter 17.514, Transportation Standards.)

B. 100-Year Floodplain. Easements for access and maintenance of a 100-year storm floodplain associated with a major drainage facility or natural water course shall be

provided. Improved vehicular access in accordance with county standards shall be also provided when deemed necessary by the County Engineer.

C. Public Improvements. Storm drain easements for public improvements shall be a minimum width of 15 feet. The final easement width shall be determined by pipe width, required trench clearance, and excavated trench side slopes not less than one horizontal to one vertical proportion (1:1), and as approved by the County Engineer.

D. Private Property. Storm drainage easement(s) will be required for storm waters generated within the boundaries of a development that discharge onto or across private property. If the storm drain waters generated within of a development discharge from a public drain system onto and across private property, a permanent easement for access and maintenance shall be granted to the County from the property boundary to the point of discharge into an existing public storm drain system, major drainage facility, or natural water course. Improvements to county standards shall be required if the County is to maintain the easement. The County Engineer shall determine if the easement is to be accepted for maintenance.

Section 17.512.45 Maintenance and Repair. The owner of a storm water detention facility that serves the owner of a non-residential use and association or similar entity serving a residential use is responsible for the maintenance and repair of the detention facility. For subdivisions, this maintenance and repair responsibility shall be documented in the subdivision covenants recorded with the final plat.

A. Transfer of ownership. In the event the property upon which the facility is located is sold or transferred to another owner or entity, the transferring owner shall execute a legally binding, recorded document transferring both ownership rights and maintenance and repair responsibilities to the successors in title. A certified copy shall be provided to the County Clerk.

B. Bond Required. A bond amount determined by the County Engineer may be required to ensure proper maintenance and repair will be provided for the detention facility.

C. Notice Required. The county shall notify the owner or entity in writing of potential danger(s) to health and safety or of nuisance conditions involving the detention facility. The owner or entity shall have a specified period in which to cure the violation. If the owner or entity fails to respond to the written notice within the time established, the county shall cause the maintenance or repair and take action to recover costs.

CHAPTER 514
TRANSPORTATION STANDARDS

SECTIONS:

17.514.00 Purpose
17.514.05 Applicability
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Section 17.514.00 Purpose. The purpose of Chapter 514, Transportation Standards, is to provide the minimum standards and procedures for transportation improvements. The regulations in this chapter are intended to ensure that transportation infrastructure is safe, adequate, properly designed, and minimizes environmental disturbance and future costs.

Section 17.514.05 Applicability. The provisions of this chapter apply to public and private transportation improvements which are part of new development and requires approval or issuance of a permit by the county, including but not limited to:

A. Public works projects.

B. Subdivisions.

C. Parcel Maps.

D. Division into Large Parcel Maps.

E. Special Use Permits.

F. Building Permits.

G. Projects which require a site plan, improvement plans, or development agreement.

Section 17.514.10 Other Applicable Standards and Guidelines. The requirements established by this chapter shall be used in conjunction with the following standards and guidelines:

A. The latest edition of the *Standard Specifications for Public Works Construction* and the *Standard Details for Public Works Construction* (Orange Book).

B. The latest edition of the *Highway Capacity Manual* of the Transportation Research Board and the National Research Council.

C. The Institute of Traffic Engineers (ITE) guidelines.

D. The American Association of State Highway and Transportation Officials (AASHTO) guidelines.

E. The latest edition of the *Manual of Uniform Traffic Control Devices* (MUTCD).

F. The Americans with Disabilities Act (ADA) standards.

Section 17.514.15 General Provisions.

A. The design, plan review, construction, and operation of transportation infrastructure shall take place in accordance with the standards established by this chapter and all other applicable local, state, and federal regulations.

B. Provisions shall be made to provide legal access and adequate transportation infrastructure to new development that is safe, convenient, and functional for vehicular, pedestrian, and bicycle circulation.

C. Rights-of-way and easements shall be dedicated, and transportation infrastructure constructed to provide legal access from an existing public road to each newly create parcel or habitable building. Transportation infrastructure and dedicated rights-of-way and easements shall be adequate to support the development of adjacent new development in the reasonable, foreseeable future.

D. Transportation infrastructure shall be provided to new development as required by **Table 17.501.15-1** and Chapter 17.501, or as otherwise required by the county when deemed reasonably necessary and when consistent with the Master Plan.

E. The county shall not approve new development until it has been determined the transportation improvements are adequate to support the development and follow applicable regulations.

F. The county shall not issue a building permit for any parcel until access has been provided to the parcel by an approved public or private road.

G. The county shall not approve new development if it is determined that full build-out will substantially increase traffic increase on a road or at an intersection within a one-mile radius of the proposed development causing the road or intersection to function below a level of service "C" as defined in the *Highway Capacity Manual*.

H. Unless otherwise approved by the County Engineer, at least two means of ingress and egress constructed to county standards shall be provided to serve new development. Of the two means, one may be constructed in accordance with the emergency access standards provided in Section 17.514.60, Emergency Access Roads.

I. The county may require the extension of transportation improvements to the boundaries of new development when deemed reasonably necessary to facilitate the future development adjacent to the boundaries.

J. When new development is projected to generate more than 500 vehicle trips per day, the applicant shall submit a traffic impact analysis pursuant to Section 17.514.125, Traffic Studies. The County Engineer may require a traffic impact analysis even if the projected traffic is less than 500 vehicle trips per day.

K. A Permit of Occupancy shall be obtained from the Nevada Department of Transportation (NDOT) for any street which provides access to, from, or under a road/highway maintained by the NDOT. Approved occupancy permits shall be submitted to the Planning & Building Department prior to receipt of a building permit.

Section 17.514.20 Plan Review, Inspection and Bonding Requirements.

A. All transportation improvements shall be reviewed and approved by the County Engineer and/or the County Road Superintendent to ensure the improvements are constructed to county standards and follow the Development Code and other applicable regulations.

B. All improvement plans for new transportation infrastructure shall be reviewed pursuant to Chapter 17.618, Improvement Plans.

C. The construction, inspection, and bonding of transportation improvements shall be in conformance with Chapter 17.620, Construction, Inspection and Bonding of Public Improvements.

Section 17.514.25 Street Design Requirements. All public and private streets shall be designed and constructed in accordance with the provisions of this section.

A. **Level of Service.** Streets shall be designed to meet a level of service of C or better as defined by the *Highway Capacity Manual*.

B. Streets shall be designed in accordance with the standards established by **Table 17.514.25-1.**

Table 17.514.25-1
Street Design Standards

Design Standards	Street Classification		
	Principal Arterial	Major/Minor Collector	Local
Minimum right-of-way width in feet[1]	100	80	60
Minimum Street width in feet	48	24	24
Traffic lanes	4 or more[2]	2[2]	2
Design speed (miles per hour)	55	45[3]	30[3]
Min. Intersection/Driveway spacing	Location based	300′	125′
Shoulder (not req. w/ curbs and gutters	8′ each side	8′ each side	3′ each side
On-street parking	Not permitted	Controlled	Permitted

Table notes:

1. To facilitate turning within intersections, larger rights-of-way may be required by the County Engineer.
2. Turn lanes may be required by the County Engineer.
3. Lower design speeds may be required by the County.

Section 17.514.30 Street Surfacing. All public and private streets shall be designed and constructed in accordance with the requirements of this section.

A. The type of surfacing which shall be required by the County for new streets serving new development is established by Section 17.501.15, Improvement Requirements for New Development by Land Use District.

B. Gravel surfaced streets shall designed in accordance with the standards established by Figure 17.514.30-1. Asphalt surfaced streets shall designed in accordance with the standards established by Figure 17.514.30-2.

C. Paved streets shall be designed in accordance with AASHTO standards.

D. The standards established by this section are the minimum standards for street surfacing. The County Engineer and/or the County Road Superintendent may require higher standards when deemed reasonably necessary.

Figure 17.514.30-1
Gravel Surfacing Standards

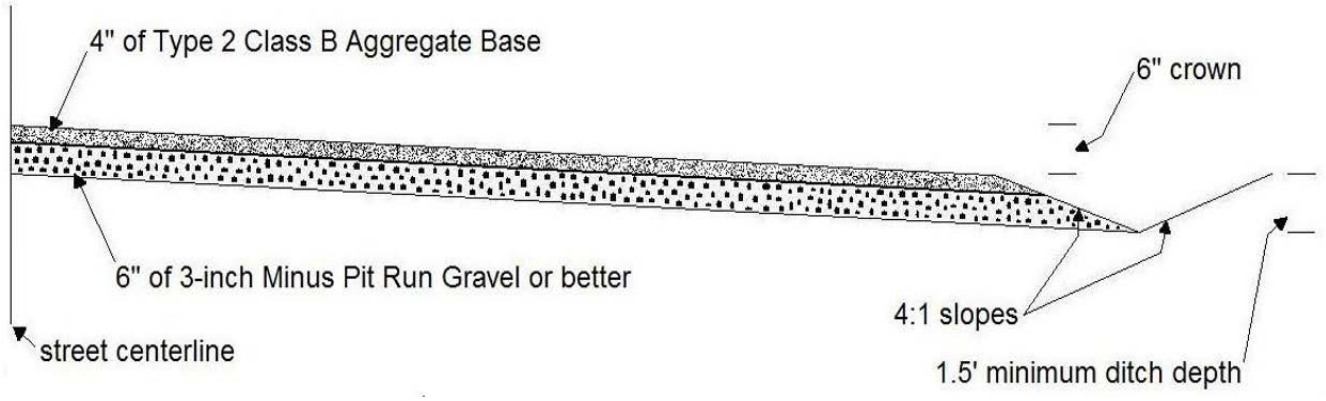


Figure 17.514.30-2
Asphalt Surfacing Standards

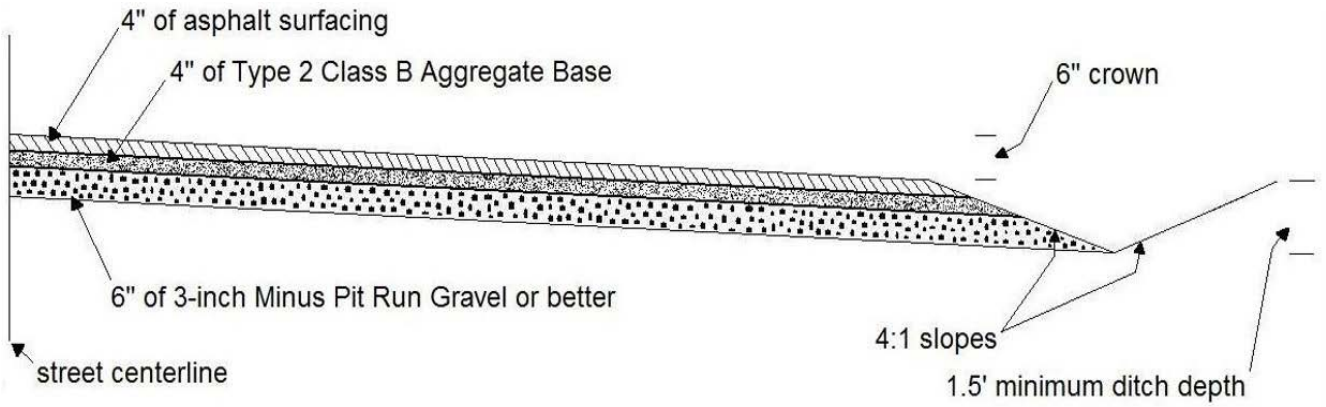


Figure Notes:

1. Three inches of plant mix may be used where the gravel base has an R-value of 60 or greater.

Section 17.514.35 Grades. All public and private streets shall be designed and constructed in accordance with the requirements of this section.

A. **Minimum Grades.** All streets shall have a minimum grade of 0.5 percent.

B. **Maximum Grades.**

1. Principal arterials shall have a maximum grade of six percent.

2. Major and minor collector and local streets shall have a maximum grade of six percent. The Engineer may approve steeper grades due to specific site conditions such as topographical constraints.

3. When a steeper grade is permitted, the County Engineer may also require additional design requirements to mitigate the steeper grade.

Section 17.514.40 Aggregate Base Courses. Aggregate base courses shall comply with the provisions of this section.

A. **Sub-grade Preparation.** Ruts, holes, defects, or soft yielding places which occur in the sub-grade or sub-base from any cause shall be corrected and compacted to required density and stability before an aggregate base course is placed. A 90% compaction-minimum is required.

B. **3-Inch Minus Pit Run Gravel.** This aggregate shall conform to the following specifications:

Table 17.514.40-1
Three Inch Minus Pit Run Gravel Specifications

Sieve Size	Percent by Weight Passing Sieve
3"	100
1 1/2"	90 - 100
1/4"	35 - 65
No. 16	15 - 40
No. 200	2 - 10

1. The plastic Index shall not exceed six maximum.

C. **Type 2 Class B Aggregate Base.** This aggregate shall conform to the following specifications:

Table 17.514.40-2
Type 2 Class B Aggregate Base Specifications

Sieve Size	Percent by Weight Passing Sieve
1"	100
3/4"	90 - 100
1/4"	35 - 65
No. 16	15 - 40
No. 200	2 - 10

1. The plastic Index shall not exceed six maximum.

D. **Spreading Aggregate Base Courses.** Aggregate shall be uniformly distributed over the surface of the approved sub-grade in sufficient quantity to provide the required depth.

The aggregate shall be thoroughly mixed, and water shall be added in sufficient quantities to prevent segregation and to assist in compaction. After proper aggregate mixing, it shall be spread to the required depth and cross section and compacted to 95% relative maximum density.

Section 17.514.45 Bituminous Paving. Bituminous paving shall comply with the provisions of this section.

A. **Applicability.** This section applies to the construction of one or more courses of bituminous pavement on a prepared base or road surface. This section applies to all types of bituminous pavements, whether they are mixed on site or at a central mixing plant. This section also applies to both "hot mix" and "cold mix" pavement types.

B. **Composition of Mixture.** Bituminous pavement shall be composed of a mixture of aggregate and bituminous material uniformly graded and combined in such proportions that will prevent raveling or bleeding of the finished surface.

Crushed particles:	50% minimum
Plastic Index:	6% maximum
Liquid Limit:	30% maximum

The bituminous material shall be of a type and grade that will allow proper mixing, handling, and placing of the mixture. The bituminous material shall be added to the aggregate at a proportion as near as possible to the optimum and shall not deviate from the optimum percentage by more than 0.5%, plus or minus.

The aggregate used for bituminous pavements shall conform to the specifications established by **Table 17.514.45-1:**

Table 17.514.45-1
Bituminous Pavement Aggregate Specifications

Sieve Size	Percent by Weight Passing Sieve
1 1/2"	90 - 100
3/4"	55 - 85
No. 4	25 - 55
No. 16	10 - 35
No. 200	3 - 9

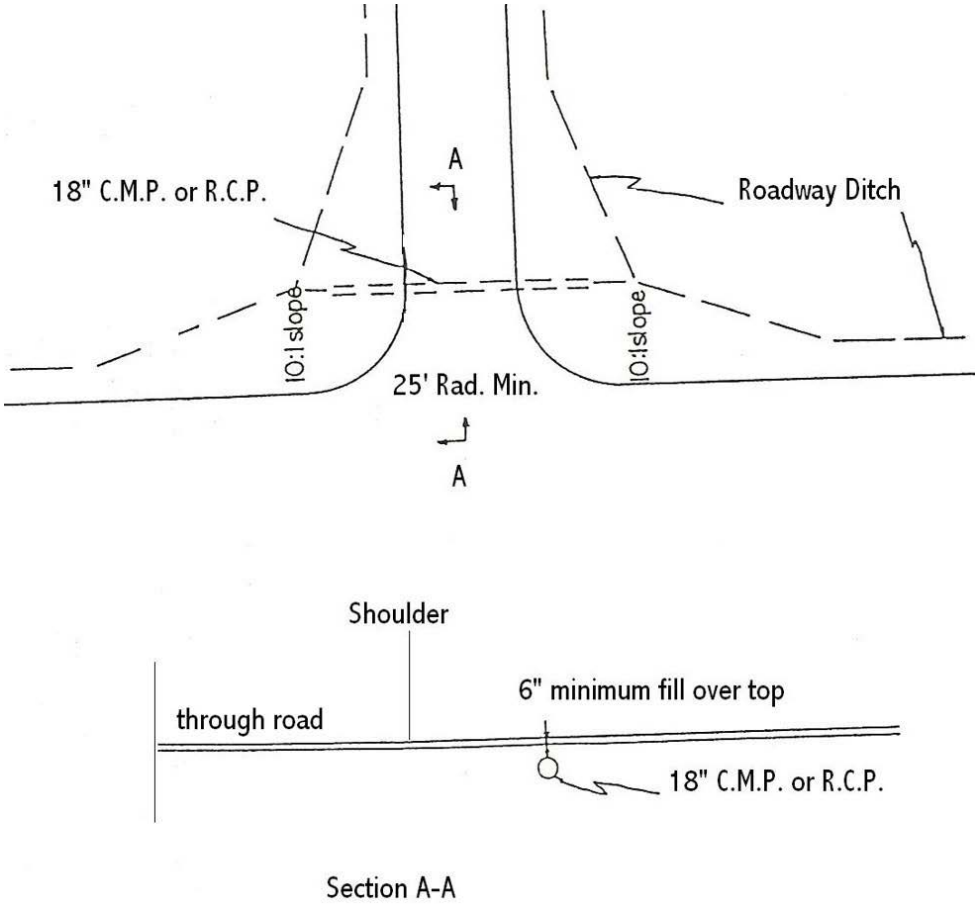
B. **Spreading and Finishing.** After the aggregate and bituminous material have been combined and thoroughly mixed to a uniform homogeneous texture, the mixture shall be spread uniformly over the area to be surfaced, to the proper width and to an adequate depth to be compacted to the required thickness.

The material shall be rolled and compacted in a manner that will result in a relative density of at least 95% of maximum. The surface shall conform as near as possible to the designed cross section of the roadway and shall have a maximum deviation of ½-inch vertically and six (6) inches horizontally.

Section 17.514.50 Approaches. Approaches shall be designed and constructed in accordance with the requirements of this section.

A. **Type A Approach (Culvert)**

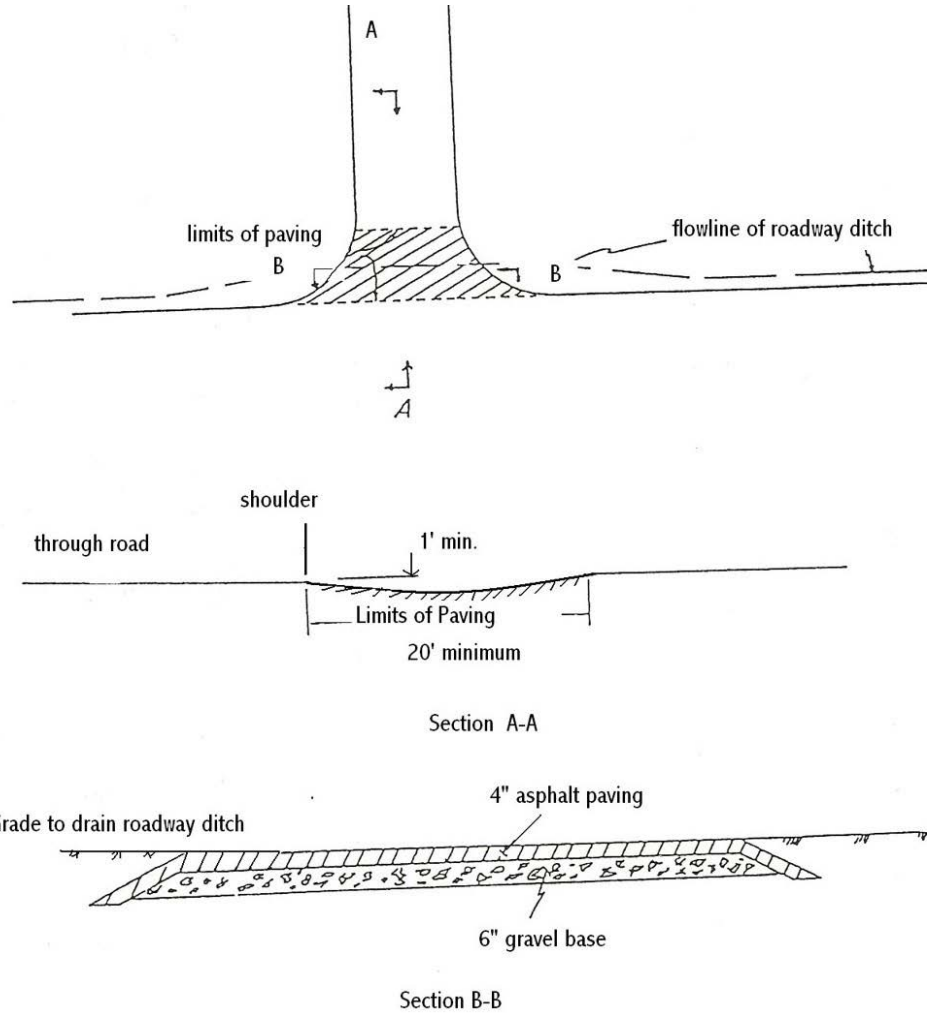
Figure 17.514.50-1
Type A Approach



1. Culvert pipe size shall be a minimum size of 18 inches. Larger pipe may be required by the County Engineer depending on specific conditions, such as the size of ditch, amount of water, etc.

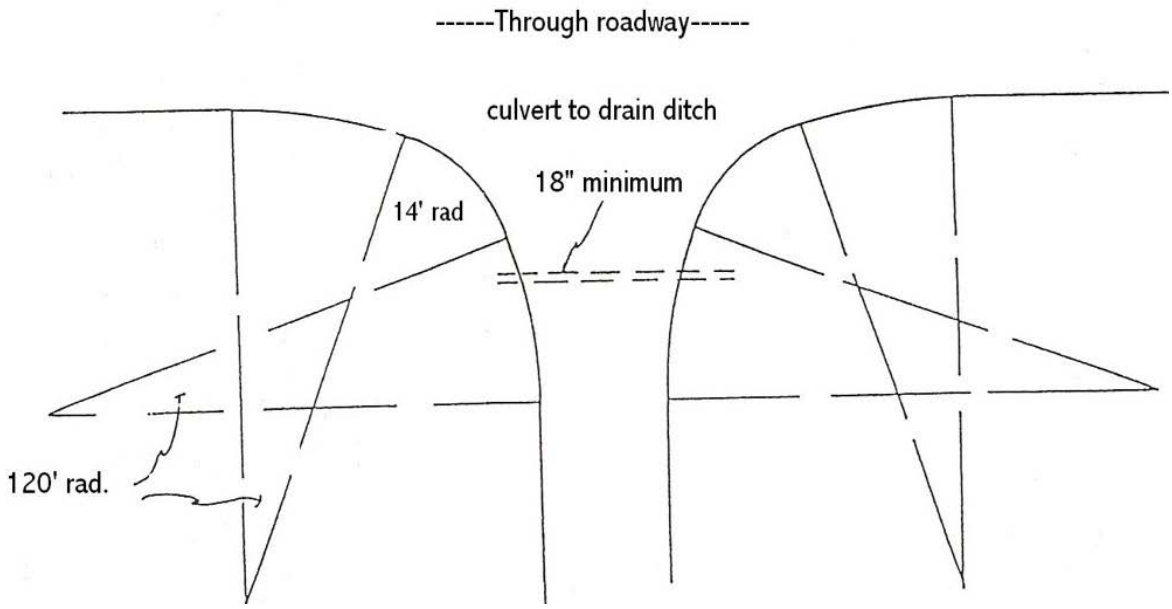
B. **Type B Approach (Paved Dip)**

Figure 17.514.50-2
Type B Approach



C. **Type AA Approach (Large Truck-Commercial)**

Figure 17.514.50-3
Type AA Approach



Section 17.514.55 Street Intersections. Street intersections shall comply with the provisions of this section.

A. No more than two streets shall cross or intersect at the same point. All intersections, including those which are off set on opposite sides of a street shall be separated by a minimum of 250 feet, measured along the centerline of the primary street from centerline to centerline of the intersecting street.

Section 17.514.60 Emergency Access Roads. Emergency access roads shall be designed and constructed in accordance with the requirements of this section.

A. **Easement and Structural Design.** Emergency access roads shall comply with the following standards unless otherwise approved by the Fire Marshall and County Engineer:

   1. A minimum 30-foot-wide easement shall be provided for emergency access roads.

   2. The emergency access roadway shall be a minimum width of 20 feet and structurally designed to support a tandem axle loading of 25 tons with a minimum outside turning radius of 40 feet.

B. **Grade.** Grades for emergency access shall not exceed the requirements established by Section 17.514.35, unless otherwise approved by the County Engineer.

C. **Surfacing.** Emergency access shall be surfaced utilizing a method approved by this chapter. The county may require a specific type of surfacing when deemed reasonably necessary.

D. **Access Control.** Access to emergency access roads shall be controlled by an emergency access control gate, and shall be posted with a sign stating, "For Emergency Vehicles Only." Alternatives may be approved by the County Engineer.

E. **Drainage.** Emergency access shall be provided with adequate roadside drainage, consistent with Chapter 17.512, Storm Drainage Standards.

Section 17.514.65 Improved Maintenance Access. Vehicular access for maintenance of sanitary sewer and water systems, or storm drainage components and facilities shall be designed and constructed in accordance with the requirements of this section.

A. **Structural Design.** Maintenance access shall be constructed to support a tandem axle loading of 25 tons.

B. **Minimum Width.** Maintenance access shall be constructed to a minimum width of 12 feet.

C. **Grade.** Maintenance access shall be constructed with grades not exceeding 12 percent, unless otherwise approved by the County Engineer.

D. **Surfacing.** Maintenance access shall be surfaced utilizing a method approved by this chapter. The county may require a specific type of surfacing when deemed reasonably necessary.

E. **Drainage.** Maintenance access shall be provided with adequate roadside drainage, consistent with Chapter 17.512, Storm Drainage Standards.

Section 17.514.70 Dead-end Streets. All dead-end streets shall be provided with a cul-de-sac in accordance with Section 17.514.75, Cul-de-sacs.

Section 17.514.75 Cul-de-sacs. Cul-de-sacs shall be designed and constructed in accordance with the requirements of this section.

A. **Street Length.** Development on streets longer than 300 feet and utilize a cul-de-sac shall not generate more than 100 vehicle trips per day as projected using the current ITE Trip Generation Manual.

B. **Bulb Radius.** The minimum radius of a cul-de-sac bulb shall be 50 feet, measured from the center point of the cul-de-sac bulb to the front face of curb or edge of pavement.

C. **Temporary Cul-de-sacs.** A temporary cul-de-sac shall be constructed for any street which temporarily dead ends as part of a phased development or otherwise. The minimum radius of a temporary cul-de-sac bulb shall be 50 feet. Temporary cul-de-sacs shall be provided with adequate drainage, pursuant to Chapter 17.512, Storm Drainage Standards.

Section 17.514.80 Private Streets. Private streets shall be designed and constructed in accordance with the requirements of this section.

A. The county may approve the construction of private streets to serve new development.

B. Private streets shall be designed and constructed in conformance with the standards established by this chapter.

C. The county is not responsible for maintenance of private streets.

D. The county will encourage the establishment of a homeowner's association or other appropriate entity in conjunction with project approval to ensure the ongoing maintenance of private streets.

E. The county shall not consider or accept any offer of dedication of a private street to Pershing County unless such street follows all applicable standards in effect at the time of the offer for dedication.

F. The final approval document (i.e., final subdivision map, special use permit) for a new development with approval for private streets shall include a prominent note on the map which states, to the satisfaction of the Planning & Building Director, that the county approved the construction of private streets and that the county will not assume responsibility for maintenance of such streets.

Section 17.514.85 Driveways. Private driveways shall be designed and constructed in accordance with the following requirements.

A. A private driveway may access up to eight dwellings.

B. Driveways shall be a minimum of 12 feet in width and a maximum of 25 feet in width.

C. Driveways shall have a maximum grade of 14 percent.

D. Driveway grades shall not exceed three percent within a public right-of-way.

E. When a driveway accesses a paved road, an asphalt or concrete approach apron shall be constructed from the property line to the edge of the roadway.

F. All shared private driveways shall be surfaced utilizing a method approved by this chapter to provide adequate emergency access.

G. Corner lots shall be accessed from the street with the lowest use classification. When the intersecting street classifications are equal, access shall be provided from the street with the greatest amount of street frontage.

H. The minimum distance between driveways shall comply with the standards established by **Table 17.514.85-1.**

I. The minimum distance between corner lot driveways and street intersections shall comply with the standards established by **Table 17.514.85-2.**

Table 17.514.85-1
Spacing between Driveways

Street Classification	Minimum Distance Between Driveways (feet)
Arterial	500
Major or Minor Collector	300[1]
Local	No minimum

Table 17.514.85-2
Spacing between Driveways and Intersections

Driveway Location Street Classification	Intersecting Street Classification (feet)		
	Local	Collector	Arterial
Local	30	50	100
Collector	300	300	300
Arterial	500	500	500

1. When channelized right turn lanes are utilized, the minimum spacing between the driveways and intersections shall be based on AASHTO standards.

Section 17.514.90 Curbs and Gutters. Curbs and gutters shall be designed and constructed in accordance with the following requirements.

A. Curbs and gutters shall be constructed as required in **Table 17.501.15-1.** The requirements may be waived by the county along local streets when the minimum lot size of new development is 1/2 acre or larger.

B. Curb returns shall be provided with pedestrian ramps for disabled persons in accordance with ADA standards.

C. Curbs and gutters shall be constructed in accordance with the latest edition of the *Standard Specifications for Public Works Construction* and *Standard Details for Public Works Construction* (Orange Book), unless otherwise approved by the County Engineer.

Section 17.514.95 Sidewalks. Sidewalks shall be designed and constructed in accordance with the following requirements.

A. Sidewalks shall be provided along all collector and principal arterial streets within ¼ mile of a school, park, or library and within ½ mile of the City of Lovelock.

B. Crosswalks shall be provided at all intersections located within ¼ mile of a school, park or library and may be required by the County across any block longer than ¼ mile.

C. Sidewalks shall be located within a dedicated right-of-way or access easement.

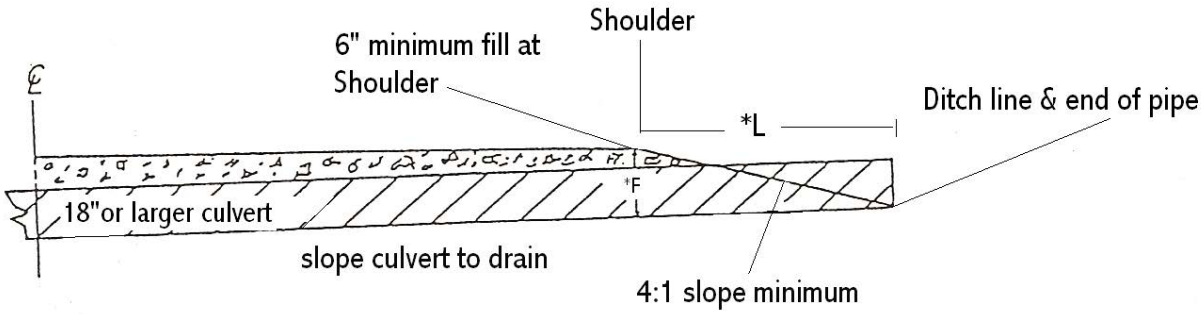
D. Sidewalks shall be a minimum of four feet in width.

E. Sidewalks shall be designed in compliance with ADA standards.

F. No obstructions (i.e., power poles, streetlights, signal poles and controls, water meter boxes, pull boxes, mailboxes, etc.) shall be located within sidewalk areas, except when permitted by the County Engineer.

Section 17.514.100 Culverts. Culverts shall be designed and constructed in accordance with the following requirements.

Figure 17.514.100-1
Culvert Design



*F = fill from culvert flow line to finished shoulder.

L = length of culvert beyond shoulder (L = F x slope)

Section 17.514.105 Cattle Guards. Cattle guards shall be designed and constructed in accordance with the following requirements.

Figure 17.514.105-1
Cattle Guard Design

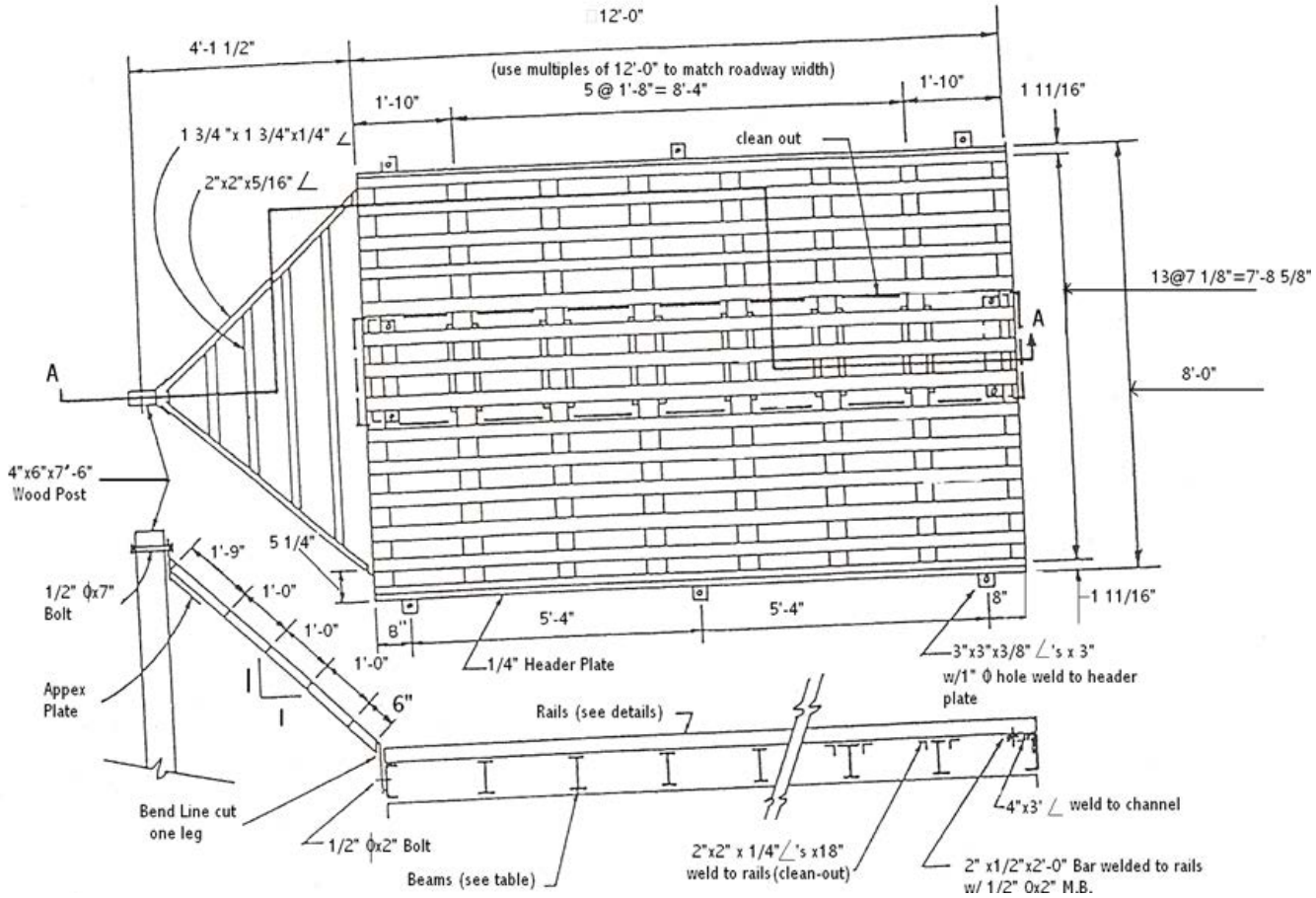
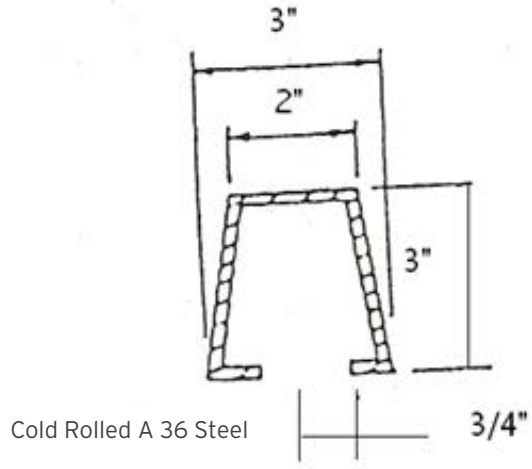
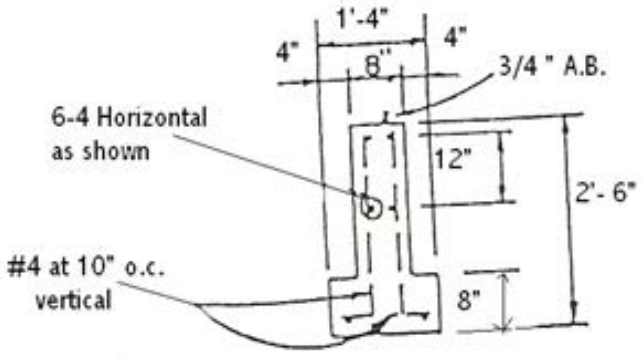


Figure 17.514.105-2
Cattle Guard Rail Section



Cold Rolled A 36 Steel

Figure 17.514.105-3
Cattle Guard Footing Section



Footing Section

Loading	H 10	H 15	H 20
Beam	C 7 x 9.8	W 8 x 10 C 8 x 11.5	W 8 x 15
Rail	10 GA	10 GA	8 GA

1. Cattle guards shall be from a manufacturer approved by the County Road Superintendent.
2. Footing shall be Class AA or DA conc. (3000 psi) and have lifting hooks six inches to one foot from each end.
3. For different loads or additional details, consult with manufacturer.

Section 17.514.110 Street Signs, Markings and Traffic Control Devices. Street signs, permanent markings and traffic control devices shall comply with the following requirements.

A. **Street Signs, Permanent Markings, and Traffic Control Devices.** These shall be installed with new transportation infrastructure and shall follow the latest edition of the *Manual of Uniform Traffic Control Devices*.

B. **Stop Signs.** Stop signs shall be 36 inches by 36 inches in size unless approved or required otherwise by the county.

C. **Street Name Signs.** Street name signs shall use reflective materials, be mounted on extruded aluminum No. 6063-T6, and shall comply with the standards established by Figure 17.514.110-1 and Figure 17.514.110-2.

Figure 17.514.110-1
Street Name Sign Design

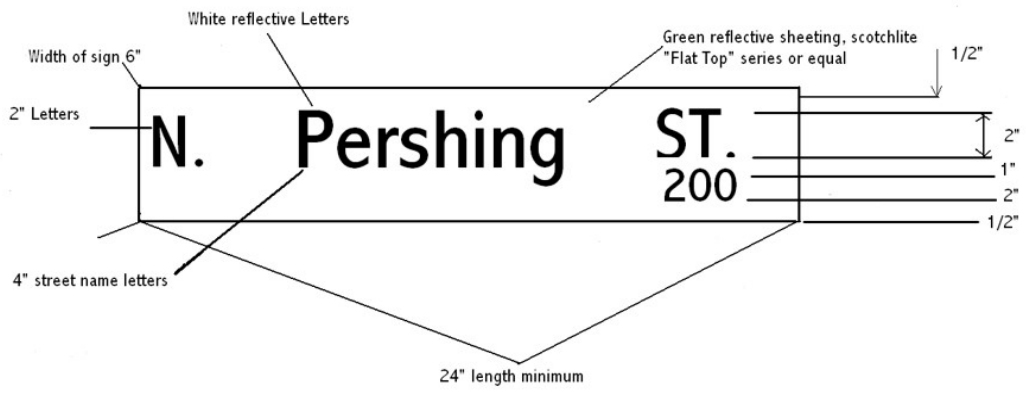
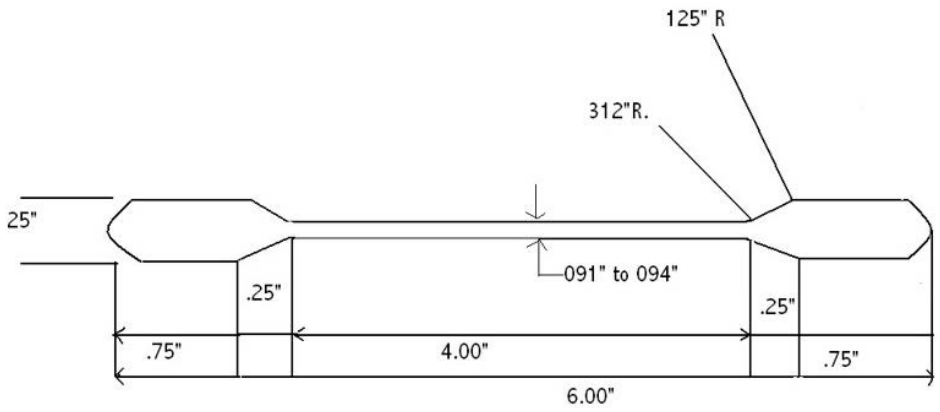


Figure 17.514.110-2
Street Name Sign Design 2



Section 17.514.115 Street Classification. All streets shall be classified as a principal arterial, major collector, minor collector, or local road as established in the transportation portion of the Master Plan.

All new streets or any street which has not already been classified shall be classified by the County Road Superintendent and Planning & Building Director. In classifying streets, the Road Superintendent and Director shall consider projected traffic demands for the next 20 years.

All section line roads shall be classified as collector streets unless specifically designated otherwise in the Master Plan or unless the Road Superintendent and Planning & Building Director determine that there will not be any future need for a collector road along a particular section boundary.

Section 17.514.120 Street Dedication. The county shall not accept any street for dedication unless such street meets the standards established by this chapter and other applicable regulations.

Section 17.514.125 Traffic Studies. All traffic studies and reports shall be prepared in accordance with current ITE and AASHTO guidelines. Traffic studies and reports shall be prepared and signed and stamped by a Nevada Registered Civil Engineer.

A. **Traffic study requirements.**

1. A traffic impact analysis shall be required when a development project is anticipated to generate more than 500 vehicle trips per day based on the Institute of Transportation Engineers trip generation rates.

2. The County Engineer may require the submission of a traffic impact analysis or other study when deemed necessary due to the specific circumstances of a proposed new development.

B. **Traffic Impact Analysis Requirements.**

1. Existing traffic conditions, including average daily and peak-hour levels of service, for all roads and intersections located within one mile of the project site.
2. Projected traffic conditions after full development of the project, including average daily and peak-hour levels of service, for all roads and intersections located within one mile of the project site.
3. Average daily and peak-hour traffic demands that will be generated by the project.
4. Current capacity of all existing roads and intersections located within one mile of the project site.
5. Proposed traffic mitigation measures, if the project is projected to create a level of service of "D" or worse as defined by the *Highway Capacity Manual*. Mitigation measures shall result in a projected level of service of "C" or better.
6. Estimated cost of any proposed traffic mitigation measures.
7. Proposed traffic control components.
8. Any additional information or materials, as deemed necessary by the County Engineer, for review of the traffic impact of the development project.

CHAPTER 516
WATER SUPPLY STANDARDS

SECTIONS:

17.516.00 Purpose
17.516.05 Applicability
17.516.10 General Provisions
17.516.15 Centralized Water Supply Systems
17.516.20 Individual Wells
17.516.25 Dedication/Relinquishment of Water Rights
17.516.30 Extension and Over-sizing of Infrastructure
17.516.35 Easements

Section 17.516.00 Purpose. The purpose of Chapter 516, Water Supply Standards, is to establish regulations and standards for the provision of water to development.

Section 17.516.05 Applicability. The provisions of this chapter apply to all new development which requires the use of water resources or the provision of water and which requires approval or issuance of a permit by the county, including but not limited to:

A. Public works projects.

B. Subdivisions.

C. Parcel Maps.

D. Division into Large Parcel Maps.

E. Special Use Permits.

F. Building Permits.

G. Projects which require a site plan, improvement plans, or development agreement.

Section 17.516.10 General Provisions.

A. Provisions shall be made for water supplies of adequate quality and quantity to all new lots and habitable buildings which are part of new development.

B. Water shall be provided to new development by a centralized water supply system when required by Section 17.516.15. Where centralized water service is not required or is unavailable, water shall be provided by individual wells, pursuant to Section 17.516.20.

C. Adequate fire flow shall be provided to new development for fire protection as required in **Table 17.501.15-1.** When a centralized service system is unavailable or inadequate to provide required fire flow to new development, an applicant shall be required to construct and dedicate a standpipe or other suitable water source for fire protection. The County Engineer shall approve alternative fire protection methods in conjunction with approvals from the fire protection agency and water provider.

D. Water supply, including system design, construction, and operation shall comply with all applicable local, state, and federal regulations.

E. The county shall not issue a certificate of occupancy for any habitable building until the building has been connected to an adequate water source.

F. The county shall not approve new development until it has been determined that the water supply is adequate to accommodate the development and follow applicable regulations. The county may require additional information to support the availability of water and the method of delivery.

Section 17.516.15 Centralized Water Supply Systems.

A. **Application.** Water shall be provided to new development by a centralized water service system as required in **Table 17.501.15-1** when the boundary of new development is located

within 400 feet of an existing main line of a water system, or when otherwise required by the county for consistency with the Master Plan.

B. **Requirements for Waiver.** The requirement for centralized water service established by subsection A of this section may be waived by the county if it is determined that due to special circumstances, enforcement of this requirement will result in unnecessary hardship to the applicant. For consideration of a waiver, the proposed development may not consist of parcel sizes less than one acre in size if sewage disposal is by individual septic systems (pursuant to Chapter 17.518, Sewage Disposal Standards). The granting of any waiver shall not result in a detriment to the general health, safety, and welfare of the public, harm natural resources, or the intent and purpose of these regulations.

C. **Design, Plan Review, and Construction.** The design, plan review, and construction of centralized water system infrastructure shall take place in accordance with the Standard Specifications for Public Works Construction standards (Orange Book), state standards regarding water provision, and all other applicable local, state, and federal regulations. All new centralized water system infrastructure shall be reviewed and approved by the County Engineer. Improvement plans for new infrastructure shall be submitted to the county for review pursuant to Chapter 17.618, Improvement Plans.

D. **Level of Service.** A centralized water system shall be designed to accommodate the estimated total population of the new development and any additional development in the foreseeable future which also may be served by the system.

Section 17.516.20 Individual Wells.

A. **Applicability.** Where centralized water service is not required or is unavailable, water shall be provided by individual wells.

B. **Design, Plan Review and Construction.** The design, plan review, and construction of individual wells shall take place in accordance with state standards regarding water provision, the county's adopted building codes, and all other applicable local, state, and federal regulations.

C. **Review Process.** New individual wells and associated components shall be reviewed and approved by the Pershing County Planning & Building Department staff. Plans for new infrastructure shall be submitted to the county for review in accordance with all requirements. The Planning & Building Department may consult the County Engineer to complete the review.

Section 17.516.25 Dedication/Relinquishment of Water Rights. An applicant may be required in accordance with county or state regulations to dedicate or relinquish water rights to the County or State as reasonably necessary to insure adequate water supply for a proposed development, as a condition of approval of the development project. The amount of water rights shall be determined by the State Engineer.

Section 17.516.30 Extension and Over-sizing of Infrastructure. The county may require that a centralized water system be oversized or extended through a new development to accommodate future development. This requirement will trigger an agreement between the county and property owner for reimbursement for the oversized or extended improvements. Such agreement shall be made pursuant to Chapter 17.616, Development Agreements.

Section 17.516.35 Easements. Easements shall be dedicated by an applicant to accommodate all centralized water system infrastructure except individual service lines. All easements shall have a minimum width of 10 feet. A larger width may be required in unusual circumstances including steep topography or easements used for multiple utilities. The location and dimensions of required easements shall be determined by the Planning & Building Director and County Engineer. Easements should be located along property lines, whenever possible.

CHAPTER 518
SEWAGE DISPOSAL STANDARDS

SECTIONS:

17.518.00 Purpose
17.518.05 Applicability
17.518.10 General Provisions
17.518.15 Centralized Sewer Systems
17.518.20 Extension and Over-sizing of Infrastructure
17.518.25 Easements
17.518.30 Individual Sewage Disposal Systems

Section 17.518.00 Purpose. The purpose of Chapter 518, Sewage Disposal Standards, is to establish regulations and standards for the provision of sewage treatment and disposal to development.

Section 17.518.05 Applicability. The provisions of this chapter apply to sewage treatment and disposal, and which requires approval or issuance of a permit by the county, including but not limited to:

A. Public works projects.

B. Subdivisions.

C. Parcel Maps.

D. Division into Large Parcel Maps.

E. Special Use Permits.

F. Building Permits.

G. Projects which require a site plan, improvement plans, or development agreement.

Section 17.518.10 General Provisions.

A. Provisions shall be made for sewage treatment and disposal to be provided to all new development.

B. Sewage disposal shall be a centralized sewer system when required by Section 17.518.15. Where centralized service is unavailable, sewage disposal shall be provided by individual sewage disposal systems, pursuant to Section 17.518.30.

C. Sewage disposal, including system design, construction, and operation shall comply with all applicable local, state, and federal regulations.

D. The county shall not approve new development until it has been determined that the provisions for sewage disposal are adequate to accommodate the development and follow applicable regulations. The county may require the submission of a demand study, geotechnical report, percolation test data, or other information as necessary to make the determination.

E. The county shall not issue a certificate of occupancy for any habitable building until such building has been connected to an adequate sewage disposal system.

Section 17.518.15 Centralized Sewer Systems.

A. **Application.** Sewage disposal shall be provided by centralized sewer system as follows:

   1. To lots with an area less than one acre which are supplied water by wells.

   2. To manufactured home and RV parks which allow more than one unit per acre and which water is supplied by well(s).

   3. As required by **Table 17.501.15-1** when the boundary of new development is located within 400 feet of an existing main line of a centralized sewage disposal system, or when otherwise required by the county for consistency with the Master Plan.

B. **Requirements for Waiver.** The requirement for provision of sewage disposal by centralized sewer system established by subsection A.3. of this section may be waived by the county if it has been determined that due to special circumstances, enforcement of this requirement will result in unnecessary hardship to the applicant. For consideration of a waiver, the proposed development must follow the lot size requirements established by Section 17.518.30. The granting of any waiver shall not result in a detriment to the general health, safety, and welfare of the public, harm natural resources, or the intent and purpose of these regulations.

C. **Design, Plan Review and Construction.** The design, plan review, and construction of centralized sewer system infrastructure shall take place in accordance with the Standard Specifications for Public Works Construction standards (Orange Book), state standards regarding sewage disposal, and all other applicable local, state, and federal regulations. All new infrastructure shall be reviewed and approved by the County Engineer. Improvement plans for new infrastructure shall be submitted to the county for review pursuant to Chapter 17.618, Improvement Plans.

D. **Design Standards.** Centralized sewer system infrastructure shall be designed in accordance with the following:

1.	Minimum sewer pipe size:	Mains: 8 inches Laterals: 4 inches
2.	Minimum design velocity:	2 fps at d/D = 0.5 (fps = feet per second) (d/D = depth of flow/inside diameter)

3. The standards established by this subsection are the minimum standards for centralized sewer system design. The County Engineer may require higher standards when deemed reasonably necessary.

E. **Level of Service.** Centralized sewer systems shall be designed to accommodate the total population of the proposed development and any additional development in the reasonably foreseeable future which may be served by the system. Centralized sewer systems shall be designed to accommodate projected peak flows and maintain a 10 percent reserve capacity.

Section 17.518.20 Extension and Over-sizing of Infrastructure. The county may require that centralized sewer system be oversized or extended through a new development to accommodate future development. This requirement will trigger an agreement between the county and the property owner for reimbursement for the oversized or extended improvements. Such agreement shall be made pursuant to Chapter 17.616, Development Agreements.

Section 17.518.25 Easements. Easements shall be dedicated by an applicant to accommodate all centralized sewer system infrastructure. All easements shall have a minimum width of 10 feet. A larger width may be required in unusual circumstances including steep topography or easements used for multiple utilities. The location and dimensions of required easements shall be determined by the Planning & Building Director and County Engineer. Easements should be located along property lines, whenever possible.

Section 17.518.30 Individual Sewage Disposal Systems.

A. **Application.** Individual sewage disposal systems may be utilized for sewage disposal when centralized sewage disposal service is not required or is unavailable.

B. **Lot Size Requirements.** A lot must follow the following requirements before an individual sewage disposal system may be installed:

1. A minimum lot area of one acre is required for the installation of an individual sewage disposal system on a lot served by a well.

2. A minimum lot area of ½ acre is required for the installation of an individual sewage disposal system on a lot served by a centralized water supply system.

3. An individual sewage disposal system may be installed on a lot with a minimum lot area of ¼ acre or more if the lot was created as part of a tentative subdivision map approved before January 1, 2000 and is served by a centralized water supply system.

C. **Permits Required.** Any person who desires to construct, alter, repair, or extend an individual sewage disposal system must first obtain the appropriate permit(s) from the County Planning & Building Department.

D. **Design, Plan Review and Construction.** The design, plan review, and construction of individual sewage disposal systems shall take place in accordance with the county's adopted building codes, state standards regarding sewage disposal, and all other applicable local, state, and federal regulations.

   New individual sewage disposal systems and associated components shall be reviewed and approved by the County Planning & Building Department staff. Plans for new infrastructure shall be submitted to the county for review in accordance with Planning & Building Department requirements. The Director may consult the County Engineer, as necessary, to complete their review.

   The following information shall be provided with an application for a permit for an individual sewage disposal system and shall be considered during review: size and shape of the property, slope of natural and finished grades, soil type and classification, depth to ground water, and the proximity of existing or possible future water resources or water supply infrastructure. The Planning & Building Department may require additional information as deemed necessary.

E. **Connection Requirements.** Only one building shall be connected to an individual sewage disposal system, unless otherwise allowed by applicable regulations and authorized by the County Engineer, in writing, and submitted to the Planning & Building Department. The County Engineer shall determine that the subject system and the size of the subject property is adequate to accommodate the additional usage, pursuant to applicable regulations.

F. **Location Requirements.** The location and installation of an individual sewage disposal system shall not create a detriment to the general health, safety, and welfare of the public, or to any domestic water supply, or any other natural resource.

Division Six: Procedures

CHAPTER 600
TITLE AND CONTENTS

SECTIONS:

17.600.00 Title
17.600.05 Contents

Section 17.600.00 Title. Division Six of Title 17 is entitled "Procedures."

Section 17.600.05 Contents. Division Six consists of the following chapters:

Chapter 600 Title and Contents
Chapter 602 Variances
Chapter 604 Vacations and Abandonments of Easements or Streets
Chapter 606 Special Use Permits
Chapter 608 Site Plans
Chapter 610 Conditional Use Permits
Chapter 612 Amendment of Master Plan
Chapter 614 Vested Rights Determination
Chapter 616 Development Agreements
Chapter 618 Improvement Plans
Chapter 620 Construction, Inspection and Bonding of Public Improvements

CHAPTER 602
VARIANCES

SECTIONS:

17.602.00 Purpose
17.602.05 Requirements for Application
17.602.10 Supplemental Guidelines, Standards and Criteria
17.602.15 Review Procedures
17.602.20 Notice of Public Hearings

17.602.25 Findings
17.602.30 Appeal
17.602.35 One Year Wait on Denials
17.602.40 Modification of a Variance
17.602.45 Expiration
17.602.50 Revocation
17.602.55 Extension

Section 17.602.00 Purpose. The purpose of Chapter 602, Variances, is to allow the Regional Planning Commission to authorize a variance from the strict application of these regulations were, owing to special conditions, a literal enforcement of these provisions will, in an individual case, result in unnecessary hardship. The granting of a variance shall not result in a substantial detriment to the public good, substantial impairment of affected natural resources or substantial impairment of the intent, purpose, and spirit of these regulations. A variance may not be granted to increase the density or intensity of development beyond that allowed by adopted regulatory land use district or to allow any use not otherwise authorized in the specified land use district.

Section 17.602.05 Requirements for Application. Applications for variances may be initiated by the Board of County Commissioners, a property owner or the property owner's authorized agent. Applications shall be filed with the Planning & Building Department. A request for a variance shall include a site plan which clearly delineates the location(s) and extent of the regulation subject to the variance request. In addition, the applicant shall provide evidence showing how the findings required in this article can be met. The variance shall not be processed until all necessary information for review and decision is deemed complete by the Planning & Building Director.

Section 17.602.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Pershing County Development Code, the Planning & Building Department may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 17.602.15 Review Procedures. The Planning Commission shall review variances in accordance with the provisions of this section.

A. **General Provisions.** The Planning Commission shall conduct a public hearing with notification for the purpose of receiving oral and written comments relative to the application. The testimony shall be reviewed to determine if the application is consistent with existing policies, standards and required findings.

B. **Concurrent Processing of Applications.** A variance request related to additional Development Code action(s) which requires Planning Commission consideration shall be consolidated into one public hearing before the appropriate approval authority for the major request being considered.

C. **Time Period for Hearing.** Public hearings conducted by the Planning Commission shall be held within 65 days from the date of acceptance and acknowledgment of the complete application received.

D. **Time Period for Action.** The Planning Commission may act on the proposed variance at the conclusion of the public hearing. An extension of time for may be mutually agreed upon by the county and the applicant if the applicant submits a request to postpone the Planning Commission action in writing to the Planning & Building Director prior to the scheduled public hearing or at the public hearing with the approval of the Planning Commission.

E. **Action.** The Planning Commission may take action to approve, approve with conditions, modify, modify with conditions, or deny the variance request. Failure by the Planning Commission to hold a public hearing or act within the time frames provided in this section shall constitute approval of the application.

F. **Effective Date of Action.** Action on the variance application, unless otherwise specified, shall be effective upon expiration of the appeal period.

Section 17.602.20 Notice of Public Hearings. Notice of all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Noticing.

Section 17.602.25 Findings. Prior to approving an application for a variance, the Planning Commission shall find that all the following apply:

A. **Special Circumstances.** Because of the special circumstances applicable to the property, including either the:

1. Exceptional narrowness, shallowness, or shape of the specific piece of property.
2. By reason of exceptional topographic conditions.
3. Other extraordinary and exceptional situation or condition of the property and/or location of surroundings.
4. The strict application of the regulation results in exceptional and undue hardship(s) upon the property owner.

B. **No Detriment.** The relief will not create a substantial detriment to the public good, substantially impair affected natural resources, impair the intent and purpose of the Development Code, or applicable policies under which the variance is granted.

C. **No Special Privileges.** The granting of the variance will not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and the identical regulatory land use district in which the property is situated.

D. **Use Authorized.** The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property.

Section 17.602.30 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning & Building Director, a member of the Planning Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.602.35 One year Wait on Denials. After the denial of a variance, no applications for a variance for the same or similar parcel and regulation may be accepted for one year immediately following the denial. This section shall not apply to applications denied without prejudices, which may be re-filed within one year.

Section 17.602.40 Modification of a Variance. Modification of the terms of the approved variance itself or the waiver or alteration of conditions-imposed incident to the granting of the variance shall require a new application following the same procedure required for the initial variance except for minor modifications which can be approved by the Planning & Building Director.

Section 17.602.45 Expiration. A variance shall expire as provided in this section.

A. **Time Period.** A variance shall expire and become null and void at the time specified therein. If no time is specified, the following shall apply.

    1. The variance shall expire and become null and void in 24 months after its effective date except where construction and/or use in reliance on such variance has commenced prior to its expiration.

    2. The variance shall expire and become null and void in five years if any required building permit associated with the variance has not been extended or has lapsed and become void.

B. **Extension.** The time allotment in subsection A may be extended for an addition of 12 months by the Planning Commission. Requests for time extensions shall be in writing and shall be submitted prior to the expiration date. The request shall clearly state the reason for the extension.

Section 17.602.50 Revocation. Revocation of a variance shall be subjected to the requirements of this section.

A. **Initiation of Action.** The Planning Commission or the Board of County Commissioners may initiate an action to revoke a variance.

B. **Grounds for Revocation.** A variance may be revoked pursuant to the provisions of this section upon a finding of any one or more of the following grounds:

    1. That the variance approval was obtained or extended by fraud.

2. That one or more of the conditions upon which such development approval was granted have been violated.

C. **Planning Commission Public Hearing.** The Planning Commission shall hold a public hearing upon the revocation of the variance. The hearing shall be noticed in accordance with this section. The Planning Commission shall submit findings based on any one or more of the grounds listed in subsection B. of this section and shall forward a recommendation on the revocation to the Board of County Commissioners, or the person or persons to whom the variance has been reissued shall be notified of such recommendations not later than three days after submission of the report to the Clerk of the Board of County Commissioners.

D. **Board of County Commissioner's Action.** The Board of County Commissioners shall hold a public hearing upon the revocation of the variance. The hearing shall be noticed in accordance with this chapter. After the public hearing and consideration of the recommendation of the Planning Commission, the Board of County Commissioners may take action to revoke the variance, or to continue the variance.

Section 17.602.55 Extension. Extension of the time may be granted by the Planning Commission.

CHAPTER 604
VACATIONS AND ABANDONMENTS

SECTIONS:

17.604.00 Purpose
17.604.05 Requirements for Application
17.604.10 Review Procedures
17.604.15 Findings and Action
17.604.20 Final Procedures, Recordation, and Re-application
17.604.25 Appeal

Section 17.604.00 Purpose. The purpose of Chapter 604, Vacations and Abandonments is to provide a means vacate or abandon easements or streets.

Section 17.604.05 Requirements for Application. Applications for the vacation or abandonment of easements or streets may be initiated by the Board of County Commissioners, the Planning Commission, the Planning & Building Director, or an owner of real property abutting an easement or public street right-of-way through an application to the Planning & Building Department. The application shall be processed when the necessary information is received and deemed complete by the Planning & Building Director.

Section 17.604.10 Review Procedures. The Board of County Commissioners shall review applications for abandonments and vacations in accordance with the provisions of this section.

A. **General Provisions.** The Board of County Commissioners shall conduct a hearing and receive evidence relative to the application. The evidence shall be reviewed to determine if the application is consistent with existing policies, standards, and required findings.

B. **Time Period for Hearing and Action.** Hearings conducted by the Board of County Commissioners and action on the application shall be completed within 40 days from the date of acceptance of the complete application.

C. **Notice of Board of Commissioners Hearing.** Notice of a vacation or abandonment application to be heard by the Board or County Commissioners shall be given by notifying by certified mail each owner of property abutting the proposed vacation or abandonment and causing a notice to be published at least once in the newspaper of general circulation available to residents in the county, not less than 10 days before the hearing.

D. **Action.** The Board of County Commissioners may take action to approve, approve with conditions, or deny the abandonment or vacation request. Failure of the Board to hold a hearing within the time frame provided in this section shall constitute an approval of the application by the Board.

Section 17.604.15 Findings and Action.

A. **Findings.** Prior to approving an application for an abandonment or vacation, the County Commissioners shall find that all the following are true:

1. The abandonment or vacation is consistent with the policies, action programs, standards, and maps of the Master Plan and the applicable area plans.

2. The abandonment or vacation does not create a detriment to abutting or surrounding properties.

3. The public will not materially be injured by the proposed abandonment or vacation.

4. Existing public utility easements in the area to be abandoned or vacated shall continue to exist.

B. **Action by Board of County Commissioners.** If the Board of County Commissioners is satisfied that the public will not be materially injured by the proposed abandonment or vacation, the Board shall:

1. **Order the street or easement abandoned or vacated.** The Board of County Commissioners may make the order conditional becoming effective only upon the fulfillment of the conditions prescribed.

2. **Utility or Other Easement.** 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 or any other necessary easement.

3. **Reservations.** The Board of County Commissioners may reserve and except therefrom all easements, rights, or interests which they deem desirable for use by the county or public utility.

Section 17.604.20 Final Procedures, Recordation, and Re-application. Following approval of the Board of County Commissioners, the following procedures shall apply:

A. **Legal Description.** The applicant shall submit to the District Attorney, a legal description for the area of the vacation or abandonment prepared by a Nevada Professional Land Surveyor, prior to recordation of the order of vacation or abandonment.

B. **Recordation.** 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.

C. **Sale of Vacated Portion.** 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 unvacated portion of it, the Board 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 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/her property, but no action may be taken by the Board to force the owner to purchase the 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.

D. **Payment.** If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owners. If the street was not acquired by dedication, the Board may make its order conditional upon payment by the abutting property owners for their proportionate part of the street for such consideration as the Board determines to be reasonable. If the Board 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 consider the public benefit.

E. **Light and Air Easement.** Any easement for light and air adjacent to any vacated street is vacated upon the vacation of the street.

F. **Consistency with Master Plan.** No procedures or approvals that are provided for in this chapter may be in contravention to the Master Plan.

G. **Reapplication.** When an application for a vacation or abandonment of an easement or street has been denied, a subsequent application for the same easement or street right-of-way shall not be submitted for the next six consecutive months commencing from the date of the final action by the Board.

Section 17.604.25 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning & Building Director, a member of the Planning & Building Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

CHAPTER 606
SPECIAL USE PERMITS

SECTIONS:

17.606.00 Purpose
17.606.05 Applicability
17.606.10 General Provisions
17.606.15 Submittal Requirements and Procedures
17.606.20 Review Procedures
17.606.25 Issuance of Permit
17.606.30 Appeal
17.606.35 Notice of Public Hearings
17.606.40 Findings
17.606.45 Additional Findings for Development of Natural Resources
17.606.50 Public Improvement Requirements
17.606.55 Time Limits
17.606.60 Modification of Permit by Permit-holder
17.606.65 Modification or Revocation of Permit by County
17.606.70 Transfer of Special Use Permit

Section 17.606.00 Purpose. The purpose of Chapter 606, Special Use Permits, is to establish the regulations and procedures for special use permits. Special uses are those which are generally compatible with the permitted land uses in each regulatory district, but which require individual review of their location, design, and configuration to determine if the uses have the potential to adversely affect public safety and welfare, and adjacent land uses, facilities, or infrastructure in the vicinity. Special uses may require the imposition of conditions by the county to ensure the compatibility of use with surrounding land uses and to eliminate or minimize any potentially adverse effects of the use.

Section 17.606.05_Applicability. This chapter applies to any regulatory land use which requires additional review and issuance of a special use permit, as established in Division Three, Regulations of Uses, or as otherwise required in the Development Code.

Section 17.606.10 General Provisions.

A. Special use permits shall comply with the provisions of the Development Code and other applicable local, state, and federal regulations.

B. The applicant for a special use permit shall be responsible for submitting a complete application to the satisfaction of the Planning & Building Director and payment of all required fees, . These fees include but are not limited to the application fee established by the county, and any additional review fees required of the county engineer and other entities.

Section 17.606.15 Submittal Requirements and Procedures. Requests for special use permits may be initiated by an owner of real property, their authorized agent, or the Board of County Commissioners. The following items must be submitted to the Planning & Building Department to initiate a review of a special use permit application:

A. Completed application, on forms furnished by the Planning & Building Department.

B. Copies of the site plan drawn to scale at the specified paper size and number of copies required by the Director. The site plan shall conform to the requirements of Chapter 17.608, Site Plans. The Planning & Building Director may add or waive site plan requirements as necessary.

C. An affidavit of ownership, signed and notarized by all legal owners of the subject property.

D. Payment of required fees established by the county at the time of submittal.

E. Any other materials, information, data, and reports deemed necessary by the Planning & Building Director for review and processing of the special use permit application.

Review of special use permit request shall not begin until the submitted materials are deemed complete by the Planning & Building Director.

Section 17.606.20 Review Procedures. The review procedures for a special use permit application ("application" as used in this section is defined as the materials required by Section 17.606.15) are as follows:

A. **Review for Completeness.** Upon receipt of an application, the Planning & Building Department staff shall have 15 working days to review the submitted materials and accept or reject the application as complete. If an application is found to be incomplete, staff will notify the applicant in writing and/or the applicant will be notified of additional information needed. Once an application is deemed complete, staff will schedule a public hearing before the Planning Commission.

B. **Review by County.** Following acceptance of a complete application, the materials shall be reviewed by the Planning & Building Director. The application shall be thoroughly reviewed to ensure compliance with the Development Code and other applicable regulations. If staff determines there are deficiencies with the application, corrections or changes may be required by notification of the applicant. The application shall be revised to reflect corrections or changes requested prior to a determination of completeness by the Planning & Building Director.

   The Director may cause the application to be reviewed by other departments and agencies, as necessary. These may include but are not limited to the County Engineer, Road Department, Fire Department, public safety, and utility providers, etc.

C. **Planning Commission Public Hearing and Action.** Within 65 days after the acceptance of a complete application, the Planning Commission shall hold a public hearing to review the application. Following the public hearing, the Planning Commission shall take action to approve, approve with conditions, or deny the special use permit application. Action taken by the Planning Commission must be based upon findings made pursuant to Section 17.606.40. A statement regarding these findings shall be included with action taken. The Planning Commission shall act no later than 35 days after the hearing.

Section 17.606.25 Issuance of Permit. Upon approval of a special use permit application by the Planning Commission, the Planning & Building Director shall issue a special use permit to the applicant. The special use permit shall list any conditions of approval that require the applicant's compliance.

Section 17.606.30 Appeal. Any person who is aggrieved by a decision of the Regional Planning Commission, the Board of County Commissioners, the Planning & Building Director, a member of the Planning & Building Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision pursuant to Chapter 17.710, Appeals.

Section 17.606.35 Notice of Public Hearings. Notice of all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Noticing.

Section 17.606.40 Findings. Prior to taking action to approve a special use permit, the Planning Commission, shall determine that all of the findings listed in this section are true. If it is determined that one or more of the findings listed in this section have not been adequately accounted for, action may be taken to conditionally approve or to deny the special use permit, based on such findings.

A statement of the determination made by the Planning Commission or Board of County Commissioners regarding these findings shall be included with action taken.

Findings.

A. The proposed use will not be detrimental to the health, safety, and welfare of the public.

B. The proposed use is consistent with the goals, policies, and objectives of the Pershing County Master Plan.

C. The proposed use complies with the Development Code and all other applicable county, state, and federal regulations. Specifically, the proposed use follows applicable environmental and health regulations concerning water and air pollution, water supply, sewage disposal. And the disposal of solid waste.

D. There is water available to serve the proposed use which meets applicable health standards and is sufficient in quantity to reasonably meet the foreseeable needs of the proposed use.

E. Utilities and services, including but not limited to provisions for water supply, sewage disposal, storm drainage, electric service, solid waste disposal, and telecommunications, are currently available, or will be accessible, and adequate to serve the proposed use prior to the issuance of a building permit.

F. The proposed use will not be detrimental to existing transportation infrastructure or the safe use of such infrastructure, including but not limited to streets, highways, sidewalks, bike paths, and traffic control components. Provision has been made for safe and adequate transportation infrastructure to, from, and within the proposed use.

G. Fire protection including water service is available, accessible and adequate to prevent and/or contain fires, including fires in wild lands.

H. Public services including schools, sheriff, , fire protection, and transportation access, are available and adequate to serve the proposed use, as necessary. The availability of parks and recreation may also be considered as far as public services are concerned, depending on the request.

I. The proposed use will not be detrimental to an existing public utility, service, or infrastructure listed in this section or otherwise in this Development Code and will not have a negative impact on the level of service currently provided to residents of the county.

J. After considering the physical characteristics of the land such as the agricultural overlay boundary, hydrology, flood zones, topography, mineral resources, soils, wild land fire areas, BLM Wilderness Study Areas, and potential hazards from these physical characteristics the proposed use on the site has been determined suitable.

K. The proposed use will not have a detrimental effect to other properties in the area.

L. The proposed use will not be detrimental or have a negative impact on the existing natural drainage or existing storm drainage systems.

M. The proposed use will not cause measurable environmental damage or cause substantial injury to any endangered plant life, wildlife, or their habitat.

N. The recommendations and comments of departments and agencies requested to provide feedback have been considered in the decision-making process.

Section 17.606.45 Additional Findings for Development of Natural Resources. All-natural resource development shall require a special use permit. Natural resource development includes energy production (wind, hydropower, solar power, biomass, and geothermal), mining operations, petroleum gas extraction, and forest products production. In addition to the findings required in Section 17.606.40, issuance of a special use permit for development of natural resources shall be contingent on the Planning Commission finding that the following are true:

A. The proposed development is not unduly detrimental to surrounding properties, land uses, and the environment in general.

B. The proposed development will not unduly block scenic views or degrade any surrounding scenic resources; and

C. The proposed development site and all affected areas will be reclaimed by the applicant at the conclusion of operations as guaranteed by a performance bond.

Section 17.606.50 Public Improvement Requirements. Public improvements shall be provided to new development created by a special use permit in accordance with the provisions of this section.

A. The County may require any public improvements as deemed reasonably necessary to support the new development and to meet the requirements of Section 17.606.40. The County shall reference the standards established by **Table 17.501.15-1** and Chapter 17.501, in determining public improvement requirements. The requirement of public improvements by the County shall follow applicable regulations and shall be consistent with the provisions of the Master Plan.

B. When new development created by a special use permit includes the construction of public improvements the following shall be complied with:

   1. Public improvements shall be constructed to County Standards, as established by Division Five, Development Regulations.

   2. Public improvements shall be constructed, inspected, and bonded in accordance with Chapter 17.620, Construction, Inspection and Bonding of Public Improvements.

   3. The applicant shall submit and receive approval of construction plans for the public improvements, pursuant to Chapter 17.618, Improvement Plans.

The County shall not take action to approve a special use permit which includes the construction of public improvements unless the provisions of this subsection have been complied with or the provisions of this subsection are required as conditions of approval.

Section 17.606.55 Time Limits. Special use permits are subject to the following time constraints:

A. **Time period.** A special use permit shall expire and become null and void at the time specified in the permit.

B. **Extension.** The time of a permit may be extended by the Planning Commission. Requests for time extensions shall be made in writing by the permit holder and shall be submitted to the

Planning & Building Director at least 60 days prior to the expiration date. The request shall state the reason(s) for the extension.

C. **Discontinuance.** A special use permit shall expire and become null and void within 12 months after the purpose for which it was granted has been discontinued or abandoned.

Section 17.606.60 Modification of Permit by Permit-holder. Modifications to special use permits initiated by a permit holder shall be subject to the requirements in this section.

A. **Submittal Requirements.** Requests to modify a special use permit shall be made in writing by the permit holder and shall be submitted to the Planning & Building Director. The written request shall detail the proposed modification(s) and include a revised site plan and additional plans and details as necessary to thoroughly convey the purpose of any requested changes.

B. **Minor Modifications.** The Planning & Building Director may approve minor modifications of a special use permit when, in the opinion of the Director, the proposed modification complies with all the following conditions:

1. The modification is supplementary to the existing permitted use.
2. The modification does not result in a change of use.
3. The modification will not have a substantial adverse effect on adjacent properties or the public.
4. The modification complies with all current and applicable county, state, and federal regulations, and the requirements of any agencies having jurisdiction over the project.

C. **Major Modifications.** If a proposed modification does not comply with the conditions listed in subsection B of this section, the modification must be reviewed by the Planning Commission and a new permit shall be required. Major modifications include, but are not limited to, modification of the terms of the approved special use permit or the waiver or modification of conditions imposed in conjunction with permit approval. These modifications shall be reviewed according to the procedures established by this chapter.

Section 17.606.65 Modification or Revocation of Permit by County. The Planning & Building Director, Planning Commission or Board of County Commissioners may initiate proceedings to modify or revoke a special use permit if it is determined that one or more of the grounds for action listed in subsection A of this section may be true.

A. **Grounds for Action.** A special use permit may be modified or revoked by the county upon finding that one or more of the following are true:

1. The special use permit approval was obtained or extended by fraud.
2. One or more of the conditions upon which approval of the permit was granted have been violated.

3. The special use or the facilities and equipment associated with the use have been conducted, operated, or maintained in a manner that is detrimental to the public health, safety, and welfare, or is a public nuisance.

B. **Procedures.** The procedures for the modification or revocation of a special use permit by the county are as follows:

1. Planning Commission Public Hearing and Action. The Planning Commission shall hold a public hearing regarding the modification/revocation of the special use permit. The Planning Commission shall review all evidence presented, as it relates to the grounds for action listed in subsection A of this section.

At the conclusion of the public hearing or within 35 days of the hearing, the Planning Commission shall take action to make a recommendation to the Board of County Commissioners to modify, revoke, or take no action against the special use permit. The Planning Commission shall make findings based upon the grounds for action listed in subsection A of this section and shall state such findings as part of the action taken.

2. After action has been taken by the Planning Commission, the Planning & Building Director shall cause the following to take place:

   a. A written report shall be prepared, which details the action and findings of the Planning Commission, and such report shall be submitted to the Board of County Commissioners.

   b. The person(s) to whom the special use permit has been issued shall be notified of the action and findings of the Planning Commission.

3. Board of County Commissioners Hearing and Action. Within 60 days of Planning Commission hearing, the Board of County Commissioners shall hold a public hearing regarding the modification/revocation of the special use permit. The Board of County Commissioners shall review all evidence presented, including the recommendation and findings of the Planning Commission, as it relates to the grounds for action listed in subsection A of this section.

   At the conclusion of the public hearing or within 35 days of the hearing, the Board of County Commissioners may take action to modify or revoke the special use permit. If action is taken, the Board of County Commissioners shall make findings based upon the grounds for action listed in subsection A of this section and shall state such findings as part of the action taken.

   Action by the Board of County Commissioners shall consist of an affirmative vote of a majority of the members. The final decision of the Board of County Commissioners shall be final for the purposes of judicial review.

4. After action has been taken by the Board of County Commissioners, the Planning Director shall cause the person(s) to whom the special use permit has been issued to be notified of such action and the findings supporting the decision.

Section 17.606.70 Transfer of Special Use Permit. The current holder of a special use permit may transfer such permit to a successor in interest by complying with the following:

A. The current permit holder shall submit written notice to the Planning & Building Director that the permit is being transferred.

B. The Director shall forward a copy of the notice to the Planning Commission for review.

C. The successor in interest shall appear before the Planning Commission to review the terms and conditions of the original permit.

The transfer of a special use permit does not affect the original time limits set on the special use permit.

CHAPTER 608
SITE PLANS

SECTIONS:

17.608.00 Purpose
17.608.05 Applicability
17.608.10 Requirements for Submittal
17.608.15 Determination of Completeness
17.608.20 Appeal Process
17.608.25 Modification of Site Plan
17.608.30 Expiration

Section 17.608.00 Purpose. The purpose of Chapter 608, Site Plans, is to provide a guide for preparation of a site plan to the Planning & Building Department to support an application for a Special Use Permit, Conditional Use Permit, Variance, or Building Permit. The intent is to ensure the proposed development conforms to the regulations contained within the Development Code and Pershing County Building Code.

Section 17.608.05 Applicability. A site plan shall be required for all new construction, exterior additions, or changes in use to any structure used for multi-family, commercial, industrial, or public use, whether such use is a permitted use in the regulatory zone, authorized by a special use permit or allowed as a planned development. No building permit shall be issued for a development prior to the approval of the site plan. Specific requirements of the site plan may be waived by the Planning Director.

Section 17.608.10 Requirements for Submittal. The Planning & Building Department shall review the site plan in accordance with the provisions of this section.

A. **General Provisions.** A property owner or designated representative of the property owner may initiate site plan review by submitting the information outlined below. A site plan may be prepared and submitted for the entire development or for individual development phases. Some site plans may be required by the Planning & Building Department to be prepared by a registered architect, engineer, landscape architect or surveyor. All site plans shall contain a development plan prepared on a sheet measuring not more than 24 inches by 36 inches, drawn to scale, and setting forth the following information:

    1. The address and telephone number of the property owner.
    2. Land use on the subject and adjacent property.
    3. North arrow, scale, and date.
    4. Vicinity map clearly identifying the location of the development and its relationship to the surrounding community.
    5. A narrative statement on the plan identifying provisions of ownership and maintenance of all common areas, open space, private streets, and easements.
    6. Yard setbacks and distances between structures.
    7. Walls and fences, including location and height.
    8. The proposed location size and height of all signs.
    9. Existing and proposed easements, including, but not limited to, ingress/egress, water management and public/county utilities.
    10. Buffer and screening requirements and areas.
    11. The location and configuration of septic systems, with required open area, or interim wastewater treatment facility, if required.
    12. The location of potable water wells, if existing or proposed.
    13. Water and sewer system connection points and configuration on site.
    14. A site summary in chart form which shall include the following:
        a. Total site acreage.
        b. Total square frontage of impervious area (including all parking areas, driveways, and internal streets) and its percentage of all total site area.
        c. For residential projects, the total number of existing and proposed residential dwelling units, units per acre and a unit breakdown by square footage and number of bedrooms.

d. For nonresidential projects, total building square footage breakdown by use (i.e., office, retail, storage, or the like) and its percentage of the total building.

e. For nonresidential projects or projects within an AP zone the following performance standard shall be complied with.

15. Location of irrigation ditches, head gates and related facilities.

16. A complete legal description of the property. A boundary survey may be required if the Planning Commission deems it necessary.

Section 17.608.15 Determination of Completeness. The Planning and Building Director shall review the site plan application and determine if the application is complete pursuant to Section 17.608.10. Before approving the site plan, the Director shall make the following determinations:

A. The site can accommodate the building(s), parking areas and drives with appropriate open spaces and follows all requirements of these regulations.

B. The site plan provides for safe and easy ingress, egress, and internal traffic circulation.

C. All development features, including the principal building and any accessory buildings, open spaces, service roads and parking areas are located to minimize the possibility of adverse effects on adjacent properties.

D. The plan is consistent with accepted land planning and site engineering design principals.

E. The plan represents an overall development pattern that is consistent with the Master Plan, design guidelines and other adopted planning policies.

Section 17.608.20 Appeal Process. If the Planning and Building Department decides, in writing, that the site plan is incomplete, the applicant may appeal the decision to the Board of County Commissioners within 15 days from the date of the letter. Refer to Chapter 17.710, Appeals.

Section 17.608.25 Modification of Site Plan. The Planning and Building Director shall be authorized to review and approve modifications to a previously approved site plan, when the modification is for the expansion of floor space, provided, the amendment meets all requirements of these regulations.

Section 17.608.25 Expiration. A site plan approval shall expire as provided in this section.

A. **Time Period.** A site plan approval shall lapse and become void one year from the date of site plan approval unless prior to the expiration, a building permit is issued, and construction is commenced and diligently pursued toward completion.

B. **Extension.** The time in Subsection A. of this section may be extended by the Planning and Building Director. Requests for time extensions shall be in writing and shall be submitted

prior to the expiration date. The request shall state the reason for the extension. Such extension, if granted, shall not exceed a period of one year. The request for extension shall be reviewed in relationship to any change in ordinance or code requirements, development of surrounding land uses and adjacent properties and the expansion or provision of public facilities and utilities.

C. **Concurrency.** A site plan approval pursuant to these provisions shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which was the subject of the application.

CHAPTER 610
CONDITIONAL USE PERMITS

SECTIONS:

17.610.00 Purpose
17.610.05 Application
17.610.10 Planning Commission Consideration
17.610.15 Planning Commission Responsibilities
17.610.20 Action by Board of County Commissioners
17.610.25 Exceptions
17.610.30 Explosive Defined for the Purposes of this Section
17.610.35 Termination

Section 17.610.00 Purpose. No person may commence operation is this state of a facility where an explosive or a substance listed in NRS 278.147, the regulations adopted pursuant thereto or the regulations adopted pursuant to NRS 459.3833, will be used, manufactured, processed, transferred, or stored without first obtaining a conditional use permit.

Section 17.610.05 Application. An application for a conditional use permit must be filed with the Planning & Building Department by the owners of the property, lessee, purchaser in escrow, or optionee, with notarized consent of the owner(s) on a form prescribed by the Planning & Building Department. The Planning Commission shall hold a public hearing to consider the application within 90 days of the determination that the application is complete. At least 30 days prior to the public hearing, the Planning Commission shall notice of the time, date, place, and purpose of the hearing as follows:

A. Sent by mail, or if requested by a party whose notice must be provided pursuant to this paragraph by electronic means provided receipt of an electronic notice can be verified to:

1. The applicant.
2. Each owner or tenant of real property located within 1,000 feet of the property in question.
3. The owner, as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the property in question, to the extent this notice does not duplicate the notice given pursuant to subsection 2.
4. If a mobile home park or multiple-unit residence is located within 1,000 feet of the property in question, each tenant of that mobile home park or multiple-unit residence.
5. Any advisory board that has been established for the affected area by the governing body.
6. The administrator of the division of environmental protection of the state department of conservation and natural resources.
7. The state fire marshal.
8. The administrator of the division of industrial relations of the department of business and industry.

B. Published in a newspaper of general circulation available to county residents.

C. The notice required by subsection 2 must:

1. Be written in language that is easy to understand.
2. Include a physical description or map of the property in question and a description of all explosives, and all substances described in subsection 1, that will be located at the facility.

Section 17.610.10 Planning Commission Consideration. In considering the application, the Planning Commission shall determine whether or not the establishment, maintenance, or operation of the use applied for will, under the circumstances of the particular case, be detrimental to the health, safety, comfort, and general welfare of the persons residing in the county or region by consulting with the following:

A **Local emergency planning committee.**

B. **NDEP.** The Administrator of the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

C. **The State Fire Marshal.**

D. **The Administrator of the Division of Industrial Relations of the Department of Business and Industry.**

The governing body of the City Lovelock or adjacent county that may be affected by the operation of the facility.

1. Review criteria. In reviewing the request for conditional use permit approval, the Planning Commission shall consider the existing uses of other property in the immediate area, not impeding the orderly development and improvement of vacant properties in the area, and the availability of adequate facilities.

Section 17.610.15 Planning Commission Responsibilities. The Planning Commission shall submit its recommendations to the County Commission within a reasonable time after the public hearing. If the Planning Commission recommends approval of the conditional use permit, the recommendation shall include such terms and conditions for the operation of the facility deemed necessary for the protection of the health and safety of the county residents and adjacent county, if necessary.

Section 17.610.20 Action by Board of County Commissioners. The Board of County Commissioners shall hold a public hearing to consider the application within 30 days after the receipt of the Planning Commission recommendations. The governing body shall:

A. Cause the notice of the hearing to be given in the manner prescribed by Section 17.610.05.

B. Grant or deny the conditional use permit within 30 days after the public hearing.

Section 17.610.25 Exceptions. Notwithstanding any provision of this section to the contrary, the provisions of this section do not apply to the mining industry.

Section 17.610.30 Explosive Defined for the Purpose of this Section. An explosive does include:

A. Except as otherwise provided in subsection B, as used in this section, "explosive" means gunpowder, powders used for blasting, all forms of high explosives, blasting materials, fuses other than electric circuit breakers, detonators and other detonating agents, smokeless powder, other explosive or incendiary devices and any chemical compound, mechanical mixture or devise that contains any oxidizing or combustible units, or other ingredients, in such proportions, quantities or packing that ignition by fire, friction, concussion, percussion or detonation of the compound, mixture device or any part thereof may cause an explosion.

B. For the purposes of this section, an explosive does not include:

   1. Ammunitions for small arms, or any component thereof.

   2. Black powder commercially manufactured in quantities that do not exceed 50 pounds, percussion caps, safety and pyrotechnic fuses, quills, quick and slow matches, and friction primers that are intended to be used solely for sporting, recreation, or cultural purposes.

      a. In an antique firearm, as that term is defined in 18 U.S.C.§ 921 (a)(16), as that section existed on January 1, 1999; or

      b. In an antique device which is exempted from the definition of "destructive device" pursuant to 18U.S.C.§ 921(a)(4), as that section existed on January 1, 1999.

3. Any explosive that is manufactured under the regulation of a military department of the United States, or that is distributed to, or possessed or stored by, the military or naval service or any other agency of the United States, or an arsenal, a navy yard, a depot, or any other establishment owned by or operated on behalf of the United States.

Section 17.610.35 Termination. Extension of the approved period may be requested at any time prior to termination. When it is determined that no significant changes affecting the conditional use permit have occurred, the County Commission may, after recommendation by the Planning Commission, extend the approval. All approvals and extensions shall be valid for one year from the date of action unless the County Commission specifies a greater or lesser period.

A. Failure to implement. Approval of the conditional use permit shall automatically terminate one year after the date of the ordinance granting the conditional use permit unless a building permit or a certificate of occupancy has been issued for the use.

B. Discontinuance. Approval of the conditional use permit shall automatically terminate if the use is abandoned or discontinued for a minimum period of six months.

CHAPTER 612
AMENDMENT OF MASTER PLAN

SECTIONS:

17.612.00 Purpose and Definition
17.612.05 Requirements for Application
17.612.10 Supplemental Guidelines, Standards and Criteria
17.612.15 Review Procedures
17.612.20 Findings
17.612.25 Planning Commission Report
17.612.30 Effect of Planning Commission Denial
17.612.35 Notice
17.612.40 Appeal of Denial
17.612.45 Action by Board
17.612.50 Written Record
17.612.55 Effective Date
17.612.60 One Year Wait on Denials
17.612.65 Modification of a Master Plan Amendment

Section 17.612.00 Purpose and Definition. The purpose of Chapter 612, Amendment of Master Plan, is to provide a method of amending the text and/or the regulatory land use district affecting a parcel of land, or a portion of a parcel as reflected in the Pershing County Master Plan. For purposes of this chapter, "Planning & Building Director" refers to the Planning Director or the designee of the Director.

Section 17.612.05 Requirements for Application.

A. **Pre-application Meeting.** The applicant may request a pre-application meeting with the Planning & Building Department to discuss the proposed amendment to the Master Plan. Other departments deemed necessary may attend.

B. **Timing of Amendments.** The Master Plan may be amended by the Board of County Commissioners no more than four times per year. Applications for Master Plan amendments shall only be accepted in January, April, July, and October of each calendar year. Specific dates within these months shall be determined by the Planning & Building Department.

C. **Initiation of Amendments.** A Master Plan amendment may be initiated by the Board of County Commissioners or the Planning Commission through resolution. An owner of real property, lessee, purchaser in escrow, or optionee with notarized consent by the owner(s) on a form prescribed by the Planning & Building Department may initiate an amendment.

D. **Frequency of Amendments.** Unless a prior application has been denied without prejudice, only the Board of County Commissioners or Planning Commission may initiate an amendment of the Master Plan for a parcel within 12 months after an amendment on that parcel has been approved or denied.

E. **Completeness.** No Master Plan amendment shall be processed until a complete application has been received and deemed complete by the Planning & Building Director. The Director shall prepare a written report summarizing the staff's comment(s) for consideration by the Planning Commission.

Section 17.612.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Pershing County Development Code, the Planning & Building Director may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 17.612.15 Review Procedures. The Planning Commission shall review a Master Plan amendment in conformance with this section.

A. **Information Required for Text Amendments.** Applications shall include a typewritten copy of the proposed changes to the Master Plan text in a format clearly indicating the proposed changes, the reasons supporting the amendment and the specific circumstances, if any, that are the basis for the requested change.

B. **Application Contents.** An application to amend the regulatory land use district affecting a parcel of land, or a portion of a parcel shall include:

1. Authorization (with notarized original signature) from the property owner requesting the amendment or granting the applicant permission to file the application.
2. A legal description of the property.
3. A scaled map of the property, correlating with the legal description, and clearly showing the property's location.
4. The name, address and phone number of the applicant and property owner.
5. Identification of the adopted land use regulatory land use district and proposed regulatory land use district of the property.
6. A description of the existing use of the property.
7. The area of the property in square feet and/or acres.
8. A description of the proposed project and a time schedule for completion of the proposed project.
9. The source/method for providing infrastructure and services to the property.
10. A description of existing road conditions and any new roads to be included in the development and the effect the proposed project will have on existing road and traffic conditions.
11. Declaration of the property's status relative to floodplain information provided by FEMA.
12. A list of any state, federal, or other public agencies' approvals or permits required for the proposed project.
13. A description of the surrounding land uses on adjacent properties.
14. The effect the proposed change in regulatory land use district may have on surrounding properties.
15. A scaled map depicting the site constraints, including but not limited to, slopes, potential wetlands, flood ways, drainage-ways, geologic hazards, and fault zones.
16. Additional exhibits as may be required by the Planning Director such as a scaled site plan showing elevations of property, location and size of all existing structures, roadways, easements and parking areas, and the location of present and proposed points of access of the property.
17. Statement describing how the proposed change in regulatory zone is consistent with the Pershing County Master Plan.
18. Signature(s) of applicant(s) and owner(s) certifying the accuracy of the information contained within the application.

19. List of property owners within 300 feet. The list must include the owners of at least thirty (30) parcels.

20. List of all tenants of any mobile home parks within 300 feet.

C. **General Provisions.** The Planning Commission shall conduct at least one public hearing with notification for the purpose of receiving oral and written evidence relative to the application. The evidence shall be reviewed to determine if the proposed amendment is consistent with guiding principles, goals and policies of the Master Plan. The Planning Commission shall recommend approval, modification, or denial of the application based on their review and public testimony.

D. **Concurrent Processing of Applications.** If a proposed project requires more than one application under the provisions of the Development Code, the applications may be filed at the same time and processed concurrently. If more than one review authority is involved, the Planning Director shall determine the sequence for action by the review authorities.

E. **Time Period for Hearing.** A public hearing conducted by the Planning Commission shall be held within 125 days from the date the resolution was adopted, or the complete application was accepted.

F. **Time Period for Action.** The Planning Commission may act on the proposed Master Plan amendment at the conclusion of the public hearing but shall take action no later than 90 days after the public hearing. An extension of time for Planning Commission action may be granted if mutually agreed upon between the applicant and the Planning Commission.

G. **Action.**

1. **Approval:** The Planning Commission may act to recommend approval of the original application or recommend approval of the application with conditions for approval modification proposed by the Board of County Commissioners (under Section 17.612.35 C 3) consideration. A recommendation for approval or modification must be carried by the affirmative votes of not less than 2/3 of the voting members. Any recommendation of the Planning Commission shall be memorialized by a resolution prepared by the Planning Director. The resolution shall identify the Master Plan Amendment, provide the grounds for the approval as provided for herein, and refer expressly to the maps, descriptive information, reports, and other matter submitted for consideration.

2. **Denial:** The Planning Commission may choose to deny the application for a Master Plan amendment or recommend that the County Commissioners not modify a previous recommendation for approval (which was returned under Section 17.612.35 C 3). Any action to deny herein must be carried by the affirmative votes of not less than 2/3 of the voting members. A recommendation of denial shall set forth the grounds for the denial.

Section 17.612.20 Findings. The Planning Commission shall not recommend, nor shall the Board of County Commissioners grant an amendment to the Master Plan unless it can make findings based upon the evidence presented to it in each specific case that:

A. The amendment promotes the public health, safety, comfort, convenience, and general welfare and complies with the goals and policies of the Master Plan.

B. The requested Master Plan amendment permits uses which are compatible with existing land uses.

C. The trend of development in the area of the subject property is consistent with the requested amendment and is responsive to changing conditions.

D. The amendment if granted will not alter the essential character of the surrounding area and will not be a substantial detriment to the adjacent properties.

E. The subject property has not been utilized under the existing regulatory land use district for a substantial period of time and the requested Master Plan amendment permits uses which reflect the overall desired pattern of growth.

Section 17.612.25 Planning Commission Report. Within 40 days of the action by the Planning Commission to approve the application for the proposed Master Plan amendment, the Planning Department shall transmit to the Board of County Commissioners the following:

A. The application for the proposed master plan amendment.

B. A copy of the resolution from the Planning Commission describing the amendment.

C. A copy of the report given by the Planning Director to the Planning Commission.

D. A copy of all statements and materials provided to the Planning Commission.

E. The minutes from the public hearing.

Section 17.612.30. Effect of Planning Commission Denial. In the event the Planning Commission denies a Master Plan amendment application, that action is final unless appealed to the Board of County Commissioners.

Section 17.612.35 Notice. Notice for all public hearings regarding applications for master plan amendments held before the Pershing County Regional Planning Commission or the Pershing County Board of Commissioners shall be given by the Planning Director in accordance with the provisions of this section.

A. **Notice of Property Owners by Mail.** A notice setting forth the time, place, purpose of hearing, and map or physical description of the land involved, which shall be sent by mail at least 10 days before the meeting to the following persons:

   1. All owners of real property that are subject of the master plan amendments.

   2. All owners of real property within 300 feet of the property which is the subject of the master plan amendment.

3. All tenants of any mobile home park that is located within 300 feet of the property which is the subject of the master plan amendment.

4. Any advisory board which has been established for the area by the governing body.

B. **Number of Notices.** If the number of notices sent pursuant to this Subsection A does not total 30 or more, the Planning & Building Director shall send out additional notices to make the total number at least 30. These notices shall be sent to owners of real property that are closest to the property in question, not including those owners provided notice pursuant to subsection A of this section. A certificate of mailing shall be maintained detailing the date that the notice was mailed, the name of the individual, the Assessor's Parcel Number, and the mailing address to which the notice was sent.

C. **Noticing by Mail.** The notice must be sent by mail or, if request by a party to whom notice must be provided pursuant to paragraphs 278.260(a) to (d), inclusive, by electronic means if receipt of such an electronic notice can be verified and be written in language which is easy to understand. The notice must set forth the time, place and purpose of the hearing and a physical designation, and the proposed land use designation, of the property in question, and must contain a summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the land use district that would reduce the density or intensity with which a parcel of land may be used, the notice must include a section that an owner of property may complete and return to the governing body to indicate his approval or opposition to the proposed amendment.

D. **Notice in the Newspaper.** A notice setting forth the date, time and place of the public hearing shall be published in a newspaper accessible to residents of Pershing County not less than 10 days prior to the public hearing date. The notice shall describe the proposed Master Plan amendment request, describe the lot, parcel, properties, or areas that are the subject of the Master Plan Amendment request, and other pertinent information in such a manner that the Master Plan amendment request and its effect(s) can be clearly identified.

E. **Compliance with Noticing Requirements.** Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is complied with when notice is sent to the last known addresses of such real property owners as identified in the latest County Assessor's records. Any person who attends the public hearing shall be legally noticed unless those persons can provide evidence that they were not notified according to the provisions of this section.

Section 17.612.40 Appeal of Denial. A denial action of the Planning Commission made pursuant to this article may be appealed in accordance with the provisions of this section.

A. **Appeal Period.** An appeal of the Planning Commission's denial of a master plan amendment request may be made to the Board of County Commissioners within 10 business days after the date of the decision.

B. **Who Can Appeal.** Appeals may be filed by the Board of County Commissioners, the applicant, or the applicant's authorized agent.

C. **Appeal by Applicant or Applicant's Agent.** An appeal by the applicant or the applicant's authorized agent shall be filed with the Planning Department, accompanied by a filing fee of $150.00. The appeal shall be in writing and state the basis of the appeal by citing the inadequacy of the findings made by the Planning Commission. Such reasons shall be based upon the evidence presented to the Planning Commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal.

D. **Action on Appeal.** The appeal of the Planning Commission's denial of a master plan amendment request shall be processed pursuant to this article.

E. **Transmission of Record.** The Planning Department shall transmit to the Board of County Commissioners the following:

1. The application for the proposed master plan amendment.
2. A copy of the resolution from the Planning Commission describing the amendment.
3. A copy of the report given by the Planning Director to the Planning Commission.
4. A copy of all statements and materials provided to the Planning Commission.
5. The minutes from the Planning Commission public hearing.

Section 17.612.45 Action by Board. The Board of County Commissioners shall review a Recommendation for Approval or an Appeal of a Denial of an Application for a Master Plan Amendment in accordance with the provisions of this section.

A. **Time Period for Hearing.** The Clerk of the Board of County Commissioners shall schedule a public hearing before the Board of County Commissioners on the appeal of a denial or recommendation of approval by the Planning Commission, which hearing shall be held no later than 45 calendar days after the filing of the appeal or receipt of the written notice regarding the Planning Commission's recommendation of approval.

B. **Notice of Hearing.** The public hearing shall be noticed as required by Section 17.612.30. The Planning Director shall provide the County Clerk with a copy of the certificate of mailing and proof of publication prior to the public hearing on the Recommendation of Approval or Appeal of a Denial.

C. **Final Action:** Final action shall require a simple majority vote of the total membership of the Board if the Planning Commission has recommended denial of the amendment.

D. **Standard of Review:** The Board of County Commissioners shall review the evidence presented to the Planning Commission and determine if, based upon the evidence presented at the public hearing before the Planning Commission, the Planning Commission erred in making its findings of fact.

E. **Board of County Commissioner's Action.**

1. **Changing a Denial on appeal from the Planning Commission.** If the Board of County Commissioners is considering reversing the Planning Commission's denial of an

application for a master plan amendment, the Board of County Commissioners must determine that, based upon the evidence presented before the Planning Commission at its public hearing, the Planning Commission incorrectly denied the application. Upon a finding specifying the error committed by the Planning Commission, the Board of County Commissioners may vote to overturn the denial and substitute findings justifying an approval of the application.

2. **Affirming a Planning Commission Recommendation of Approval.** If the Board of County Commissioners is considering a recommendation of approval by the Planning Commission, the Board may take final action to adopt the Master Plan amendment as recommended by the Planning Commission, if no modification of the Planning Commission's recommendation is proposed. Final action to approve the application for master plan amendment shall require a simple majority vote of the total membership of the Board.

3. **Rejection of Findings of Fact for Planning Commission Recommendation of Approval.** If the Board of County Commissioners proposes to modify or change in any manner the findings supporting the recommendation of approval from the Planning Commission, the Board may act unless the change or modification involves a denial of the application. The Board shall make specific findings justifying the modification or change in the Planning Commission's findings. If the proposed modification(s)/ change(s) modify or change a recommendation of approval to a denial, the proposed modification(s)/change(s) shall be remanded to the Planning Commission for consideration. The Planning Commission shall not be required to hold a public hearing on the proposed modification(s)/ change(s). The Planning Commission shall submit a report on the proposed modification(s)/change(s) to the Board of County Commissioners within 40 days from the date of remand by the Board of Commissioners. Failure to report shall be deemed a recommendation of approval. Prior to making a final decision, the Board of County Commissioners shall be required to conduct a public hearing and notice this hearing pursuant to this article. If the Planning Commission does not recommend approval of the modification, approval of the proposed modification shall require a 2/3 vote of the total membership of the Board of Commissioners.

4. **Affirming a Denial by the Planning Commission.** The Board of County Commissioners may take final action to affirm and sustain the findings of the Planning Commission denying an application for a Master Plan Amendment.

Section 17.612.50 Written Record. When taking final action on the Planning Commission's recommendation, the Board of County Commissioners shall make part of the record their affirmation, modification, or rejection of the findings of fact provided in the Planning Commission's final recommendation, as well as any other findings of fact that the Board of County Commissioners deems to be relevant. The final action by the Board of County Commissioners shall be final for purposes of judicial review and may be appealed to the District Court pursuant to NRS 278.3195 and Chapter 17.710.

Section 17.612.55 Effective Date. A Master Plan amendment shall become effective immediately upon approval by the Board of County Commissioners, however, the written changes to the land use map or master plan shall be by ordinance.

Section 17.612.60 One Year Wait on Denials. After the denial of a Master Plan amendment, no application for a Master Plan amendment for the same or similar amendment may be accepted for one year immediately following the denial. This section shall not apply to applications denied without prejudice, which may be refilled within one year.

Section 17.612.65 Modification of a Master Plan Amendment. Proposed modifications to an approved Master Plan Amendment shall require a new application following the same procedure required for the initial application.

[Chapter 17.712 amended by Ord. 237, passed 07/03/07, provisions eff. 10/05/07]

CHAPTER 614
VESTED RIGHTS DETERMINATION

SECTIONS:

17.614.00 Purpose
17.614.05 Requirements for Application
17.614.10 Review Procedures
17.614.15 Effect of Approval
17.614.20 Appeal

Section 17.614.00 Purpose. The purpose of Chapter 614, Vested Rights Determination is to provide a clear and consistent process for evaluating vested rights claims and to ensure the vested rights determination is based on accurate and complete information in order to permit new development complies to the greatest extent possible with current regulations. An applicant who believes he/she is entitled to a vested rights determination shall file an application with the Planning & Building Department.

Section 17.614.05 Requirements for Application.

A. **Pre-submittal Meeting.** The applicant shall request a pre-application meeting with the Planning & Building Department to discuss the vested rights determination process which includes a review of ordinances, regulations, and other rules in effect on the date an application is filed.

B. **Application Contents.** An application to determine vested rights must include, at a minimum, the following information:

1. **A completed application for development of the property.**

    a. A legal description of the subject property and the names of the legal equitable owners.

    b. The uses permitted on the property, including population densities and/or building intensities and height.

    c. A description of the public facilities that will service the proposed development, including who shall provide such facilities; the date any new facilities, if needed will be constructed; and a schedule to assure public facilities area available concurrent with the impacts of the development.

    d. Evidence that the proposed development is consistent with the Pershing County Land Use Map and the relevant provisions of this code.

    e. A description of any conditions, terms, restrictions, or other requirements determined to be necessary for the preservation and protection of public health, safety, or welfare.

    f. A description of all development approvals, permits, or other local or state approvals needed for the proposed development.

    g. A description of any reservation or dedication of land for public purposes.

    h. A phasing plan indicating the anticipated commencement and completion date of all phases of the proposed development; and

    i. A statement that the County shall review progress pursuant to the development approval at least once every 12 months to determine if there has been demonstrated good faith compliance with the terms of the development approval. If the County finds, based on substantial competent evidence, that there has been a failure to comply with the terms of the development approval, the approval may be revoked or modified by the County, after a public hearing which has been noticed by publication, and for which notice has been expressly provided to the Applicant.

    j. The duration of the development approval and the conditions that will result in revocation.

    k. A statement indicating that the omission of a limitation or restriction shall not relieve the Applicant of the necessity of complying with all applicable county, state, and federal laws.

2. **Summary on the basis on which the applicant claims vested rights.**

3. **The date on which the applicant claims that vested rights accrued and any permit or fair notice application that was submitted on that date.**

4. **A complete chronological history of the project for which vested rights are claimed.**

    a. A list of permits for development of the property, including supporting documents that were issued or applied for after the date the applicant claims the vested rights accrued.

    b. A description of any permitted or unpermitted development that occurred on the property after the date the applicant claims the vested rights accrued.

    c. A description of existing development on the property, regardless of whether the development is permitted or unpermitted.

    d. Any covenants, conditions, or restrictions recorded in the deed records for the property.

C. **Exceptions.** The Planning & Building Director may allow an applicant to omit information required under this section, if in the sole judgment of the Director, an application is associated with a project for which vested rights have been conclusively established by a court order, or by a settlement agreement or project consent agreement approved by the County Commission.

D. **Completeness.** No application for vested rights shall be processed until the information necessary to determine the completeness of the application Director. The Director shall prepare a written report summarizing the staff's comment for consideration by the Board of County Commissioners.

Section 17.614.10 Review Procedures. The Board of County Commissioners shall review the vested rights application in conformance with this section.

A. **General Provisions.** The Board of County Commissioners shall conduct at least one public hearing with legal notification to receive oral and/or written evidence relative to the application for the purpose of acting on the application.

B. **Action.** If the applicant is found to be vested, the Board of County Commissioners shall enter into a development agreement with the applicant that includes a description of the project for which vested rights are recognized, a vesting date, and any additional terms and conditions necessary to protect the public health, safety, and welfare. If the applicant is found not to be vested, the application shall be considered void. In making the determination of vesting, the Board of County Commissioners shall consider the following to make the necessary findings:

    1. Claiming entitlement to development approval based on detrimental reliance, i.e., the initial application for development approval was made by the applicant and accepted by the County, the County had an opportunity to require the applicant to submit relevant

information, including, but not limited to, adequate public facilities data, the applicant has proceeded in good faith, and no approval or permits have lapsed or been revoked.

2. Claiming entitlement to development approval based on an actual or implied phasing plan, pursuant to which the applicant has proceeded in good faith, provided, or made provision for required public improvements and no approvals or permits have lapsed or been revoked.

3. Claiming entitlement to development approval based on other vested rights under state law.

Section 17.614.15 Effect of Approval. A vested rights determination shall be valid for the term specified in the development agreement. If the applicant fails to enter into a development agreement, the vested rights determination shall be valid for no longer than two years. A zoning vested right is not a personal right but shall attach to and run with the applicable property. After approval of a site-specific development plan, all successors to the original landowner shall be entitled to exercise such right while applicable. Nothing in this section shall prohibit the revocation of the original approval or other remedies for failure to comply with the applicable terms and conditions of this approval or this Development Code.

Section 17.614.20 Appeal. Applicants may appeal the Board of County Commissioners' decision to District Court in accordance with Chapter 17.710, Appeals.

CHAPTER 616
DEVELOPMENT AGREEMENTS

SECTIONS:

17.616.00	Purpose
17.616.05	Applicability
17.616.10	General Provisions
17.616.15	Submittal Requirements
17.616.20	Contents of Development Agreement
17.616.25	Notice
17.616.30	Review Procedures
17.616.35	Recordation
17.616.40	Periodic Review
17.616.45	Amendment or Cancellation of Agreement

Section 17.616.00 Purpose. The purpose of this chapter is to establish the regulations and procedures to approve a development agreement between the county and any person having a legal or equitable interest in real property located within the county. Development agreements encourage a stronger commitment to comprehensive and capital facilities planning, ensure compliance with special procedures and projects, ensure provision of adequate public facilities for development, encourage the efficient use of resources, and theoretically reduce the cost of development.

Section 17.616.05 Applicability. Only a person who has legal or equitable interest in the property which is the subject of the development agreement may apply for a development agreement for review and approval by the Board of County Commissioners.

Section 17.616.10 General Provisions.

A. **Laws in Effect.** The ordinances, resolutions and regulations which are applicable to the subject property, and which govern the permitted uses and density and establish design, construction and improvement standards are those in effect at the time the agreement is made, unless the agreement provides otherwise.

B. **Subsequent Actions.** A development agreement shall not prevent the Board of County Commissioners, in subsequent actions applicable to the property, from adopting new ordinances, resolutions or regulations which do not conflict with those ordinances, resolutions and regulations in effect at the time the development agreement was made, except that any subsequent action by the County shall not prevent the development of the land as set forth in the development agreement.

C. **Compliance with State or Federal Regulations.** If any state or federal regulations are enacted after a development agreement has been entered into, and such regulations prevent or preclude compliance with one or more of the provisions of the development agreement, such provisions shall be amended or canceled, as necessary, to comply with the new state or federal regulations. Any such action to amend or cancel a portion of a development agreement shall be done in accordance with Development Code Section 17.616.45, Amendment or Cancellation of Agreement.

D. **District Attorney Approval.** The District Attorney shall review and approve a development agreement prior to the County entering into such agreement.

Section 17.616.15 Submittal Requirements. An owner of real property may request to enter into a development agreement with the County by applying through the Planning Department. A development agreement may also be initiated by the Board of County Commissioners. The following, at minimum, must be submitted to process an application:

A. Completed application on forms furnished by the Planning & Building Department.

B. Verification of the status of the applicant as an owner of the subject property, typically by a signed and notarized owner affidavit.

C. Copies of the development agreement, of the number required by the Planning & Building Director.

D. Payment of all required fees associated with the processing and review of the development agreement, as established by the county.

E. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the development agreement.

Section 17.616.20 Minimum Contents of Development Agreement.

A. **Required Elements**. A development agreement shall contain the following provisions, as applicable:

1. A legal description of the land subject to the agreement and the names of its legal and equitable owners.

2. The duration of the agreement.

3. The development uses permitted on the land, including population densities, and buildings intensities and heights.

4. A description of public facilities that will serve the development including the responsible party for providing facilities, the date any new facilities, if needed, will be constructed, and a schedule to assure public facilities are available concurrent with the impacts of the development.

5. A description of any reservation or dedication of land for public purposes.

6. A finding that the development permitted or proposed is consistent with the County's Master Plan and land development regulations.

7. A description of any terms, conditions, and restrictions or other requirements determined necessary by the county for the public health, safety, and welfare of its citizens.

8. Provisions relating to financing, construction and inspection of necessary public improvements and facilities.

9. Provisions that stipulate when construction shall commence, and a time estimate of completion. A process for extensions may be included.

10. A negotiated level of protection from either a future growth control ordinance or a future increase in development fees, including impact fees.

11. Restrictions on the assign-ability of the agreement by the applicant and, if assignable, provisions ensuring that the successor in interest assumes the obligations under the development agreement.

12. Provisions for minor modifications of the development agreement.

13. Procedures for reimbursement when oversized public infrastructure is required by the County.

14. Requirements to ensure the applicant's compliance with all provisions of the agreement in a timely manner, to the satisfaction of the County,

15. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.

16. Any other terms, conditions, and requirements the parties may deem necessary.

B. **Specified Time Period.** A development agreement may provide that the entire project, or any phase thereof be commenced or completed within a specified period of time.

Section 17.616.25 Notice. Notice for all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Noticing.

Section 17.616.30 Review Procedures. Development agreements shall be reviewed in accordance with the provisions of this section.

A. **Planning & Building Department Review.** Upon receipt of an application, the Planning & Building Department shall review the materials submitted and determine if the application is complete. If an application is found to be incomplete, the application will be returned to the applicant and/or the applicant will be notified of additional information required. Once an application has been determined complete, staff will schedule the application for public hearing.

B. **Board of County Commissioners Action.** Within 60 days of an application determined complete, the Board of County Commissioners shall hold a public hearing to review the agreement and take action to approve, approve with conditions, or deny the development agreement based upon the oral and written public testimony. A development agreement shall be approved by ordinance.

   Before approving an agreement, the Board of County Commissioners must find that the provisions of the agreement are consistent with the *Pershing County Master Plan*.

Section 17.616.35 Recordation. After approval of a development agreement, the Planning Department shall cause the original agreement and a certified copy of the ordinance approving the agreement to be recorded in the Office of the County Recorder. Upon recordation, the agreement binds all parties and their successors in interest for the duration of the agreement. The applicant is responsible for any recording fees.

Section 17.616.40 Periodic Review. The Planning & Building Director shall cause the development agreement and the property subject to the agreement to be reviewed at least once every 24 months and shall forward a report to the Board of County Commissioners stating whether the terms and conditions of the agreement are being complied with.

Section 17.616.45 Amendment or Cancellation of Agreement.

A. **Amendment or Cancellation by Mutual Consent.** A development agreement may be amended or canceled, in whole or in part, by mutual consent of the Board of County Commissioners and the applicant or their successors in interest.

B. **Amendment or Cancellation by Board of County Commissioners.** If the Board of County Commissioners determines, based upon substantial evidence from the periodic review of the agreement and the subject property, that the terms and conditions of the agreement are not being complied with by the applicant or successor in interest, the Board may take action to amend or cancel the agreement without the consent of the breaching party.

C. **Public Hearing for Amendment or Cancellation.** Before action is taken to amend or cancel a development agreement, a public hearing must be held. Notice of the public hearing shall be given in accordance with the provisions of PCDC Chapter 17.708, Noticing.

D. **Action to Amend or Cancel.** Action to amend or cancel a development agreement may only be taken by the Board of County Commissioners.

E. **Approval of Amendment by Ordinance.** If an amendment to a development agreement is consistent with the Master Plan, it may be approved by the Board of County Commissioners by ordinance.

F. **Recordation.** Following approval of an amendment to a development agreement, the original amendment and a certified copy of the ordinance approving the amendment must be recorded in the Office of the County Recorder.

   Following cancellation of a development agreement, notice of such action shall be recorded in the Office of the County Recorder.

CHAPTER 618
IMPROVEMENT PLANS

SECTIONS:

17.618.00 Purpose
17.618.05 Applicability
17.618.10 General Provisions
17.618.15 Form
17.618.20 General Requirements and Contents
17.618.25 Information Required on Each Sheet
17.618.30 Title Sheet
17.618.35 Grading Plans
17.618.40 Storm Drainage Plans
17.618.45 Street Improvement Plans
17.618.50 Water and Sanitary Sewer System Improvement Plans
17.618.55 Submittal Requirements
17.618.60 Review Procedures
17.618.65 Modification of Approved Plans
17.618.70 Record Drawings

Section 17.618.00 Purpose. The purpose of Chapter 618, Improvement Plans, is to establish the regulations and procedures that apply to the development of improvement plans.

Section 17.618.05 Applicability.

The provisions of this chapter apply to all public improvements constructed in the county, including but not limited to storm drainage, transportation, water, and sanitary sewer system improvements. These improvements shall be reviewed by the county in accordance with this chapter to ensure the improvements are constructed to county standards, comply with the Development Code, and comply with all applicable regulations.

Section 17.618.10 General Provisions.

A. Improvement plans shall be prepared by a professional civil engineer registered in the State of Nevada.

B. The developer shall be responsible for the payment of all fees associated with the processing, review, and recordation of improvement plans. These fees may include but are not limited to the application and recordation fees established by the county and the review fees of the county engineer and other entities.

C. The County Engineer may require the submission of any other information, in addition to that required by the provisions of this chapter, as reasonably necessary, to adequately review a development proposal.

Section 17.618.15 Form. Improvement plans shall be prepared as follows:

A. Each sheet shall be 24 inches by 36 inches in size. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch at the top, bottom, and right edges, and of two inches at the left edge along the 24-inch dimension.

B. An additional full set printed at half scale 11x17 inches in size shall be provided.

C. Paper copies of improvement plans shall be prepared on durable paper with permanent black ink.

D. Record drawings shall be printed in permanent black ink on mylar of a minimum thickness of three mil.

Section 17.618.20 General Requirements and Contents. Improvement plans shall comply with the provisions of this section.

A. **Required Elements.** Plans shall clearly delineate, in plan and profile, between existing conditions and proposed improvements, existing topography, significant features, and shall designate improvements as public or private.

B. **Sheet Scale.** Plan sheets shall have a minimum vertical scale of 1 inch = 5 feet and a minimum horizontal scale of 1 inch = 50 feet. Plan sheets shall have the same horizontal and vertical scale whenever possible.

C. **Sheet Contents.** The County Engineer may allow different types of plans to be combined on the same sheet(s) so long as all information necessary for review of the development project is included and is shown in a clear and distinguishable manner (example: combining grading and storm drainage plans onto the same sheet).

D. **Required Information.** Improvement plans shall include all necessary information for the design and construction of improvements associated with a development project and contain the following information, as applicable:

1. Utility poles and lines.

2. Gas, electric, telecommunications and irrigation infrastructure.

3. Sidewalks.

4. Existing structures.
5. Existing trees or other vegetation.
6. Adjacent property ownership information.
7. Any other information necessary for review of the improvement plans, as determined by the County Engineer.

E. **Development Schedule.** A development schedule shall be included with improvement plans which provides an approximate schedule for the construction of all improvements.

F. **Performance Bond Estimate.** Pursuant to Section 17.620.25, an estimate of the performance bond shall be submitted with improvement plans. The performance bond shall be of an amount that is sufficient to ensure that all public improvements are completed and constructed to county standards. The performance bond shall be of an amount which equals at least 110 percent of the total cost to construct all public improvements, as shown on the approved improvement plans.

The performance bond may be released to the developer in increments, upon the completion, inspection, and acceptance of specific phases of construction, if requested by the developer. This method of release of the performance bond may only be utilized if provisions for the incremental release are established, as required by this section, prior to submittal of the bond.

To utilize this method of release, the bond estimate must include a schedule for the release of the performance bond. The schedule shall specify at what points during construction portions of the bond will be released, and the amounts of each portion. The timing of the release of each portion shall coincide with the completion, inspection, and acceptance of a specific phase of construction. The amount released shall be equal to 90 percent of the total cost of construction for the associated phase.

G. **Utility Index.** The County may require a utility index to be included with improvement plans when a development project involves a significant amount of infrastructure, and an overview of all improvements is necessary. The utility index shall be a single sheet showing the entire project area and shall indicate the general location of transportation, storm drainage, sanitary sewer, and water systems infrastructure. The utility index shall indicate whether improvements are public or private.

The utility index shall include the following:

1. Boundary of subject property.
2. Proposed lot boundaries and numbers.
3. All rights-of-way and easements.
4. Street names.

5. Existing and proposed storm drains, sewer mains and water mains with their size and direction of flow indicated.

6. Water and sanitary sewer service lateral locations.

7. All major utility infrastructure components, labeled and numbered (i.e., manholes, valves, fire hydrants, lift stations, etc.).

8. Any wells within project site.

H. **Basis-of-Bearing and Benchmarks.** Survey control points used for horizontal control shall be shown on improvement plans. A description and coordinates shall be included for each control point. A statement identifying the basis-of-bearing and the coordinate system utilized shall be included on the plans.

   Benchmarks used for vertical control shall be shown on plans. The elevation, coordinates, and a description shall be included for each benchmark. A statement identifying the benchmark(s) and the vertical survey control datum utilized shall be included on the plans.

I. **Stationing and Orientation.** Stationing and orientation information shall be indicated for all pertinent geographic features shown on improvement plans and shall comply with the following:

   1. Information shall be provided for:

      a. Boundary lines.

      b. Centerlines.

      c. Monuments.

      d. Infrastructure components, when specifically required by this chapter.

      e. When otherwise required by the County Engineer.

   2. Stationing shall be indicated from south to north and west to east whenever possible.

   3. Information provided shall be accurate to the nearest one-hundredth foot for distances and to the nearest second for angles.

   4. The following information shall be provided for lines:

      a. Length.

      b. Bearing.

   5. The following information shall be provided for horizontal curves:

      a. Beginning and end of curve.

      b. Points of compound curve.

      c. Radius.

d. Central angle.

e. Length of curve.

f. Tangent length.

6. The following information shall be provided for vertical curves:

a. BVC (Beginning of Vertical Curve) and EVC (End of Vertical Curve) station and elevation.

b. Length of curve.

c. K-value used (rate of vertical curvature).

J. **Boundary Lines.** The following boundary lines shall be shown on plans with labeling and stationing indicated:

1. Rights-of-way boundaries on both sides of all streets.

2. Existing and proposed property boundaries, including the boundaries of lots fronting on both sides of all streets.

3. Existing and proposed easements, including but not limited to those for: access, drainage, utilities, conservation, and temporary construction easements.

4. Section lines and corners.

5. Land grant lines.

K. **Information Shown Beyond Boundaries of Project Site.** Where proposed improvements meet existing infrastructure, improvement plans shall provide information, as required by this chapter, for all existing infrastructure for a minimum distance of 300 feet beyond the boundaries of the project site.

Section 17.618.25 Information Required on Each Sheet. The following information, at a minimum, shall be shown on each sheet of improvement plans:

A. Title page which includes the key map showing the relationship of the area to be developed, project name, date, name address, and telephone number of the developer and engineering firm, professional engineer's seal.

B. North arrow and graphic scale shall be indicated on each sheet.

C. One or more benchmarks, in or near the development to which the development is referenced. The identity and elevation shall be based on USGS datum.

D. Title block, which contains project name, developer, property owner(s), and type of design shown on the sheet, date of plan sheet.

E. Sheet number and reference to total number of sheets.

F. Information which indicates the relationship of the sheet to adjoining sheets.

G. Legend providing definitions and descriptions of symbols used, as necessary.

H. Revision block for revised sheets, when applicable, which contains revision number, date of revision, initials of design engineer, description of plan changes, and spaces for county approval and date.

Section 17.618.30 Title Sheet. Improvement plans shall include a title sheet which includes the minimum information:

A. **General Information.**

1. Names and contact information of the developer, property owner(s), and engineer responsible for preparing the plans.
2. Index of plan sheets.
3. Legend.
4. Abbreviation definitions.
5. General Notes.
6. Index of any revisions to plans.

B. **Vicinity Map.** A map showing the following:

1. Project site and adjacent areas.
2. Any city limits, when applicable.
3. Major cross streets.
4. North arrow.
5. Scale (1' = 1000' or other as appropriate).

C. **Index Map.** A map showing the following:

1. Project boundaries.
2. Streets within the project site with street names.
3. Proposed lot boundaries and numbers (include information for entire tentative map if applicable).
4. Section lines.
5. North arrow.
6. Scale (1" = 200' or other as appropriate).

D. **Approval Signature Blocks.** Approval signature blocks shall be provided for the County Engineer and other regulatory agencies, as required. The Planning Director or County Engineer shall notify the developer of the approvals required. Such approvals may include the fire department, road department, state agencies, utility companies, or others.

Section 17.618.35 Grading Plans. Grading plans shall be prepared in conformance with the provisions of this section.

A. Grading plans shall provide information for the entire project site (or area of approved subdivision map, if applicable).

B. All grading to be performed shall be clearly delineated on plan and cross-section sheets. Cross sections shall be provided for areas where topography is a major design consideration, for areas of significant cutting or filling, or when otherwise required by the County Engineer.

C. The following information shall be shown on grading plans:

1. Existing and proposed property boundaries.
2. Quantities of cut and fill.
3. Existing and proposed topographic contours of the project site and surrounding areas. Contours shall be shown beyond the boundaries of the subject property to a distance sufficient to analyze the drainage impact the development will have on surrounding areas. Such distance shall be no less than 100 feet. Contours shall be labeled and shown in five-foot increments. The County Engineer may require two-foot increments if he determines that topography is a major design consideration. Existing contours shall be shown as fine continuous or dashed lines and proposed contours shall be shown as larger solid lines.
4. Spot elevations of significant features, including but not limited to streets, tops of curbs, curb returns, retaining walls, corners of existing structures, building pads, surface drainage improvements, grade breaks and beginnings and ends of vertical curves.
5. Existing and proposed streets with grades, widths, and names indicated.
6. Location and details of all cuts, fills and slopes.
7. Location of walls, including both retaining and freestanding walls. Reference to structural detail sheets for walls shall be indicated.
8. Soil requirements, fill compaction and testing requirements and reference to approved geotechnical report.
9. Location and details of drainage infrastructure.
10. Location and details of detention basins.
11. Typical lot drainage.

12. Direction of drainage flow in each street.
13. Location and details of sub-drainage systems, according to the approved hydrological and geotechnical reports.
14. Existing and proposed rights-of-way and easements for roadways, drainage, and utilities. Provide reference to documents which created existing rights-of-way and easements.
15. Existing buildings, structures, septic systems, wells, trees or other significant features on the project site or surrounding areas that may be impacted by the project.
16. Building, structure, and property boundary setbacks.

D. Information shall be shown on all grading plan and profile sheets for the 5-year and 100-year storms, including:

1. The 100-year flood level throughout the development, including street cross sections that indicate the 100-year flood level.
2. The depth, velocity, 11and routing of peak flows for the 5-year and 100-year storms at the following locations: entering and leaving the project site, in channels, at the inlets and outlets of sub-basins, the inlets and outlets of storm drainage infrastructure and any other critical points within the development. This information shall also be provided for areas downstream of the project site to indicate the impact of storm flows on adjacent properties and drainage infrastructure.

Section 17.618.40 Storm Drainage Plans. Plan and profile sheets for storm drainage improvements shall be prepared in conformance with the provisions of this section.

A. Storm drainage plans shall be prepared in accordance with the approved drainage report and drawings.

B. Tables shall be included showing the following:

1. Table of pipe sizes, grades, velocities, peak flows, and hydraulic grade lines for all parts of the drainage system.
2. Table of existing and proposed drainage data, showing length of run and time of concentration on various runs of materials (i.e., grass and gutters), average rainfall intensity, area, runoff coefficient build-up if necessary, and peak flows for 5-year and 100-year storms.
3. Tables detailing rational formula design data and inlet, pipe, and channel design.

C. Plan sheets shall show the following information:

1. Existing and proposed drainage easements.
2. Benchmark locations and elevations.
3. Existing and proposed drainage infrastructure, including:

a. Storm drains, inlets, outlets, catch basins, manholes, culverts, end sections and inlet/outlet protection.

   The type, class, number, dimensions, slope, stationing, elevation, and location in relation to street centerlines, easements or property lines shall be indicated for these components as applicable.

b. Channels, ditches, and swales (including side and rear yard swales) with dimensions, grades, cross-sections and required rights-of-way at 100-foot intervals, typical channel section and lining details and erosion control indicated.

c. Checks, channel drops, under drains, sump pump lines, erosion control and any other drainage related components with applicable information indicated.

d. Detention basins with grading, low flow channels, outlets, landscaping, fencing, and maintenance access indicated.

e. Sub-drainage areas.

f. Maintenance access roads with details.

g. Existing utilities.

D. Profile sheets shall include the following information:

1. The existing and finished surface grades.

2. Pipe profiles with the type, size, slope, Q5 (Volume of runoff from 5-year storm event), velocity at Q5, and the hydraulic grade line (HGL) indicated.

3. Channels with the hydraulic grade line (HGL) and the depth of flow for the 5-year and 100-year storms indicated.

4. Manholes, with the station, number, rim elevation, distance between manholes and the invert elevations of all pipes entering or exiting indicated.

5. Existing utilities with pertinent elevations.

E. Information shall be shown on all drainage plan and profile sheets for the 5-year and 100-year storms, including:

1. The 100-year flood level throughout the development, including street cross sections that indicate the 100-year flood level.

2. The hydraulic grade line (HGL), velocity and course of peak flows for the 5-year and 100-year storms at the following locations: entering and leaving the project site, in channels, at the inlets and outlets of sub-basins, the inlets and outlets of storm drainage infrastructure and any other critical points within the development. This information shall also be provided for areas downstream of the project site to indicate the impact of storm flows on adjacent properties and drainage infrastructure.

Section 17.618.45 Street Improvement Plans. Plan and profile sheets for street improvements shall be prepared in conformance the provisions of this section.

A. Street names shall be indicated on all plan and profile sheets.

B. When showing existing pavement or concrete in relation to proposed new work, shading or other suitable markings shall be used to delineate between existing and proposed work.

C. Plan sheets shall show the following information:

   1. Monuments.
   2. Right-of-way widths.
   3. Improvements.
   4. Traffic control devices.
   5. Intersecting street(s).
   6. Centerline stationing.
   7. Horizontal curve data and stationing.
   8. Benchmark locations and elevations.
   9. Existing facilities.

D. Profile sheets shall show the following information:

   1. Existing and proposed grades along centerline, including tangency slopes.
   2. Vertical curve elevations and data.
   3. Station and elevation of intersecting street(s).
   4. Existing facilities.

E. A typical section for each type of street within the project area shall be shown and shall include the following information:

   1. Street centerline.
   2. Width of right-of-way.
   3. Structural features.
   4. Improvement dimensions and details on both sides of all streets.
   5. Boring logs from the soils report shall be included with street improvement plans.

Section 17.618.50 Water and Sanitary Sewer System Improvement Plans. Plan and profile sheets for water and sanitary sewer system improvements shall be prepared in conformance with the provisions of this section.

A. Plan sheets shall show the following information:

   1. Main pipes, manholes, valves, flush valve assemblies, air release valves, vacuum valves, fire hydrants, pumping facilities, service laterals and water meters.

      The type, class, number, dimensions, slope, stationing, elevation, and location in relation to street centerlines, easements or property lines shall be indicated for these components as applicable.

   2. Wells, storage tanks and facilities and treatment facilities with details.

   3. Maintenance access roads with details.

   4. Benchmark locations and elevations.

   5. Existing utilities.

B. Profile sheets shall show the following information:

   1. Existing and finished surface grades.

   2. Pipe profiles with type, class, size, slope, and velocity at peak flow indicated.

   3. Manholes, with the station, number, rim elevation, distance between manholes and the invert elevations of all pipes entering or exiting indicated.

   4. Existing utilities with pertinent elevations.

Section 17.618.55 Submittal Requirements. The following items shall be submitted to the Planning Department to begin review of improvement plans:

A. Copies of the improvement plans and accompanying materials, of the size and number required by the Planning & Building Director.

B. Performance bond estimate prepared by a Nevada registered engineer.

C. Payment of all required fees associated with the processing and review of the improvement plans, as established by the county and other entities that shall review the plans.

D. Any additional information or materials as deemed necessary by the Planning & Building Director for review of the improvement plans.

   Review of improvement plans shall not begin until the submitted materials are deemed complete by the Planning & Building Director.

Section 17.618.60 Review Procedures. Improvement plans shall be reviewed in accordance with this section.

A. **Review for Completeness.** Upon receipt of improvement plans and accompanying materials, the Planning Director and/or the County Engineer shall have 15 working days to review the submitted materials and accept or reject the plans as complete. If the plans are found to be incomplete, they will be returned to the applicant and/or the applicant will be notified of any additional information needed.

B. **Review by County.** Following acceptance of a complete set of plans, the plans shall be reviewed by the Planning Department staff and County Engineer. The plans shall be reviewed to check for errors, ensure accuracy and ensure compliance with the Development Code and other applicable regulations. If it is determined that there are deficiencies with the plans, corrections or changes may be required. The engineer responsible for the preparation of the plans and/or the applicant shall be notified of any required corrections or changes. The improvement plans shall be revised to reflect any corrections or changes required. The plans shall be revised and re-reviewed as necessary until approved by the Planning & Building Director and County Engineer.

   The Planning & Building Director may cause the plans to be reviewed by other entities, as deemed necessary. Such entities may include but are not limited to the Road Department, Fire Department, utility providers, etc.

C. **Required Review by Other Entities.** A copy of the plans shall be forwarded by the Planning & Building Director to the following entities for review:

   1. The State Division of Environmental Protection, if the improvement plans are for new development created by a subdivision map.

D. **Final Review and Approval.**

   1. Upon making all corrections and changes as required by the County, the developer shall submit a revised copy of the improvement plans in their final form to the Planning & Building Department for final review and approval. The plan set shall be signed and stamped by the engineer responsible for their preparation.

   2. The revised plans shall be reviewed by the Planning & Building Director and County Engineer to ensure that all required corrections and changes have been made.

   3. If it is determined that there are deficiencies with the plans, the plans shall be returned to the developer or engineer responsible for their preparation with a description of any corrections or changes required. Upon making the required corrections or changes, the plans may be resubmitted.

   4. Upon determining that the plans are correct, the County Engineer shall approve the plans by signing and stamping the appropriate signature block. The Planning Director shall then forward the plans to all other applicable regulatory agencies for approval signatures.

   5. At least one copy of the approved plans with required signatures shall be returned to the developer.

Section 17.618.65 Modification of Approved Plans. Modifications to approved improvement plans shall be subject to the requirements of this section.

A. Modifications shall be reviewed and approved in writing by the County Engineer prior to construction. Modifications made without approval by the County Engineer may result in revocation of the construction permit or other county-issued permit, and refusal by the county to accept the improvements.

B. Modified plans shall be submitted to the Planning & Building Department to begin the review process. All modifications shall be identified on the plans with a delta symbol, and the date of change, description of the change, and the name or initials of the person making the changes shall be noted. Modifications of the same date shall have the same delta symbol letter or number. The modified areas shall be indicated on the plans with clouding and shall be labeled with the corresponding delta symbol. A revision approval block shall be shown on the modified plans with spaces for signature and date, to be completed by the County Engineer.

C. The County Engineer shall review the plans, and if deemed necessary, may forward the plans to any of the other entities that reviewed the original plans, to be re-reviewed. The County Engineer may require corrections or changes, as necessary, to ensure that the plans comply with applicable regulations and are acceptable to other reviewing entities. The plans shall be revised to reflect any corrections or changes required.

D. Upon determining the plans acceptable, the County Engineer shall approve the modified plans by completing the revision approval block.

Section 17.618.70 Record Drawings. Upon completion of construction of all improvements, a developer shall submit record drawings (as-built plans) to the Planning & Building Department for final inspection and recordation. Record drawings shall comply with the following:

A. Record drawings shall be printed in permanent black ink on mylar of a minimum thickness of three mil. Paper copies of record drawings shall be prepared on durable paper with permanent black ink.

B. Record drawings shall be prepared, signed, and stamped by a professional civil engineer registered in the State of Nevada.

C. Record drawings shall be a reproduction of the approved improvement plans and shall show all information required by this chapter, as applicable. Additionally, the record drawings shall indicate the as-built conditions. All changes and deviations from the approved design shall be clearly indicated on the drawings.

D. A certificate, completed by the engineer responsible for the preparation of the record drawings, shall be placed on the record drawings. This certificate shall state, to the best of the engineer's knowledge and belief, the record drawings accurately depict the as-built conditions of the improvements and that all changes and deviations from the approved design are shown.

CHAPTER 620

CONSTRUCTION, INSPECTION AND BONDING OF PUBLIC IMPROVEMENTS

SECTIONS:

17.620.00 Purpose
17.620.05 Applicability
17.620.10 General Provisions
17.620.15 Commencement of Construction
17.620.20 Development Agreement
17.620.25 Performance Bond
17.620.30 Incremental Release of Performance Bond
17.620.35 Inspection and Testing of Improvements
17.620.40 Submittal of Record Drawings
17.620.45 Maintenance Bond
17.620.50 Site Cleanup

Section 17.620.00 Purpose. The purpose of Chapter 620, Construction, Inspection and Bonding of Public Improvements, is to establish the regulations and procedures for the construction, inspection, testing and bonding of public improvements which are constructed as part of new development.

Section 17.620.05 Applicability. Any public improvements, which are required to be constructed and/or require the submission of improvement plans as part of an approved subdivision map, parcel map, planned unit development, division into large parcels map, special use permit, building permit or other approval or permit issued by the county, are subject to the provisions of this chapter.

The provisions of this chapter do not relate to the county's adopted building codes or other regulations administered by the county Planning & Building Department and are in no way meant to take the place of or nullify such regulations.

Section 17.620.10 General Provisions.

A. When a development project includes the construction of public improvements the following shall be complied with:

   1. Public improvements shall be constructed to county standards, as established by Division Five, Development Regulations.

2. Public improvements shall be constructed, inspected, and bonded in accordance with this chapter.

3. The applicant shall submit and receive approval of construction plans for the public improvements, pursuant to Chapter 17.618, Improvement Plans.

   The county shall not take action to approve a development project which includes the construction of public improvements unless the requirements of this subsection have been complied with or provisions have been made for compliance with these requirements as a condition of approval.

B. If deemed reasonably necessary based on the specific circumstances of a development proposal, the County may require a developer to enter into a development agreement with the County, pursuant to Chapter 17.616, Development Agreements, to ensure that public improvements are completed and constructed to county standards.

C. The developer shall be responsible for the construction of all improvements in compliance with provisions of the Development Code and other applicable regulations.

D. The developer shall be responsible for all costs associated with the plan review, construction, inspection, and testing of public improvements, unless otherwise provided by a development agreement.

Section 17.620.15 Commencement of Construction. No construction activity, including but not limited to, grading, removal of vegetation, land filling, construction of improvements, or other similar work, shall be commenced on a property to be developed until the developer has:

A. Received approval of improvement plans and has obtained all other required approvals and permits from the County and other regulatory agencies.

B. Submitted performance bonding to the county, pursuant to Section 17.620.25, Performance Bond.

Section 17.620.20 Development Agreement. If deemed reasonably necessary based on the specific circumstances of a development proposal, the county may require a developer to enter into a development agreement with the County to ensure that public improvements are completed and constructed to county standards.

A development agreement may be processed in conjunction with the development project. If a development agreement is required but has not been completed at the time of approval, completion of the development agreement shall be required as a condition of approval.

Development agreements shall be prepared and reviewed in accordance with Chapter 17.616, Development Agreements.

Section 17.620.25 Performance Bond. Before commencing any construction activity for public improvements, a developer shall provide a performance bond to the county to ensure that such

improvements are completed and constructed to county standards. Performance bonds shall comply with the provisions of this section.

A. The performance bond shall be of an amount that is sufficient to ensure that all public improvements are completed and constructed to county standards.

B. The amount of the performance bond shall be determined by the County Engineer. In making his determination, the County Engineer shall consider the bond estimate submitted by the design engineer with the improvement plans.

C. The performance bond shall be of an amount which equals at least 110 percent of the total cost to construct all public improvements, as shown on the approved improvement plans.

D. The performance bond shall be submitted in a form approved by the District Attorney.

E. The amount, term and conditions of the performance bond shall be specified in the development agreement, if applicable.

F. The performance bond shall be held by the county during the construction of all public improvements which are part of the approved project. If the developer fails to complete the construction of public improvements, the county may use the performance bond to fund the completion of such improvements. Upon completion, inspection, and acceptance of all improvements, the total amount or remaining balance of the performance bond shall be refunded to the developer.

Section 17.620.30 Incremental Release of Performance Bond. The performance bond may be released to the developer in increments, upon the completion, inspection, and acceptance of specific phases of construction, if requested by the developer. This method of release of the performance bond may only be utilized if provisions for the incremental release are established, as required by this section, prior to submittal of the bond.

A. The bond estimate submitted with the improvement plans shall include a schedule for the release of the performance bond. The schedule shall specify at what points during construction portions of the bond will be released, and the amounts of each portion. The timing of the release of each portion shall coincide with the completion, inspection, and acceptance of a specific phase of construction. The amount released shall be equal to 90 percent of the total cost of construction for the associated phase.

B. The schedule for the release of the performance bond and the amounts of each portion to be released shall be approved by the County Engineer.

C. Upon the completion, inspection, and acceptance of a scheduled phase of construction, the developer may submit a written request for the release of the portion of the performance bond associated with such phase to the Planning & Building Department. At that time, the amount of the performance bond to be released at the specific phase of construction shall be refunded to the developer.

Section 17.620.35 Inspection and Testing of Improvements. All improvements which are constructed as part of new development shall be inspected and tested in conformance with the requirements of this section before being accepted by the county.

A. **Code Requirements.** Any improvements, which are required by this code, required as conditions of approval, or are otherwise under the jurisdiction of the county shall be inspected and tested by the County Engineer or their authorized representative.

B. **Requirements Involving other Agencies.** When improvements are under the jurisdiction of other regulatory agencies, it shall be the responsibility of such agencies to perform necessary inspections or testing. When an inspection or test is completed by another agency, the developer shall provide the county with a written report from such agency, which provides the results and details of the inspection or test.

C. **General inspections and testing.** Shall be completed at specific points during construction, as determined by the County Engineer. Prior to commencement of construction, the county shall provide the developer with an inspection and testing schedule which details the inspections and testing that will be required and at what points during construction such inspections and tests shall take place.

D. **Inspection and approval of improvements by the County Engineer.** Shall not constitute acceptance of the improvements by the county for dedication purposes.

E. **Inspection and Testing Costs.**

1. The developer shall be responsible for all costs associated with the inspection and testing of public improvements.

2. The developer shall submit a deposit to the county to pay for inspections and testing. Such deposit shall be in addition to the performance bond. The deposit shall be of an amount which equals at least five percent of the total cost to construct all public improvements. If the County Engineer anticipates that the inspection and testing expenses will exceed this amount, he may require a larger deposit be submitted equaling an amount he estimates to be sufficient to cover the expenses.

3. This deposit shall be utilized by the county to pay for costs associated with inspections and testing. Upon completion of the final inspection and acceptance of all improvements by the county, any remaining balance of the deposit shall be refunded to the developer.
4. If the deposit is insufficient to cover the costs of all required inspections and tests, the developer shall be billed for any additional expenses. The developer shall be responsible for paying any amount due at the time of billing and shall not be permitted to proceed with subsequent steps in the development process until the amount due has been paid in full.

5. The county shall not issue occupancy, accept dedications, or take any other action which may constitute final approval of the development until all costs which are the responsibility of the developer have been paid in full.

F. **General Inspection and Testing Procedures and Requirements.**

1. Requests for inspections and testing shall be made by contacting the Planning & Building Department. Requests shall be made at least 10 business days prior to the desired date of inspection.

2. The developer shall not proceed with any subsequent construction until all inspections and tests required for the current stage of construction have been passed.

3. The developer shall be notified in writing of the results of the inspection or test. If the County Engineer determines that the specific portion of construction fails inspection, the correspondence shall state any issues or deficiencies that exist, and the steps that must be taken to correct them. The developer shall correct any items necessary and then shall request a re-inspection pursuant to this section. Upon passing the required inspection or test, the developer may proceed with subsequent construction.

G. **Final inspection Procedures and Requirements.** Upon completion of construction of all improvements, a final inspection of the project shall be performed by the County Engineer.

1. To request a final inspection, the following items shall be submitted to the Planning Department:

   a. A written request for a final inspection.

   b. Paper copies of record drawings (as-built plans), as required by Section 17.620.40.

2. The County Engineer shall complete a final inspection within 15 business days of receiving all required materials. Upon completion of the final inspection, the developer shall be notified in writing of the results of the final inspection.

3. If the County Engineer determines that the project fails final inspection, the correspondence shall state the results of the inspection, any issues or deficiencies that exist, and the steps must be taken to correct them. The developer shall correct any items necessary and then shall request a re-inspection pursuant to this subsection.

4. If the County Engineer determines that the project passes final inspection, the correspondence shall state the results of the inspection, and request the submittal of a mylar copy of the record drawings, pursuant to Section 17.620.40, and a maintenance bond, pursuant to Section 17.620.45, Maintenance Bond.

Section 17.620.40 Submittal of Record Drawings.

A. Record drawings (as-built plans) shall be prepared in conformance with Section 17.618.70, Record Drawings.

B. Upon completion of construction of all improvements, the developer shall submit paper copies of record drawings to the Planning & Building Department, of the size and number required by the Planning & Building Director, to be used for final inspection. If the final inspection is failed and corrections are required, the record drawings shall be revised and resubmitted.

C. Upon passing final inspection, the developer shall submit record drawings printed on mylar to the Planning & Building Department for recordation. The developer is responsible for any recording fees.

Section 17.620.45 Maintenance Bond. Following final inspection and acceptance of all public improvements by the County, the developer shall guarantee the improvements against defects in workmanship and materials for a period of two years. The developer shall make such guarantee by providing a maintenance bond to the county, which complies with the requirements of this section.

A. The maintenance bond shall be of an amount which equals 10 percent of the total cost to construct all improvements. The maintenance bond shall be submitted in a form approved by the District Attorney. If desired by the developer, an appropriate percentage of the performance bond may be retained by the county for the maintenance bond.

B. The amount, term and conditions of the maintenance bond shall be specified in the development agreement, if applicable.

C. The maintenance bond shall be held by the county for a period of two years, beginning on the date the bond is submitted. The county may use the maintenance bond to pay for the repair of any defects in the constructed improvements, if necessary. After the two-year period, the total amount or remaining balance of the maintenance bond shall be refunded to the developer.

Section 17.620.50 Site Cleanup. The applicant shall remove all equipment, materials, and construction waste from the project site and from any other property or street in the area following completion of construction. Dumping of fill dirt, construction waste or other materials at the project site, into storm drains, onto other properties, or otherwise is strictly prohibited.

The county reserves the right to utilize the maintenance bond to complete site cleanup if deemed necessary.

Division Seven: General Provisions

CHAPTER 700
TITLE AND CONTENTS

SECTIONS:

17.700.00 Title
17.700.05 Contents

Section 17.700.00 Title. Division Seven of Title 17 is entitled "General Provisions."

Section 17.700.05 Contents. Division Seven consists of the following chapters:

Chapter 700	Title and Contents
Chapter 702	Definitions
Chapter 704	Nonconformance
Chapter 706	Enforcement
Chapter 708	Noticing
Chapter 710	Appeals
Chapter 712	Moratorium on Land Use Designation Changes for Certain Agricultural-Mining-Recreation (AMR) Land Use Areas

CHAPTER 702
DEFINITIONS

SECTIONS:

17.702.00 Purpose
17.702.05 Applicability
17.702.10 Rules of Interpretation
17.702.15 General Definitions

Section 17.702.00 Purpose. The purpose of the definitions section is to define terms that may be unfamiliar to the user of these Regulations. Words contained in this chapter are those having a special meaning relative to the purposes of this Code. Words not listed in this section shall be defined by reference to Merriam-Webster Dictionary, new Edition, 2022.

Section 17.702.05 Applicability. Certain words and phrases are defined, and certain provisions shall be construed as set out in this Chapter unless it shall be apparent from the context that they have a different meaning. All words used in the present tense include the future; all words in the singular include the plural; the word "building" includes the word "structure," the word "shall" is mandatory; the word "person" includes a "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," "after," "move," and "move upon."

Sections 17.702.10 Rules of Interpretation. The following general rules of interpretation shall apply to the textual provisions of the Development Code:

A. **Section Reference.** "Section" means a section of the ordinance codified in this Development Code unless some other ordinance is specifically mentioned. "Subsection" means the subsection of the section in which the term occurs unless some other section is specifically mentioned.

B. **Definitions.** The Director of Planning and Building shall have the authority to determine the applicable definitions source (i.e., Webster's Collegiate Dictionary, Uniform Building Code, Uniform Fire Code, etc.) in the event of a conflict.

C. **Shall and May.** "Shall" is mandatory and "may" is permissive.

D. **Statutory References.** Whenever reference is made to any portion of the ordinance codified in this Development code, or of any other ordinance of this County or of any law of this state, the reference applies to all amendments and additions now and hereafter made.

Section 17.702.15 General Definitions.

Accessory Structure. An "accessory structure" is a subordinate building or part thereof, the use of which is incidental to that of the main building or a potential main building.

Accessory Use. A use that: a) is clearly incidental to and customarily found in connection with a principal building or use; b) is subordinate to and serves a principal building or a principal use; c) is subordinate in area, extent, or purpose to the principal building, structure of use served; d) contributes to the comfort, convenience, or necessity of occupants, business or industry in the principal building, structure, or use served; and e) is located on the same lot as the principal building, structure or use served.

Acre. A measure of land area containing 43,560 square feet.

Adjacent Property Owner. The owner or owners from time to time of the property adjacent to the site of a proposed project subject to a discretionary permit or administrative review.

Adult Day Care. Adult day area, as defined in NRS 449.004 is a facility for the care of adults during the day in which aged or infirm adults receive care on a temporary or permanent basis.

Agriculture. The production, keeping or maintenance of plants and animals useful to man including, but not limited to, forages and sod crops; grains and seed crops; dairy animals and dairy products, poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, or any mutations or hybrids thereof, including the breeding and grazing of any such animals; bees and apiary products; fur bearing animals; trees and forest products; fruits of all kinds, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products; or lands devoted to a soil conservation or forestry management program.

Agricultural, Commercial. The use of land for the purpose of producing an agricultural commodity for economic purposes.

Agricultural Commodity. All plant and animal products produced in the state of Nevada for commercial purposes.

Agricultural Preservation District. An overlay district for which the main purpose is the preservation of agricultural lands.

Agricultural Service. Establishments providing services that are primarily related to agricultural, such as:

A. Establishments engaged in performing agricultural, animal husbandry or horticultural services on a fee or contract basis.

B. Hay baling and thrashing, sorting, grading, and packing for the grower.

C. Agricultural produce, milling and processing.

D. Crop dusting.

E. Grain or seed cleaning.

F. Land grading (solely in connection with agricultural or horticultural activity).

G. Harvesting and plowing.

H. Farm equipment service and repair.

I. Boarding and training of horses.

J. Farm stands for the sale of an agricultural commodity.

K. Farm chemical sales.

L. Farm equipment sales.

M. Bee keeping.

N. Operation of game reserves; and

O. Veterinary services.

Airfield. An area set aside specifically for aircraft to take off and land. The airfield may be constructed of asphalt, pavement, grass, gravel, or dirt.

Airport Protection Areas. An area of an airport that all aircraft, vehicles, persons, or physical obstructions must remain clear of when one or more Instrument Landing Systems (ILS) are in use, to protect against signal interference or attenuation that may lead to navigation errors, or accident.

Alley. A minor public right-of-way or minor private easement other than a street not intended for general traffic circulation and which provides only a secondary means of public access to abutting property which also has principal access to a street.

Animal Kennel. Any structure or premises in which animals are boarded, groomed, bred, or trained for commercial gain.

Annexation. The incorporation of land area into an existing community with a resulting change in the boundaries of that community.

Apartment House. The same as dwelling, multiple.

Automobile Parking Area. A fully accessible space for the parking of an automobile (Ord. 70 Art. 3 (B)(4), 1980.)

Automobile Repair Establishment. Any business establishment where a substantial portion of the work performed involves the body, engine or window repair, modification or restoration of automobiles, trucks, or other motor vehicles, including motorcycles and motor-operated boats, such repair is exclusive of oil and lubricant changes, tire and battery maintenance and installation.

Bed and Breakfast Inn. An overnight lodging establishment, guest house, or single-family dwelling with guest rooms (no cooking facilities in the guest rooms) that provides sleeping accommodations for the night(s) and at least one meal per day, generally breakfast in exchange for a service charge.

Berm. A mound of earth, or the action of moving earth into a mound.

Billboard. An outdoor advertisement making a material or service know, such advertisement being remote from point of sale of such material of service.

Board. The Board is formally known as the Pershing County Board of County Commissioners.

Bond. A form of security including a cash deposit, surety bond, or instrument of credit in an amount and form satisfactory to the County Attorney.

Building. Any structure having a roof supported by columns or walls and used for the enclosure of persons, animals, or chattels, but not including a trailer or mobile home, but including a manufactured home or modular home.

Building, Farm. Any building or accessory structure other than a farm or non-farm dwelling which is used in farming operation, including, without limitation, a barn, granary, silo, shop, farm implement storage building or milk house.

Building, Main. A building devoted to the principal use of the lot upon which it is situated.

Building Permit. Written permission issued by the County for the construction, repair, alteration, or addition to a structure.

Building, Principal. A building or group of buildings, including a mobile home, within which is conducted the principal use of the lot on which the building is located.

Building Setback. The distance between the property line and the nearest portion of a building on the property.

Buffer. Open spaces, landscaped areas, fences, walls, berms, or any combination thereof used to physically separate or screen one use of property from another to visually shield or block noise, lights, or other nuisances.

Breweries & Hard Cider Facilities. A brewery or hard cider facility use type refers to an establishment which manufactures malt beverages or a wine that contains not less than one-half of one percent of alcohol by volume and not more than 8.5 percent that is produced from the fermentation of the juice of sound, ripe apples, or pears, or both, but does not sell those beverages at retail. All products must be sold to a state licensed importer/wholesaler. A brewery or hard cider facility with the capacity to produce more than 16 million gallons/ year of beer or hard cider may be considered large enough to require an air permit due to the emission of ethanol from the Nevada Division of Environmental Protection.

Caretaker. One who resides on property full or part time for the purpose of maintaining and protecting the property.

Carport. An accessory building having two or more open sides, used by occupants for the parking of an automobile. (Ord. 70 Art. 3(B) (11), 1980.)

Cemetery. Land used for the interment of the dead, including crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of such cemetery. (Ord. 70 Art. 3 (B)(11), 1980.)

Child Care Facility. A childcare facility, as defined by NRS 432A.024, is an establishment which is compensated for the purpose of furnishing care on a temporary basis or permanent basis, during the day or overnight, to five or more children under 18 years of age. A childcare facility as defined by the State does not include the home of a natural parent or guardian, foster home as defined in NRS 424 or a maternity home or a home in which a person provides care for children of a friend or neighbor for not more than four weeks and that person is not normally engaged in the care of children.

Church. A building or structure, or groups of buildings or structures that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Clustered Development. Two or more dwelling units.

Clustered Development in the Agricultural Preservation Overlay District. Two or more non-farm dwelling units, which may be combined with a farm dwelling unit, developed on small lots within the AP Overlay District. The maximum number of units in any cluster will be four.

Commercial. Of, in, or relating to commerce; a zoning classification for business use.

Commercial Animal Processing Facility. A commercial establishment for the butchering and processing of animals to be used for consumption by humans and other animals.

Community Center. A building or group of buildings in which members of the community may gather for social or organized meetings, or to participate in educational, or recreational activities.

Community Service. Uses providing services to the public through the sponsorship of a government or not-for-profit agency.

Community Shopping Center. A shopping center with general merchandise or convenience-oriented merchandise in a location that offers a wider range of goods and services than a neighborhood center.

Conditional Use Permit. A permit issued by the proper governmental authority that must be acquired for operation of facility for use, manufacturing, processing transfer or storage of explosives or certain other substances.

County or county. Pershing County, Nevada.

Dairy. Any establishment for the processing of dairy products, including cheese and milk.

Density. The average number of dwelling units per unit of land; the density is usually expressed as dwellings per acre.

Development. Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filing, grading, paving, excavation or drilling operations, or storage of materials or equipment or any other activity which requires the issuance of a permit.

Development, Rural. Development not requiring centralized water or wastewater service, such as any residential lot smaller than two acres.

Development, Urban. Development requiring centralized water and/or wastewater service, such as any residential lot smaller than two acres.

Director. The Director is also referred to as the Director of the Planning and Building Department and is appointed by the Board of County Commissioners. The definition of Director shall also include his/her designee.

Drainage. (1) Surface water runoff; (2) the removal of surface water or groundwater from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

Drainage System. Pipes, swales, natural features, and man-made improvements designed to carry drainage.

Dwelling. Any building, or portion thereof, which is designed and used exclusively for residential purposes, but not including hotels, clubs, boarding or rooming houses or institutions.

Dwelling, Farm. Within the AP district only, a single-family dwelling located on a farm which is used or intended for use by the farm's owner, a relative of the owner, or a person employed thereon for farm-related purposes situated on at least a forty-acre parcel of land. (Ord. 126§ 2 (part) 1992.)

Dwelling Unit. A building, manufactured home, or portion thereof containing one kitchen, designed and/or used to house not more than one family, including necessary employees of such family. (Ord. 70 Art 3 (B) (16), 1980.)

Dwelling, Multiple. A building or manufactured home designed and/or used to house two or more families, living independently of each other, including necessary employees of such families. (Ord. 70 Art. 3 (B) (15), 1980.)

Dwelling, Non-farm. Within the AP district only, a single-family detached dwelling located on a farm or other land which is not a farm dwelling. (Ord. 126 §2 (part), 1992.)

Dwelling, Single-Family. A building or manufactured home containing one kitchen, designed and/or used to house not more than one family, including necessary employees of such family. (Ord. 70 Art. 3 (B) (14), 1980.)

Easement. A permanent or temporary grant of right by a landowner to the public, a corporation, or other persons, of the use of a portion of a lot or tract of land for specified purposes where title to a portion of the lot or tract of land remains with the landowner.

Easement, Conservation. The grant of property right stipulating that the described land will remain in its natural state precluding future or additional development.

Egress. An exit.

Electricity Generating Plant. Any plant designed to produce electricity.

Family. One person living alone, or two or more persons related by blood, marriage or legal adoption, or a group not exceeding six persons living as a single housekeeping unit.

Farm. Real property used for producing a commercial agricultural commodity comprising at least 40 continuous acres and which may contain other contiguous or noncontiguous acreage. (Ord. 126 § 2 (part), 1992).

Farmers' Market. A place of business or food market at which local farmers sell fruit and vegetables, meat, cheese, bakery products, and/or local crafts directly to consumers.

Farm Stand. A booth or stall located on a farm from which produce, and farm products are sold to the public. (Ord. 126 §2 (part), 1992.)

Farmland, Prime. All land which qualifies as prime farmland as defined by the United States Department of Agriculture, Natural Resources Conservation Service, to wit: Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is also available for these uses. It has the soil quality, growing season, and moisture supply needed to produce economically sustained high yields of crops when treated and managed according to acceptable farming methods, including water management. In general, prime farmlands have an adequate and dependable water supply from precipitation or irrigation, a favorable temperature and growing season, acceptable acidity or alkalinity, acceptable salt, and sodium content, and few or no rocks. They are permeable to water and air. Prime farmlands are not excessively erodible or saturated with water for a long period of time, and they either do not flood frequently or are protected from flooding.

Feedlot. A confined area or structure used for feeding, breeding, or holding livestock for eventual sale, but not including barns, pens or other structures used in a dairy farm operation.

Feedlot, Commercial. Any feedlot with more than 1,000 head for the purpose of feeding, breeding, or holding livestock for eventual sale, but not including barns, pens or other structures used in a dairy farm operation.

Fence. A freestanding structure intended to provide privacy, prevent escape or intrusion or to redirect a person's direction of travel. A fence may be constructed of posts, wire, boards, stone, or any standard building materials. Fence section 16 feet or less in cumulative horizontal lengths, 4 feet or less in height and unattached to a fence shall be considered a landscape element and not a fence. Property line fencing for open range areas shall be as defined in NRS 569.431.

Final Development Plan. A final development plan for a Planned Unit Development is a blueprint for the development of a PUD project over the length of time the project is in development and is based on the approved Tentative Plan.

Final Map. A final map of all or a portion of a subdivision is presented for review to the approving authority for final approval to allow subdivision of a parcel or parcels, or in the case of a Planned Unit Development, for the approval of a planned unit development project. It is preceded by a Tentative Map, and in the case of a PUD, a Tentative Plan precedes the Map.

Floodplain. The area within the floodway and the floodway fringe.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved to discharge a flood having a one percent chance of being equaled or exceeded in any given year without cumulatively increasing the water surface elevation more than one foot at any point assuming equal conveyance reduction outside the channel from the two sides of the floodplain.

Floodway Fringe. The area outside the floodway that is subject to a one percent chance of flooding in any given year.

Fuel. Any flammable liquid or gas that is used in the operation of combustion-engine machinery or for heat production; any material that is used to create heat or power, such as coal, coke, peat, or wood.

General Services. Establishments primarily engaged in aiding, as opposed to products, to individuals, business, industry, government, and other enterprises, including hotels and other lodging places; personal business, repair, and amusement services; health, legal, engineering, and other professional services; educational services; membership organization; and other miscellaneous services.

Group Home. As defined in NRS 435.007 and NRS 449.017, are a residential facility for groups which, in a homelike atmosphere, furnish food, shelter, assistance and limited supervision to any aged or infirm persons with disabilities; or four or more females during pregnancy or after delivery.

Group Living. Residential uses for groups of unrelated individuals not living as families.

Hearing. A trial or scheduled meetings in which an individual or individuals are given notice and opportunity to respond to matters.

Hog Farm. Any agricultural unit in which pigs, hogs or swine are fed, raised, and processed.

Horticulture. The use of land for the growing or production of fruits, vegetables, flowers, nursery stock, including ornamental plants and trees, and cultured sod. (Ord. 126§2(part), 1992.)

Household Living. Residential uses catering to families.

HUD Code. The National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §§ 5401 *et seq.*, as amended) and the regulations promulgated by the United States Department of Housing and Urban Development thereto (24 C.F.R. part 3282), commonly known as the "HUD Code."

Impervious Area. Any area covered with material that prevents the absorption of storm water into the ground.

Industrial. The classification of certain activities which are intensive in nature and may cause harm to the environment, including the use of chemicals and man-made substances, petroleum and the emission of byproducts from burning, refining, manufacturing or producing products and services; a zoning classification which groups uses which may involve heavy machinery, create excessive noise or dust, generate large amounts of commercial traffic, or otherwise have the potential for being a nuisance.

Industrial. Carrying out business which is industrial in nature.

Ingress. Access or entry.

Irrigation System. Any structure or equipment, mechanized or other, used to supply water for commercial agriculture or horticulture, including, but not limited to, wells, pumps, motors, pipes, culverts, gates, dams, ditches, tanks, ponds, and reservoirs.

Junkyard. Any space used for storage, abandonment or sale of junk, scrap material or similar waste, including the dismantling, demolition or abandonment of automobiles, other vehicles, machinery, or parts.

Kennel. Any place, area, building or structure where cats or dogs are kept, boarded, bred, or trained, whether for commercial gain or as pets pursuant to Pershing County Code 6.08.

Landscaping. An expanse of natural scenery and/or lawns, trees, plants, and other natural materials, such as rocks and wood chips, and decorative features, including sculpture, patterned walks, fountains, and pools.

Lot. A distinct part of parcel of land with the intent to transfer ownership or for building purposes and which abuts upon a means of legal access. (Ord. 70 Art. 3 (B) (20), 1980.)

Lot Depth. The distance between the front and rear lot lines, measured between the side lot lines.

Lot Front Line. The narrowest lot dimensions fronting on a street.

Lot Line. A line of record bounding a lot which divides one lot from another lot or from a street right-of-way or easement line or any other public space.

Lot Width. The distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear line.

Manufactured Home. Factory-built, single-family structures that are certified under the HUD Code.

Manufactured Home Park. Any site, lot, or tract of land upon which two or more occupied manufactured homes, which are either wholly or are in substantial part manufactured at an off site location to be wholly or partially assembled on the site in accordance with regulations adopted by the division pursuant to N.R.S. 461.170 (but does not include a mobile home as defined in N.R.S. 461A.050), are harbored, either free of charge, or for revenue purpose.

Manufactured Home, Single-Section. A manufactured home assembled in one section not exceeding 16 feet in width.

Manufactured Home Subdivision. A subdivision of land where the individual lots are sold for the placement of manufactured homes, and upon which the lot and structure are intended to be owned by the same party.

Material or Substantial Change. Any modification or amendment to a development application or permit that involves a change in density or intensity of residential uses, substantial change to the floor area of nonresidential uses, provision for adequate public facilities, buffer requirements established to protect use of adjoining property, or change to special conditions attached to the original application or permit to protect environmental resources or to prevent harm to the public health, safety, and welfare. (Ord. 126 §2(part), 1992.)

Microbrewery. Refers to a factory where specialty beer is made for commercial purposes. The difference between a brewery and a microbrewery is a matter of scale. Microbreweries can make no more than 15,000 barrels of beer per year according to U.S. regulations.

Mining Operations. The act of extracting ore from the earth, also the operation of a mill site and exploration for ore. (Ord. 70 Art. 3(B)(24), 1980.)

Minor Change. Any modification or amendment to a development application or permit which is not a material or substantial change. (Ord. 126 §2(part), 1992.)

Mobile Home. A single-family dwelling, factory-built and factory-assembled residence which is not certified pursuant to the HUD Code.

Modular Home. Defined in N.R.S. 461.1143, a factory-build structure, which is wholly manufactured or in substantial part manufactured at an off site location to be wholly or partially assembled on the site, under the authority of N.R.S. 461.170, and is to be used as a place for human habitation as defined by a dwelling unit.

Nonconforming Use, Building, Lot, or Yard. A use, building, lot, or yard which does not, by reason of design, use or established dimensions, conform to these regulations for the district in which the use, building, lot, or yard is situated; which complied with the applicable regulations at the time it was established; and which existed as such on the date of adoption of these regulations.

Nuisance. An interference with the enjoyment and use of property.

Offices or Office Building. A building used primarily for conducting the affairs of a business, profession, service, industry, or government, or like activity, and may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper stand and child-care facilities.

Off-street Parking. A temporary storage area for a motor vehicle that is directly accessible to an access aisle and that is not located on a dedicated street right-of-way.

Overlay District. The purpose of the overlay district is to superimpose special standards over the base land use district, which serve to complement and enhance the character of the community and to provide compatibility with surrounding uses consistent with the master plan. The individual purpose statement for each overlay district is found within the respective district chapter of this development code.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Outdoor Recreation Area. Any area designated for outdoor recreation including parks, sports playing fields and open spaces.

Parcel or Parcel of Land. Any unit or contiguous units of land in the possession of or recorded as the property of a person.

Parcel Map. A map utilized for the division of a portion of land into four or less lots, parcels, sites, units, plots, or interests.

Personal Services. Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services include, but are not limited to laundry, including pressing and cleaning service, linen supply, diaper service, beauty shops, barber shops, shoe repair, funeral services, steam baths, reducing salons and health clubs, clothing rental, locker rental, porter service and domestic services.

Personal Storage. The storage of personal household goods and effects of another for compensation by the operator of a warehouse to provide such storage.

Phased Development. Developments planned to be constructed in two or more distinct phases, to be completed at different times.

Planned Unit Development. An area of land controlled by a landowner, which is to be developed as a single entity for one or more public, quasi-public, commercial or industrial areas, or both. Unless otherwise stated, "planned unit development" includes the term "planned unit residential development."

Planning Commission. The county regional planning commission. (Ord. 88(part), 1988: Ord. 70 Art. 3(B)(32), 1980.)

Plat. A map or drawing to scale showing a division or divisions of a tract of real property or showing the boundaries of a lot or lots resulting from the subdivision of a tract of real property as provided in these regulations.

Pollutant. Any introduced gas, liquid or solid that makes a resource unfit for a specified purpose.

Preliminary Approval. Preliminary approval means the conferral of certain rights, prior to final approval, after specific elements of a development have been approved by the approving authority and agreed to by the applicant.

Preliminary Plan. A plan indicating the proposed layout of site plan, which is submitted to the approving authority for preliminary approval.

Prohibited Use. A use that is not permitted in a land use district.

Public Hearing. A hearing to which the public is invited to attend and submit comments and opinions.

Public Improvement. Any drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking area, lot improvement or other facility for which the local government may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which local government responsibility is established. All improvements must be properly secured.

Public Service and Utility Structure. Any structure designed for the benefit of the general public, including utility facilities, buildings, structures, and facilities, including electric transmission and distribution lines, substations, gas regulator stations, generating and

switching stations, poles, lines, pipes, pumping stations, repeaters, antennas, communications equipment buildings or equipment cabinets, transmitters and receivers, valves, reservoirs, and all buildings and structures relating to the furnishing of utility services, such as electric, gas, telephone, water, sewer, and public transit, to the public, all following under the category of Major Services and Utilities.

Public Sewer. Any system, other than an individual septic tank, tile field, that is operated by a municipality, county, government agency, or a public utility for the collection, treatment, and disposal of waste.

Public Water. Any system providing water service that is operated by a municipality, county, government agency, or a public utility.

Public Utility. A regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Required Area. Minimum area of a lot or parcel necessary to permit its use under the provisions of this title.

Required Width. The minimum width as required by this title.

Reserve Strip. A privately owned tract of land between the dead end of a street and the property boundary of the parcel in which the street was created.

Residential. A zone classification designated for homes, or places where individuals live at a specific point in time.

Rezoning. To change the zoning classification of lots or parcels of land.

Salvage Yard (also junkyard). Any yard in which materials are collected to be disposed of or for future reuse.

School. Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Section. A portion of land measured as 640 acres, one square mile, or one thirty-sixth of a township.

Setback. The minimum required distance between a building and any lot line.

Sewer System. Any pipe or conduit used to collect and carry away sewage or storm water runoff from the generating source to treatment plants or receiving streams.

Sign. An outdoor advertisement making a material or service known and located at the place of business.

Single-Family Residence. A dwelling in which persons related by blood, adoption, or marriage or not more than six unrelated persons live.

Site Plan. The development plan for one or more lots on which is shown the existing and proposed conditions of the lot, including topography, vegetation, drainage, floodplains, wetlands, and waterways; landscaping and open spaces; walkways; means of ingress and

egress; circulation; utility services; structures and buildings; signs and lighting; berms, buffers, and screening devices; surrounding development; and any other information that reasonably may be required in order that an informed decision can be made by the approving authority.

Special Use Permit. A permit issued by the proper governmental authority that must be acquired before a special exception use can be operated or constructed.

Storm water Facility. A facility used for the retention, detention and conducting of storm water to, through and from drainage areas to points of final outlet including, but not limited to, any of the following: conduits and appurtenant features, canals, ditches, streams, gullies, flumes, culverts, streets, gutters, and pump stations. A storm water detention facility includes dry basins, parking lots, infiltration basins and buffer strips. A storm water detention facility includes permanent retention in a wet basin, pond, or lake.

Street. A public thoroughfare 30 feet or more in width which affords a primary means of access to abutting property.

Structure. Any construction except a fence, tent, or vehicle.

Structure, Temporary. A structure intended and installed not to exceed one year's duration and to be removed entirely at the expiration thereof.

Subdivision. Any land or portion of land, vacant or unimproved, which is divided or proposed to be divided into five or more lots, parcels, sites, units, or plots for the purpose of any transfer or development or of any proposed transfer or development, whether immediate or future, unless exempted by NRS 278.320.

Tiny Home. Refers to a fully functioning residential home with a living room, kitchen, bathroom, and sleep area that falls below 1,000 square feet total. Tiny homes must be constructed on a permanent foundation, connected to either individual or municipal water and sanitary services, and satisfy all county building code requirements.

Tentative Map. A map made to show the design of a proposed subdivision and the existing conditions in and around it.

Travel Trailer. A mobile unit either less than 30 feet long or with a gross weight less than 4,500 lbs. and used as a temporary dwelling for travel, recreation, or vacation with a body width of not more than eight feet and permanently identified as a travel trailer by caption on the unit by the manufacturer.

Urbanizing. The process of making or becoming urban over time.

Utility. See Public Service and Utility Structures.

Variance. Permission to depart from the literal requirements of a zoning ordinance.

Watershed Area. The drainage basin, catchments, or other area of land that drains water, sediment, and dissolved materials to a common outlet at some point along a stream channel.

Yard. An open space on the same lot or parcel as the building, extending from the building to the nearest lot line, to be unoccupied and unobstructed except as provided by this title. (Ord. 88(part), 1988: Ord. 70 Art. 3(B)(42), 1980.)

Yard, Front. A yard lying between the front of the building and the front line and extending across the full width of the lot or parcel. (Ord. 88(part), 1988: Ord. 70 Art.3(B)(43), 1980.)

Yard, Rear. A yard between the building and the rear line and extending across the full width of the lot or parcel. (Ord. 88(part), 1988: Ord. 70 Art. 3(B)(45), 1980.)

Yard, Side. A yard lying between the side lot line and the building extending from the front yard line to the rear yard line.

Zone or Regulatory Zone. A specifically delineated area or district in the County within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

CHAPTER 704
NONCONFORMANCE

SECTIONS:

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17.704.55	Exceptions

Section 17.704.00 Purpose. The purpose of Chapter 704, Nonconformance, is to regulate and limit the development and continued existence of uses, lots, structures, signs, parking, and site improvements that were lawfully established before the adoption or amendment and effective

date of this Development Code, but that no longer conform to the requirements of Title 17. All such situations are collectively referred to in this Title as "nonconformities." It is the intent of this section to permit nonconformities to continue but they shall not be enlarged, expanded, or extended, except as provided in this section. Furthermore, the presence of nonconformities may not be used as justification for adding other uses, lots, structures, signs, parking, or site improvements prohibited elsewhere in the same regulatory land use district.

Section 17.704.05 Findings of Incompatibility. Nonconforming uses and structure are declared to be incompatible with permitted uses, structure, and standards in the regulatory land use district(s) involved. The burden of demonstrating the lawful establishment of a nonconformity shall be solely on the owner of the property containing the nonconformity.

Section 17.704.10 Regulations Applicable to all Nonconformities.

A. **Nonconforming Uses without Required Special Use Permit or Applicable Entitlement.** Except as otherwise limited by this section, a use that is required by this Title to have a special use permit or other applicable entitlement but that was legally established prior to the effective date of this Development Code or subsequent amendments thereto is deemed to have a special use permit or other entitlement.

B. **Change of Use.** Any nonconforming use may be changed to a use allowed in the applicable regulatory land use district.

C. **Expansion of Establishment of a Nonconforming Use.** No nonconforming use shall be enlarged, extended, or changed to a different nonconforming use, unless an application for a special use permit has been approved first in accordance with Subsection 17.606 Special Use Permit and the following specific findings:

   1. The expansion or change of the nonconforming use will not damage the character or quality of the surrounding neighborhood in which it is located or hinder the future development of surrounding properties.

   2. Necessary improvements are in conformance with the requirements of this Development Code.

D. **Abandonment or Discontinuance of Nonconforming Use.** A nonconforming use that is abandoned or discontinued for a period of one year or more may only be resumed with a Planning Commission approval of a special use permit.

Section 17.704.15 Types of Nonconformance. This section regulates the categories of nonconformance. If a nonconforming use falls into two or more categories, it shall be subject to the regulations of each category.

A. **Nonconforming Lot.** A lot which was legal when brought into existence but does not conform to the current lot size or shape requirements of the regulatory land use where it is located. A nonconforming lot is subject to the provisions of Section 17.704.20.

B. **Nonconforming Use of Land.** A use which does not involve a structure, and which was legal when brought into existence but does not conform to the current uses allowed in the regulatory zone where it is located. A nonconforming use of land is subject to the provisions of Section 17.704.25.

   1. Any structure associated with such use shall not be enlarged or increased by more than 20 percent than was occupied on the effective date of this chapter. Expansions in structural area must be accompanied by sufficient increases in on-and off-street parking and landscaping as may be required by this Development Code.

   2. Except for agricultural activities, if such a use ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory land use district in which it is located.

   3. A non-conforming mobile home or manufactured home not located in a manufactured home park and having been removed from its foundation or pad for a period of one year or longer shall constitute abandonment of the use and must comply with the provisions of this code. Evidence of intent to abandon the non-conforming mobile home or manufactured home use is not required.

   4. The storage of inoperable vehicles in contravention of the provisions of the Development Code shall not be considered a nonconforming use and shall be required to conform to the provisions of this Development Code.

C. **Adding New Uses or Structures.** When a nonconforming use exists on any lot, no new use or structure shall be established or built on such lot unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory land use district in which the lot is located.

D. **Change to Another Nonconforming Use.** A nonconforming use of land shall not be changed to another nonconforming use of land.

E. **Notification of Expansion and Protest.** Upon receipt of the application, the property shall be posted with notification of the proposed expansions. If protests are received from 35 percent or more of the property owners within the 300-foot limit within 20 days of the posting, the requested expansions shall require processing in accordance with Chapter 17.606, Special Use Permits.

Section 17.704.20 Nonconforming Lot. A nonconforming lot containing a building or structure may continue to be used as a building site if other provisions of this Chapter, including yard, coverage, sewer, water, and drainage requirements are met. A nonconforming lot may be used for construction of a building allowed in the applicable regulatory land use district, provided all other zoning district and dimensional requirements of this Development Code are met. The owner must also demonstrate to the satisfaction of the Planning and Building Director that the parcel was lawful at the time it was created, and no reasonable alternative exists to make the non-conforming lot conforming, i.e., the

addition of adjoining land under the property owner's control. No nonconforming lot shall be further subdivided or shall have its boundaries altered in any manner that would compound, expand, or extend the nonconforming characteristic(s) of the lot.

Section 17.704.25 Nonconforming Use of Land. The nonconforming use of land shall be subject to the following provisions.

A. **Application Required.** Application for expansion shall be submitted to the Director of Planning and Building, in writing, together with a site plan showing the existing uses, detailing the type and amount of the proposed expansion and the names and addresses of all adjacent property owners (see Definitions) within 300 feet of the property.

B. **Continuation.** A nonconforming use of land may be continued if it remains otherwise lawful, subject to the following provisions:

   1. Any structure associated with such use shall not be enlarged or increased by more than 20 percent than was occupied on the effective date of this chapter. Expansions in structural area must be accompanied by sufficient increases in on- and off-street parking and landscaping as may be required by this Development Code.

   2. Except for agricultural activities, if such a use ceases for any reason for a period of more than 12 consecutive months, any subsequent use of such land shall conform to the requirements of this Development Code for the regulatory land use district in which it is located.

   3. A non-conforming residential use which has been unoccupied for a period of one year or more shall not be considered discontinued unless the structure has been lawfully changed to a non-residential use. No such non-conforming residential use shall be allowed to increase the number of dwelling units without complying to the provisions of this chapter.

   4. A non-conforming mobile home or manufactured home not located in a manufactured home park and having been removed from its foundation or pad for a period of one year or longer shall constitute abandonment of the use and must comply with the provisions of this code. Evidence of intent to abandon the non-conforming mobile home or manufactured home use is not required.

   5. The storage of inoperable vehicles in contravention of the provisions of the Development Code shall not be considered a nonconforming use and shall be required to conform to the provisions of this Development Code.

C. **Adding New Uses or Structures.** When a nonconforming use exists on any lot, no new use or structure shall be established or built on such lot without first obtaining Planning Commission approval of a Special Use Permit and unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory land use district which the lot is located.

D. **Change to Another Nonconforming Use.** A nonconforming use of land shall not be changed to another nonconforming use of land.

E. **Notification of Expansion and Protest.** Upon receipt of the application, the property shall be posted with notification of the proposed expansion. If protests are received from 35 percent or more of the property owners within the 300-foot limit within 20 days of the posting, the requested expansion shall require processing in accordance with Chapter 17.706, Special Use Permits.

Section 17.704.30 Nonconforming Structure. The nonconforming structure shall be subject to the provisions of this section.

A. **Application Required.** Application for expansion shall be submitted to the Director of Planning and Building, in writing, together with a site plan showing the existing uses, detailing the type and amount of the proposed expansion and the names and addresses of all adjacent property owners (see Definitions) within 300 feet of the property.

B. **Continuation.** A nonconforming structure may be continued if it remains otherwise lawful, subject to the following provisions:

1. Such structure shall not be enlarged or increased by more than 20 percent than was occupied on the effective date of this chapter or altered except as specifically provided for by this section.

2. If the use of the structure is discontinued or abandoned for any reason, except by an act of nature, for a period of more than 12 consecutive months, any subsequent use of the structure shall conform to the regulations of the regulatory zone in which it is located.

3. Restoration of a nonconforming structure that was damaged or destroyed by an act of nature may be repaired or reconstructed to its pre-existing configuration so long as the repair is completed within a period of 12 consecutive months.

4. If the structure is partially or destroyed, the nonconforming use of the structure may be rebuilt provided a building permit is acquired within six months of the damaging event. If the structure is destroyed by more than 50 percent of the fair market value, the structure shall not be repaired or reconstructed except in conformity with this Development Code and applicable Building and Fire Codes. All work shall be commenced within one year from the date of the damage and completed within one year thereafter.

5. Should such structure be moved for any reason, any distance whatever, it shall thereafter conform to the regulations for the regulatory land use district in which it is located.

6. Nothing in this chapter shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part there declared to be unsafe by any county or state official charged with protecting the public health or safety, upon order or such official.

C. **Adding New Structures.** When a nonconforming structure exists on any lot, no new use or structure shall be established or built on such lot unless the lot area, dimensions and yards provided for each existing and proposed use or structure conform to the requirements of this Development Code for the regulatory land use district in which the lot is located.

Section 17.704.35 Nonconforming Site Improvements. Nonconforming site improvements shall be subject to the provisions of this section. Existing conforming buildings or uses whose off-street parking and loading do not conform to the provisions of this Development Code may be expanded or have facilities added, and one conforming use may be changed to another, provided that the requirements for off-street parking and loading spaces are compiled within accordance with this Development Code.

Section 17.704.40 Nonconforming Parking. The maintenance, repair, and alterations of a use with nonconforming parking is permitted without limitation provided the use does not increase the need for off-street parking. If required, additional off-street parking shall be in accordance with the following guidelines:

A. Where the modifications result in an increase in the applicable unit of measurement (dwelling unit, floor area, capacity number of seats, etc.) which is 50 percent or less of the original total, additional parking shall be required only for this new or modified part of the development.

B. Where the modifications result in an increase in the applicable unit of measurement, which is over 50 percent of the original total, sufficient off-street parking shall be provided to bring the entire development into conformance with the requirements of the regulatory land use district in which the use is located.

Section 17.704.45 Nonconforming Signs. All non-conforming on-premises and nonconforming off-premises advertising displays shall be removed in accordance with Section 17.800.140, Nonconforming Signs. Any non-conforming sign which has been damaged more than 50 percent of its replacement cost by fire, wind, or other cause except vandalism shall not be restored without conformance with the provisions of this Development Code.

[Chapter 17.800 added by Ord. 345, passed 11/18/2020]

Section 17.704. 50 Replacement Cost. In the absence of proof to the contrary, replacement cost as used in this article shall mean the assessed value of the building or structure at the time of destruction.

Section 17.704.55 Requirement for Bringing a Nonconforming Use of Land or Structure into Compliance with the Development Code. Except as provided for in this Chapter, a nonconforming use of land or a nonconforming use of a structure shall be brought into conformance with the provisions of this Development Code at the time that a ministerial permit (i.e., building permit) is issued, or at the time that an approved discretionary permit (i.e., special use permit) becomes effective.

Section 17.704.60 Exceptions. Exception to these provisions shall be as follows:

A. **Residences.** Non-conforming residences shall be allowed to provide private garages or sanitary facilities without complying with this section if the garage or sanitary facility is in conformance with all other adopted codes. Such additions shall comply with all requirements of the regulatory land use district in which they are located.

B. **Variance.** The Director of Planning & Building may vary the provisions of this section when all the criteria set forth in this section have been affirmatively satisfied by the applicant. Application and processing shall be in accordance with the provisions of this Development Code.

CHAPTER 706
ENFORCEMENT AND VIOLATIONS

SECTIONS:

17.706.00 Purpose
17.706.05 Responsibility for Enforcement
17.706.10 Applicability
17.706.15 Identification of Director
17.706.20 Inspection by Director
17.706.25 Liability for Violations
17.706.30 Types of Violation
17.706.35 Continuing Violation
17.706.40 Enforcement Procedures
17.706.45 Remedies and Enforcement Powers
17.706.50 Penalties

Section 17.706.00 Purpose. The purpose of Chapter 706, Enforcement, is to provide guidelines for the enforcement of the Development Code.

Section 17.706.05 Responsibility for Enforcement. The following shall enforce the provisions of the Development Code.

A. All officials charged with the issuance of licenses and permits.

B. The Director of Planning & Building or his/her designee; and/or

C. All officials possessing citation powers applicable to the enforcement of land development regulations.

Section 17.706.10 Applicability. Any building or structure erected or maintained or any use of property contrary to the provisions of the Development Code shall be and is declared to be unlawful and a public nuisance.

Section 17.706.15 Identification of Director. The Director shall be that person designated by the Board of County Commissioners. The Director is authorized to establish Department standards of operation and procedures consistent with the intent of this Development Code and is further empowered to delegate the duties and powers granted to, and imposed upon, the Director by this Code. As used in this Code, "Director" shall include staff authorized by the Director.

Section 17.706.20 Inspection by Director. The Director is hereby empowered to enter or inspect any building, structure, premises, or real property in the County upon which, or in connection with which, a development or land use is located or proposed for the purpose of inspection to ensure compliance with the provisions of this Code. Such inspections shall be carried out during business hours unless the Director determines that an emergency exists. Entry onto private property for the purpose of inspection shall be made only after contact with the owner of the premises, whose permission for the inspection shall be secured. Application for any development approval shall constitute permission to inspect a property.

Section 17.706.25 Liability for Violations. Any person who erects, constructs, reconstructs, alters, repairs, converts, or maintains any building, structure, or sign, or part thereof, in violation of Title 17, and any person who uses any building, structure, or land in violation of this Title, shall be subject to penalties and enforcement action in accordance with this Development Code.

Section 17.706.30 Types of Violation.

A. **Land Disturbing Activities Inconsistent with this Title.** It is a violation of this Title to erect, construct, reconstruct, remodel, alter, maintain, expand, move, or use any land, building, structure, or sign; or engage in development or subdivision of land contrary to the regulations and procedures of this Title.

B. **Nonconformities Inconsistent with this Title.** It is a violation to create, expand, replace, or change a nonconforming use, lot, sign, or site improvement except in compliance with this Title.

C. **Making Lots or Setbacks Nonconforming.** It is a violation to reduce or diminish the lot area, setbacks, or open space below the minimum standards required by this Title.

D. **Increasing Intensity of Use.** It is a violation of this Title to increase the intensity of use of any land or structure, except according to the standards of this Title.

E. **Activities Inconsistent with Approval or Permit.** It is a violation to engage in any

development, use, construction, remodel, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, agreement, or other form of authorization required under this Title to engage in such activity.

F. **Activities Inconsistent with Conditions of Approval.** It is a violation of this Title to fail to comply with any terms, conditions, or limitations placed by the deciding body upon any final development plan, subdivision plat, site plan, permit, or other form of authorization.

G. **Failure to Remove Signs.** It is a violation of this Title to fail to remove any sign created, erected, installed, or maintained in violation of this Title, or for which the sign permit has lapsed.

H. **Unlawful Sale or Transfer of Divided Land; Penalties; Remedies.** It is unlawful for any person to contract to sell, to sell or to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, until the required map thereof, in full compliance with appropriate provisions of NRS 278.010 to 278.630, inclusive, and any local ordinance, has been recorded in the office of the Pershing County Recorder.

    1. A person who violates the provisions of subsection A is guilty of a misdemeanor and is liable for a civil penalty of not more than $300 for each lot or parcel sold or transferred.

    2. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or sold in violation of any provisions of NRS 278.010 to 278.630, inclusive, is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

I. **Unlawful Recording of Map by Recorder; Penalty.** Any county recorder who records a map contrary to the provisions of NRS 278.010 to 278.630, inclusive, or of any local ordinance adopted pursuant thereto is guilty of a misdemeanor.

J. **Unlawful to Erect, Alter, or Change Use of Building Without Building Permit; Requirements for Obtaining Permit; School District Exempt in Certain Circumstances.** Except as otherwise provided in this section, after the establishment of the position of building inspector and the filling of the position as provided in NRS 278.570, it is unlawful to erect, construct, reconstruct, alter, or change the use of any building or other structure within the territory covered by the building code or land use regulations without obtaining a building permit from the building inspector.

    1. The building inspector shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all building code and zoning regulations then in effect.

    2. The provisions of subsection a. do not apply to a school district to which the state public works board has delegated its power and duties under NRS 393.110.

K. Violation of Provisions Concerning Maps; Report of County Assessor; Investigation and Prosecution. When there is not final map, parcel map or map of division into large parcels

as required by the provisions of NRS 278.010 to 278.630, inclusive, then the county assessor shall determine, as lands are placed upon the tax roll and maps of the county assessor's office, any apparent discrepancies with respect to the provisions of NRS 278.010 to 278.630, inclusive, and shall report his findings in writing to the governing body of the county or city in which such apparent violation occurs.

1. Upon receipt of the report the governing body shall cause an investigation to be made by the district attorney's office when such lands are within an unincorporated area, or by the city attorney when such lands are within a city, the county recorder and any planning commission having jurisdiction over the lands in questions.

2. If the report shows evidence of violation of the provisions of NRS 278.010 to 278.630, inclusive, with respect to the division of lands or upon the filing of a verified complaint by any municipality or other political subdivision or person, firm or corporation with respect to violation of the provisions of those sections, the district attorney of each county in this state shall prosecute all such violations in respective counties in which the violations occur.

Section 17.706.35 Continuing Violation. Each day that a violation remains uncorrected after receiving notice of the violation from the County shall constitute a separate violation of the Code. Any person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which such violation of this title or failure to comply with any other order or regulation is committed, continued, or otherwise maintained.

Section 17.706.40 Enforcement Procedures. The following procedure shall apply to enforce the provisions of the Development Code:

A. **Order to Comply.** In the event of a violation of this Development Code, any of the persons listed in Section 17.706.05 may deliver to the person or persons in violation of the Development Code a written order to comply with the provisions within 20 days of receipt of same.

B. **Immediate Threat.** In the event of a violation of the Development Code that is deemed by the Director to be an immediate threat to the health, safety, or welfare to the public, any of the persons listed in Section 17.706.05 may deliver to the person or persons in violation of the Development Code a written order to comply immediately. The order to comply may provide for the complete or partial cessation of activities that create an immediate threat to the health, safety, or welfare of the public.

C. **Failure to Comply.** Upon failure of the party or parties in violation of the Development to comply, any of the persons listed in Section 17.706.05 may deliver to the person in violation of the Development Code a citation issued by the District Attorney to appear before the County Commissioners, to show cause why the Pershing County Commission should not order the District Attorney to proceed with civil and/or criminal action. The District Attorney shall receive a written statement signed by the Director setting forth the violation, the parties involved, the date of delivery of a notice to comply and the date of inspection in which it was determined that the party or parties had not complied within

the time limit allowed for compliance prior to issuing a citation.

D. **Enjoining Activity.** Upon failure of any person in violation of the Development Code to comply with an order issued pursuant to a finding that an immediate threat of the health, safety or welfare of the public exists, the District Attorney shall immediately commence action or actions for the abatement, removal, and enjoinment of such violation as a public nuisance and/or a criminal action in the manner provided by law.

Section 17.706.45 Remedies and Enforcement Powers. All remedies provided in this Development Code shall be cumulative and not exclusive. The conviction and punishment of any person hereunder shall not relieve such person from the responsibilities of correcting prohibited conditions or removing a prohibited building, structures, or improvements nor prevent the enforced correction or removal thereof. The following remedies and enforcement powers may be used to administer and enforce this Development Code in addition to any other remedies authorized by state law.

A. **Deny or Withhold Permit.**

1. The County may deny or withhold all permits, certificates, or other forms of authorization on any land or structure or improvements thereon upon which there is an uncorrected violation of a provision of this code or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the County. This enforcement provision shall apply regardless of whether the current owner or applicant is responsible for the violation in question.

2. The County may deny or withhold all permits, certificates, or other forms of authorization on any land or structure, or improvements owned or being developed by a person who owns, developed, or otherwise cause an uncorrected violation of this code. These provisions shall apply regardless of whether the property for which the permit or other approval is sought is the property in violation.

B. **Permits Approved with Conditions.** Instead of withholding or denying a permit or other authorization, the County may grant such authorization subject to the condition that the violation be corrected.

C. **Revoke Permits.** Any development permit or other form of authorization required under this Development Code may be revoked when the Director determines:

1. That there is departure from the plans, specifications, or conditions as required under terms of the permit.

2. That the development permit was procured by false representation or was issued by mistake.

3. That any of the provisions of this Development Code are being violated.

4. Written notice of such revocation shall be served upon the owner, the owner's agent, or contractor, or upon any person employed on the building or structure for which such permit was issued or shall be posted in a prominent location. After such notice has been

served no such construction shall proceed.

D. **Stop Work.** With or without revoking permits, the County may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Development Code or of a permit or other form of authorization issued hereunder, in accordance with its power to stop work under its building codes.

E. **Revoke Plan or Other Approval.** Where a violation of this code involves a failure to comply with approved plans or conditions to which the approval of such plans was made subject, the Board of County Commissioners may, upon notice to the applicant and other known parties in interest (including any holders of building permits affected) and after a public hearing, revoke the approved plans or other approval, or condition its continuance on strict compliance with this Development Code, the provisions of security to ensure that construction is completed in compliance with approved plans, or such other conditions as the Board may reasonably impose.

F. **Injunction and Abatement.** The County, through its authorized agents, may initiate injunction or abatement proceedings or other appropriate action in District Court or another court of competent jurisdiction against any person who fails to comply with any provision of this Code, or any requirement or conditions imposed pursuant to this Code, to prevent, enjoin, abate, or terminate violations. The County may seek a court order in mandamus, abatement, injunction, or other action for proceeding to abate or remove a violation or to otherwise restore the premises in question to the condition in which it existed prior to the violation.

Section 17.706.50 Penalties.

A. **Misdemeanor.** Any person, whether as principal, agent, employee or otherwise violating any provision of the Development Code or violating or failing to comply with any other regulation made there under, is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $1,000 dollars and/or a joint sentence of not more than six months. In lieu of all or a part of the punishment which may be imposed, the convicted person may be sentenced to perform a fixed period of work to the benefit of the community pursuant to the conditions prescribed in NRS 176.087.

B. **Separate Offense.** Such person shall be deemed guilty of a separate offense of each day during which such violation of the Development Code or failure to comply with any other regulation is committed, continued, or otherwise maintained.

CHAPTER 708
LEGAL NOTICING

SECTIONS:

17.708.00 Purpose
17.708.05 Applicability
17.708.10 Procedures
17.708.15 Compliance with Noticing Requirements

Section 17.708.00 Purpose. Establish the regulations and procedures for the noticing and administration of meetings open to the public when required by this Development Code.

Section 17.708.05 Applicability. This chapter identifies the necessary procedures to conduct all meetings of public bodies and ensure they are open and public, permitting all persons to attend any meeting of these public bodies at a physical location or by means of a remote technology system except when specific procedures are provided elsewhere in this Code.

Section 17.708.10 Procedures. Notice for public meetings shall be given in accordance with the provisions of this section, except when specific procedures are provided elsewhere in this Code.

A. **Administration.** Public officers and employees responsible for public meetings shall make reasonable efforts to assist and accommodate persons with physical disabilities desiring to attend. Reasonable efforts must be made to ensure the facilities for the meeting are large enough to accommodate the anticipated number of attendees per NRS 241.020.

B. **Written Notice.** A notice setting forth the date, time, location, and purpose of the public meeting, along with a map and clear and complete statement describing the topic for consideration shall be sent by mail at least 10 calendar days prior to the meeting to:

   1. The applicant(s) and/or the legal owner(s) of the subject property.

   2. All owners of real property, as listed in the County Assessor's records, are located within 300 feet of the subject property. A notice shall also be mailed to the physical property address within 300 feet of the subject property if the County Assessor's records reflect a mailing address different from the physical address.

3. All tenants of any mobile home parks located within 300 feet of the subject property.

4. Any advisory board which has been established for the affected area by the Board of County Commissioners.

C. **Use of Remote Technology.** If the meeting is held using a remote technology system pursuant to NRS 241.023 and has no physical location, the notice must include information on how a member of the public may:

   1. Use the remote technology system to listen to and observe the meeting.

   2. Participate in the meeting by telephone.

   3. Provide live public comment during the meeting and, if authorized by the public body, provide prerecorded public comment.

D. **Noticing Property Owners by Electronic Means.** If requested by a party to whom notice must be provided pursuant to Subsection A above, and if receipt can be verified, notice shall be provided by electronic means (i.e., fax, email, etc.) and comply with all requirements outlined in Subsection A (1-4).

E. **Notice in General Circulation Daily Newspaper.** All legal notices or advertisements shall be published only in daily, a tri-weekly, a semiweekly, a weekly, or a semimonthly newspaper of general circulation and printed in whole or in part and available to residents in Pershing County. Pursuant to NRS 238.040, each of these newspapers shall be equally competent as the means for publication of all legal notices and advertisements.

Section 17.708.15 Compliance with Noticing Requirements. Owners of all real property to be noticed pursuant to this section shall be those owners identified on the latest County Assessor's ownership maps and records. Such notice is deemed compliant when notice is sent to the last known addresses of the real property owners as identified in the latest County Assessor's records. Any person who attends the public meeting shall be considered legally noticed unless those people can provide evidence that they were not notified according to the provisions of this section.

CHAPTER 710
APPEALS

SECTIONS:

17.710.00 Purpose
17.710.05 Applicability
17.710.10 General Provisions
17.710.15 Appeal Period
17.710.20 Submittal Requirements and Procedures
17.710.25 Review Procedures
17.710.30 Notice of Public Hearings
17.710.35 Appeal of a Decision of the Board of County Commissioners

Section 17.710.00 Purpose. The purpose of Chapter 710, Appeals, is to establish the regulations and procedures for the appeal of decisions made by representatives of the county.

Section 17.710.05 Applicability. Any person who is aggrieved by a decision of the Regional Planning Commission, the Planning and Building Director, a member of the Planning Department staff, or any other person appointed or employed by the county who is authorized to make administrative decisions regarding the use of land, may appeal such decision to the Board of County Commissioners, pursuant to the requirements of Sections 17.710.10 through 17.710.30.

Any person who has appealed a decision to the Board of County Commissioners in accordance with Sections 17.710.10 through 17.710.30 of this chapter and is aggrieved by the Board's decision on the appeal, may appeal that decision to the district court in accordance with Section 17.710.35.

Section 17.710.10 General Provisions.

A. Appeals shall comply with the provisions of the Development Code, Nevada Revised Statutes, and other applicable regulations.

B. The party responsible for initiating an appeal request shall be responsible for the payment of all fees associated with the processing and review of the appeal. These fees may include, but are not limited to, the filings fee established by the county or district court.

Section 17.710.15 Appeal Period. An appeal must be made within 10 calendar days of the date of the decision. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day.

Section 17.710.20 Submittal Requirements and Procedures. Requests for appeals shall be made in conformance with these requirements. Appeal requests that fail to comply with these requirements will be rejected.

A. An appeal request shall be made in writing as a formal letter and submitted to the Planning & Building Director.

B. The letter shall be submitted within 10 calendar days after the date of the decision for which the appeal is requested, as established in Section 17.710.15, Appeal Period.

C. Payment of the filing fee, as established by the Board of County Commissioners, shall accompany the letter.

D. The letter shall include the appellant's name, address, and contact information and specify the decision for which the appeal is being requested.

E. The letter shall state the basis of the appeal including a citation of the inadequacy of the Regional Planning Commission or administrative official's rationale or findings supporting their decision.

F. In the letter, the appellant shall provide applicable evidence and information, which supports the appellant's contention that the Planning Commission or administrative official erred in making its decision and the findings or reasons supporting such decision.

G. The letter must include all evidence and information for consideration at the appeal hearing. No other information shall be considered during the public hearing.

H. The rationale supporting the appeal shall be based upon only the information presented to the Planning Commission at the original public meeting(s) or during the administrative official's review process. Any information not included at the documented public meeting(s) or documented administrative review process may not be considered for the appeal. In the event substantial new information becomes available after the public meeting(s) or the administrative review process, and evidence supporting the absence of this information can be provided, the new information will be considered during the appeal process.

Section 17.710.25 Review Procedures. The review procedures for appeals are as follows:

A. **Review for Completeness.** Upon receipt of an appeal request, the Planning and Building Director shall have five (5) working days to review the materials received by the appellant. The Planning and Building Director shall determine if the letter and supporting materials are in conformance with the requirements of Section 17.710.20 and shall decide to accept or reject the appeal request.

   If an appeal request is found to be incomplete it will be returned to the applicant and/or the applicant will be notified of any additional information needed. Once an appeal request has been determined complete, a public hearing by the Board of County Commissioners shall be scheduled to review the appeal.

B. **Board of County Commissioners Public Hearing and Action.** The Board of County Commissioners shall hold a public hearing to review the appeal.

In reviewing the appeal, the Board of County Commissioners shall consider only the reasons for the appeal and applicable supporting information that are stated in the appeal letter. The Board may refer to the written record of the original public hearing(s), the materials from the original application, the regulations that apply to the original application, or other information which may aid in review of the appeal. The Board shall be guided by the statement of purpose underlying the regulation of the improvements of land expressed in NRS 278.020.

At the conclusion of he public hearing or within 60 days after the acceptance of the complete appeal request, the Board of County Commissioners shall take action to affirm, modify, or reverse the original action or decision that led to the appeal. The decision by the County Commissioners on an appeal shall be effective immediately and such decision shall be final for the purpose of judicial review.

Section 17.710.30 Notice of Public Hearings. Notice of all public hearings required by this chapter shall be given in accordance with the provisions of Chapter 17.708, Legal Noticing.

Section 17.710.35 Appeal of a Decision of the Board of County Commissioners. Any person who has appealed a decision to the Board of County Commissioners in accordance with Sections 17.710.10 through 17.710.30 of this chapter and is aggrieved by the Board's decision on the appeal, may appeal that decision to the Eleventh Judicial District Court in accordance with this section.

Subject to the terms and conditions contained in NRS 278.3195 and pursuant to the authority granted in NRS 278.3195, it is hereby authorized that any person or entity, who has appealed a decision by the Planning Commission or other party listed in Section 17.710.05 to the Board of County Commissioners; and is aggrieved by the decision, may appeal that decision to the district court by filing a petition for judicial review with the court within 25 days after the date of filing of notice of the Board's decision with the Pershing County Clerk or the secretary of the Board of County Commissioners, as set forth in NRS 278.0235.

CHAPTER 712

MORATORIUM ON LAND USE DESIGNATION CHANGES FOR CERTAIN AGRICULTURAL-MINING-RECREATION LAND USE AREAS

SECTIONS:

17.712.00 Purpose

17.712.05 Moratorium on Requests to Amend Master Plan in Certain AMR Land Use Areas

17.712.10 Board of County Commissioners to Evaluate Continued Need for Moratorium

Section 17.712.00 Purpose. The Board of Pershing County Commissioners determined that due to problems in the Pershing County Code with respect to Division into Large Parcels in the AMR Land Use areas in certain areas of Pershing County and a need to make a more detailed plan on growth patterns in the AMR Land Use areas in certain areas of Pershing County, a moratorium should be placed while the Board of Pershing County Commissioners hold hearings to develop a sustainable growth plan to address these issues. The Division into Large Parcels in AMR s created forty-acre parcels that have no residential building rights. The Board of Pershing County Commissioners (herein after "The Board") also noted that there have been increased requests to change the land use designation in AMR parcels to residential land use types. The Board specifically finds that the Pershing County Master Plan provides for a limited availability of land use changes and reaffirms the propositions contained in the Pershing County Master Plan. The Board also specifically finds that the Pershing County Development Code allows for less than 160-acre parcels in the AMR Land Use areas, but does not allow, with certain limited exceptions, for the construction of residential dwellings on parcels in the AMR Land Use areas where the parcels are less than 160 acres. Accordingly, a moratorium is appropriate so that public hearings can be held before the Pershing County Regional Planning Commission and the public can provide input into how the issues should be addressed.

Section 17.712.05 Moratorium on Requests to Amend Master Plan in Certain AMR Land Use Areas. The following moratorium is hereby implemented:

A Moratorium is hereby placed on all requests for Master Plan Amendments on land in the AMR Land Use Areas in the following area:

A. The area east of Interstate 80 in the Oreana Groundwater Basin in the Curtailment of Water Appropriation and Designation of Preferred Use of Ground Water Map and Description attached hereto.

B. The moratorium will be temporarily stayed for those parcels in Humboldt River Ranch Phase B-1A subject to the condition that the owners of the parcels must apply to have their land use changed from AMR to residential use prior to December 31, 2008. After December 31, 2008, no further amendments will be considered during the term of this

moratorium. As part of this stay, the individuals seeking to have land use changes in Humboldt River Ranch Phase B-1A must seek the change from AMR to residential within the time frame allotted and in accordance with the land use as set forth in the plan for development relating to the parcels in Humboldt River Ranch Phase B-1A and any fees for the changes will be waived.

Section 17.712.10 Board of County Commissioners to Evaluate Continued Need for Moratorium.
The Board of County Commissioners should evaluate the continued need for the moratorium established by Section 17.812.05 every six years after the adoption of Bill No. 251, Ordinance No. 251. Failure to have a hearing shall not be construed in a negative manner.

[Chapter 17.712 added by Ord. 223, passed 01/18/06]

[Chapter 17.712 amended by Ord. 251, passed 06/04/08]

Division Eight: Regulation of Signage

CHAPTER 800
TITLE AND CONTENTS

SECTIONS:

17.800.00 Title
17.800.10 Contents

Section 17.800.00 Title. Division Eight of Title 17 is entitled "Regulation of Signage."

Section 17.800.05 Contents. Division Eight consists of the following chapters:

Chapter 800 Title and Contents
Chapter 802 Authority
Chapter 804 Basic Policies
Chapter 806 Definitions
Chapter 808 Measurement of Signs
Chapter 810 Physical Structure, Safety, and Location Rules for Signs - All Land Use Districts
Chapter 812 Signs Not Subject to Permit Requirement
Chapter 814 Signs Associated with Development Projects
Chapter 816 Sign Restrictions and Requirements by Individual Land Use Districts
Chapter 818 Sign Permits
Chapter 820 Temporary Signs
Chapter 822 Planning Commission Review, Appeals, and Special Use Permits
Chapter 824 Non Conforming Signs
Chapter 826 Enforcement

CHAPTER 802
AUTHORITY

SECTIONS:

17.802.00 Authority
17.802.05 Regulatory Scope
17.802.10 Purposes and Interests Served

Section 17.802.00 Authority. This chapter is enacted by the Pershing County Board of Commissioners under the authority of Nevada Revised Statutes 278.020 et seq.

(Ord. 344, 2020)

Section 17.802.05 Regulatory Scope. This chapter regulates signs located on or attached to private property, and signs located on or attached to public property which is owned or controlled by public entities other than Pershing County and over which the County holds zoning or land use regulatory authority.

(Ord, 345, 2020)

Section 17.802.10 Purposes and Interests Served. By enacting this chapter, the County intends to serve the following purposes and interests:

A. To promote and protect the public health, welfare and safety.

B. To prevent unreasonable distraction of operators of motor vehicles, confusion with traffic lights, signs, or signals and other interference with the effectiveness of traffic regulations.

C. To make the County physically and visually attractive to residents, tourists, and businesses.

D. To promote the economic well-being of the County and surrounding areas; to protect the public and private investment in land improvements.

E. To preserve and enhance the natural scenic beauty and aesthetic features of the County, its streets and highways and adjacent areas.

F. To encourage the orderly expression of messages, debate, and information by way of display of signs. For these purposes, the County by this chapter regulates signs by size, height, physical design, construction, illumination, maintenance, and relationship to land uses.

CHAPTER 804
BASIC POLICIES

Section 17.80400 Purpose. The policies and principles stated in this section apply to all signs within the regulatory scope of this chapter, and to all procedures set forth in, or invoked by, this chapter. These policies are to prevail over any other provision to the contrary, even if more specific.

A. **Enforcement Authority.** The Planning & Building Director is authorized and directed to enforce and administrate the provisions of this chapter.

B. **Permit Requirement.** Unless expressly exempted by a provision of this chapter, or by other applicable law, signs within the regulatory scope of this chapter may be displayed only pursuant to a permit issued by the County.

C. **Message Neutrality.** It is the County's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

D. **Regulatory Interpretations.** All regulatory interpretations of this chapter are to be exercised in light of the County's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the building code, then the director shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

E. **Substitution of Messages.** Subject to the property owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permitted or allowed noncommercial message, provided that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, lot, or use; does not affect the requirement that a sign structure or mounting device be properly permitted; and does not allow the substitution of an off-site commercial message in place of an on-site commercial message.

F. **Rules of Non-communicative Aspects of Signs.** All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

G. **Billboard Policy.** The County completely prohibits the construction, erection, or use of any billboards, other than those which legally exist in the County, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. No permit shall be issued for any billboard which violates this policy, and the County will take immediate abatement action against any billboard constructed or maintained in violation

of this policy. In adopting this provision, the Pershing County Board of Commissioners affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this chapter. The Pershing County Board of Commissioners intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards.

H. **Situs of noncommercial Message Signs.** All signs displaying noncommercial speech messages are deemed to be "on site," regardless of location.

I. **Multiple Use Zones.** In any zone where both residential and nonresidential uses are allowed, the sign related rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential zone where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

J. **Property Owner's Consent.** No sign may be displayed without the consent of the legal owner(s) of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control, or use of the property.

K. **Legal Nature of Signage Rights and Duties.** As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign related provisions in private leases regarding signs (so long as they are not in conflict with this chapter), or the ownership of sign structures.

L. **Sign Programs.** Sign programs, voluntarily proposed for specific developments, as well as special sign districts or a special sign overlay zone, if applicable, when approved by the Planning Commission may modify the rules stated herein as to sign size, height, illumination, spacing, orientation or other non-communicative aspects of signs, but may not override or modify any of the basic policies stated in this section. All the provisions of this section shall automatically apply to and be deemed a part of any sign program approved after the date on which this provision is initially adopted.

M. **Variance.** When a deviation from the rules stated in this chapter is sought by variance, the application must be approved by the Planning Commission following a duly noticed public hearing. In considering variance requests, the Planning Commission shall not consider the graphic design or message of the sign display face and may not approve a variance which would allow a sign to be used for the display of off-site commercial messages.

N. **Severance.** If any section, sentence, clause, phrase, word, portion or provision of this chapter is held invalid or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid

portion. In adopting this chapter, the Pershing County Board of Commissioners affirmatively declares that it would have approved and adopted this chapter even without any portion which may be held invalid or unenforceable.

CHAPTER 806
DEFINITIONS

SECTIONS:

17.806.00 Purpose
17.806.05 General Definitions

Section 17.806.00 Purpose. The purpose of Chapter 806, Definitions, is to define the following terms. All definitions are supported by the language as set forth in Chapters 106, Regulatory Land Use Districts, and 702, Definitions of this title.

Advertising Sign. A sign attached to or placed on the outside of a building upon which any poster, bill, printing, painting, device, or advertising of any kind may be placed, posted, fastened, or affixed.

Advertising Structure. Any freestanding outdoor structure or device erected for advertising purposes, or to attract the attention of the public, and which is visible from any public street or alley or public place. *See also* definition of "Freestanding or Pole Sign."

Awning. A permanent or retractable roofed structure constructed of fabric or metal placed so as to extend outward from a building providing a protective shield for doors, windows, and other openings with supports extending back to the building, supported entirely by the building. This does not include cantilevers. *See also* definition of "Canopy."



Sample Awning

Banner Sign. A temporary advertising device made of lightweight fabric or similar material, containing copy, graphics, logos, or symbols for advertising purposes, that is mounted to a pole, building, or other structure.



Sample Banner

Billboard. A permanent structure with a display face greater than twelve (12) square feet which is used for the display of off-site commercial messages or advertising for hire or general advertising. (See Fifth Avenue Coach v. New York City, 221 U.S. 467 (1911).) A billboard may be freestanding or attached to another structure.

Business Day. A day on which Pershing County offices are open to the public.

Cabinet Sign. A sign that contains all the text and/or logo symbols within a single enclosed case. Cabinet signs are classified into distinct categories: A single cabinet with four (4) straight sides in the form of a square or rectangle; or a single cabinet with one or more sides that follow the form of the message/logo within the cabinet.



Canopy. A roofed structure constructed of fabric or other material placed so as to extend outward from the building providing a protective shield for doors, windows, and other openings and supported by the building and supports extending to the ground directly under the canopy.

Canopy Sign A sign attached to or constructed in a canopy.

Change Panel. Any advertising sign or advertising structure designed to permit immediate change of copy.



Sample Channel/Letter Sign

Channel Letter/Sign. Channel letters are individually illuminated letters and graphics.

Commercial Mascot. Humans or animals used as commercial advertising devices, typically by the holding or wearing of insignia, masks or costumes associated with the commercial establishment. Includes sign twirlers, sign clowns, "sandwich board" signs, etc.

Commercial Message. A message that concerns primarily the commercial or economic interests of the sign sponsor or the sign viewer. Includes any sign, wording, logo, picture, transparency, mechanical device, or other representation that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service, or other commercial or industrial activity for a commercial or industrial purpose.



Community Sign. Temporary, on or off premises signs, generally made of a woven material or durable synthetic materials primarily attached to or hung in a vertical fashion from light poles or on buildings, of solely a decorative, festive, and/or informative nature announcing activities, promotions, events, seasonal or traditional themes having broad community interest,

and which are sponsored or supported by Pershing County, or a local community based nonprofit organization (i.e., Frontier Community Coalition, Frontier Days, holidays/seasons, etc.).

Construction Sign. A sign displayed on the site of a real property development project during the time commencing with the issuance of all necessary permits and approvals and ending with approval of the final inspection.

Directional Sign. An on site noncommercial message sign exclusively limited to guiding the circulation of motorists or pedestrians onto or within a site (e.g., direction to parking lots, restroom locations, exits, entrances, etc.).

Sample Directional Signage







Director. The administrator of the Pershing County Planning & Building Department or designee.

Flashing Sign. A sign or parts thereof which is periodically illuminated, or which revolves in such a manner as to create the illusion of being visible or not, with the exclusion of time and temperature signs.

Freestanding or Pole Sign. A sign supported by a fixed permanent form(s) or support(s) in the ground. *See also* definition of Advertising Structure.

Sample Freestanding Sign



General Advertising. The business of renting or otherwise providing display space to commercial advertisers whose place of business is at some location other than the site of the display. Also known as "off site advertising."

Ground Sign or Monument Sign. A low sign where the extent of the sign surface is attached to the ground or a foundation in the ground, and where there are no poles, braces or other visible means of support other than attachment to the ground.



Sample Monument Sign

Hazardous Sign. A sign constituting a hazard to public safety because it no longer meets the lateral and/or vertical load requirements as specified in the County adopted building code, or no longer meets the wiring and installation standards of the County adopted electrical code.

Indirect lighting. A source of external illumination entirely within the sign which makes the sign visible at night by means of lighting the background upon which the freestanding characters are mounted, but wherein the source of illumination is not visible.

Inflatable Sign. Any advertising or attention getting device which is supported by heated or forced air or lighter than air gases including hot or cold air balloons.

Internal Lighting. A source of illumination entirely within the sign which makes the contents of the sign visible at night by means of the light being transmitted through a translucent material, but wherein the source of the Illumination is not visible.

Marquee. A permanent roofed structure which bears an advertisement and extends outward over the entrance to a building, often a theater or cinema, and supported entirely by the building.

Mobile Sign. A sign constructed on wheels or designed so as to allow the sign to be moved by vehicles. This includes any truck, trailer, or other vehicle conspicuously, or regularly parked on or off premises with an advertising message or logo displayed to attract attention to a business, product, or promotion.





Sample Mobile Signage

Monument Sign. See definition of Ground Sign or Monument Sign.

Nameplate. A sign indicating the name of the occupant(s) of a land use.

Neighborhood Entry Sign. A sign placed at or near a street entrance to a neighborhood, subdivision, mobile home park, apartment building or condominium project.

Noncommercial Message. A message related to (by way of example and not limitation) opinions on matters of religion, politics, social policy, etc.

Nonconforming Sign. A lawfully constructed sign existing at the time this chapter, or a predecessor version of the same effect, or amendments thereto, becomes effective, which does not conform with the sign regulation for the zone in which the sign is located

Offsite Sign. A commercial message sign not located on the site of the establishment or entity indicated or advertised by the sign; also, a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates or is provided at a location other than where the sign is maintained. The on-site/off site distinction applies only to commercial message signs.







Onsite Sign. A commercial message sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold, or offered upon the site where the sign is maintained. The onsite/off site distinction applies only to commercial message signs. For a shopping center, each establishment located in the shopping center is "on site" as to the shopping center's advertising structure displaying tenants within the center.

Permanent Sign. Any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall, or building. This definition applies to the physical structure of the sign, not to the message displayed thereon.

Pole Sign. ***See*** definition of Freestanding or Pole Sign.

Portable Sign. A sign that is not attached to a structure or the ground and is movable such as A-frame or T-frame signs.

Projecting Sign. A sign attached to a building and extending in whole or in part more than eighteen inches (18") beyond any wall of the building.



Sample Projecting Sign

Real Estate Development Sign. A sign displayed on the premises of a real estate development for which all necessary development approvals have been issued and actual construction has begun.

Roof Sign. A temporary or permanent sign erected partly or wholly freestanding on the roof of a building and/or extending above the roof line of a building. This shall include signs located on top of canopies, colonnades, and covered walks, but not marquee signs.

Roof line. The highest point of the main roof structure or highest point on a parapet, but not including cupolas, pylons, projections, or minor raised portions of the roof.

Shopping Center. An integrated shopping complex comprised of two (2) or more retail stores.



Sample Roof-mounted Sign

Shopping Center Advertising Structure. Any freestanding outdoor structure or device erected for advertising purposes on the site of a shopping center.

Sign. Any device visible from any portion of the public right of way which is used for visual communication, including any structure or natural object or part thereof, that is used for the purpose of bringing the subject thereof to the attention of the public; however, the following are not within this definition:

A. **Interior signs.** Signs which are visible only from the interior of enclosed structures, or to persons located within such structures; signs on the interior of sports stadiums and similar unroofed but enclosed structures are within this exclusion.

B. **Architectural features.** Decorative or architectural features of buildings (not including lettering, trademarks or moving parts); symbols embedded in architecture: symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal.

C. **Personal appearance.** Items or devices of personal apparel, decoration, or appearance, including clothing, tattoos, makeup, costumes, and masks; however, commercial mascots are not within this exclusion.

D. **Manufacturers' marks.** Marks on tangible products, which identify the maker, seller, provider, or product, and which customarily remain attached to the product even after sale.

E. **Floor mats and doormats.**

F. Fireworks, etc. The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter.

G. **Certain insignia on vehicles and vessels.** On street legal vehicles and properly licensed watercraft: painting schemes, license plates, license plate frames, registration insignia, stickers displaying noncommercial messages, indications that the vehicle or vessel is for sale; however, commercial messages are not within this exclusion.

H. **Gravestones and grave markers.**

I. **News racks and newsstands.**

J. **Traffic signals and signs giving notice of traffic rules.**

K. **Any notice which is required by another body of law to be posted within public view.**

L. **Signs within windows and on doors** (however, signs on overhead or roll-up doors are not exempt).

M. **Historical markers.**

Streetscape. The combination of vehicles, buildings, signs, landscaping, roads, utility poles, etc., that dominate the view of the driver or pedestrian.

Suspended Sign. A sign which is hung from a roof, pole, canopy, or other similar structure.

Temporary Sign. A sign which by virtue of its construction of lightweight, flimsy, or nondurable materials (i.e., plywood, fabric, etc.) or is mobile, not intended or suitable for permanent display; or any sign for which the display right is tied to a temporary land use or activity (such as a construction project, festival, etc.).



Sample Suspended Sign

Sample Temporary Signs







Wall Sign. A sign that is mounted to or painted on a building wall or its facing or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.

Wayfinding Sign. A government-maintained sign containing directional information about public places owned or operated by federal, state, or local governments or their agencies; public or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural beauty or naturally suited to outdoor recreation.

Wind Sign. Any propeller or similar commercial device which is designed to flutter, rotate, or display other movement under the influence of the wind, not including, official flags or banners.

Window Sign. A sign either attached to a window or door or located within a building so as to be visible through a window or door from outside of the building. The area for a window sign shall be limited to no more than 50% of the window area.







Sample Window Signage

CHAPTER 808
MEASUREMENT OF SIGNS

SECTIONS:

17.808.00 Purpose
17.808.05 General Measurement Requirements

Section 17.806.00 Purpose. The purpose of Chapter 809, Measurement of Signs, is to define the following parameters for how permitted signage area is calculated.

A. **Sign Area.** For sign copy mounted or painted on the background panel or area distinctively painted, textured, or constructed as a background for the sign copy, the sign area is measured as that area contained within the outside dimensions of the background panel or surface.



Sample Sign Message on Panel



Sample Monument Sign

1. For sign copy mounted as individual letters and/or graphics against a wall or fascia of a building or other structure that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, the sign area is measured as the area enclosed by the smallest single rectangle that will enclose all the sign copy.

2. For sign copy mounted or printed on an illuminated sign or illuminated architectural element of a building, the entire illuminated surface or illuminated architectural element which contains the sign copy, shall be counted as a sign.

B. **Number of Sign Faces.**

1. **Single Face.** The sign area is the area of the single face only.

2. **Two Faces.** The sign area of any two (2) faced sign with parallel faces; or V-type signs having an interior angle of forty-five degrees (45°) or less, is the area of the single face; if the angle between the two (2) sign faces is greater than forty-five degrees (45°), the sign area is the sum of the areas of the two (2) faces.

3. **Three Or More.** The sign area is the sum of the areas of the three (3) or more faces.

4. **Spherical, Freeform, Sculptural Or Other Nonplanar Signs.** The sign area is the sum of the areas of the smallest six (6) sided solid form that will encompass the sign structure.

5. **Signs With More Than One Component.** For a sign having more than one component, the sign area is the smallest rectangle that will encompass the several components of the sign.

C. **Pole Or Pylon Signs.** The regulated area of a freestanding sign shall include all parts of the sign or structure that contain identification (words or symbols) and information. The height of a freestanding sign shall be the distance from the highest point of the sign to the top of the curb or sidewalk or crown of the street when there is no curb or sidewalk. Architectural features or enhancements to the sign supports are excluded.



Sample Pole or Pylon Signs
Total sign area equals the sum of X multiplied by Y plus X multiplied by Y.

all parts of the sign or structure that contain identification (words or symbols) and information. The height of a ground sign shall be the distance from the highest point of the sign to the height of the street curb or sidewalk. Architectural features or enhancements to the sign supports are excluded.



Regulated sign area is the total width multiplied by the height.

CHAPTER 810

PHYSICAL STRUCTURE, SAFETY AND LOCATION RULES FOR SIGNS, ALL LAND USE DISTRICTS

SECTIONS:

17.810.00 Purpose
17.810.05 General Requirements
17.810.10 Landscaping
17.810.15 Determination of Completeness
17.810.20 Appeal Process
17.810.25 Modification of Site Plan
17.810.30 Expiration

Section 17.810.00 Purpose. The purpose of Chapter810, Physical Structure, Safety and Location Rules for Signs, All Land Use Districts, is to provide a guide for designing and installing signage that ensures the final product conforms to the regulations contained within the Development Code and Pershing County Building Code.

Section 17.810.05 General Requirements. Unless otherwise explicitly provided, the regulations stated in this section apply to all signs in all land use districts.

A. **Height and Dimensions.** Maximum advertising sign height shall be twenty feet (20') above grade unless a different height is specified elsewhere in this chapter for a specific sign district or zone. Note: Height restriction does not apply to signs attached directly to a wall.

B. **Attachment.** Signs erected or attached to the wall of a building shall have the exposed face of the sign in a plane parallel to the face of the wall and shall not project above cornice or roof line.

C. Roof Placement. No advertising structures are permitted on a building roof, top or mansard, parapet, or marquee. This provision applies to new sign installation. Existing signs may remain upon receipt of a special use permit.

D. **Roof Surface.** Signs shall not be attached or painted on a roof surface.

E. **Encroachment.** New signs are not allowed in the public right of way. Existing signs where the base and/or structure is located in or overhangs the public right of way are subject to the requirements of an encroachment permit.

F. Rotating, Flashing, Moving, or Audible. No sign or advertising structure shall be installed so as to rotate, gyrate, blink, flash, move or be audible in any animated fashion.

G. **Code Compliance.** All signs, including the frames, braces or supports thereof, shall be adequately built, and erected in compliance with the building, electrical and other applicable safety codes of the County.

H. **Licensed Contractor Required.** No sign, fixture or device involving electrical wiring or connections shall be erected or installed in Pershing County except by a licensed and bonded sign or electrical contractor. Includes the appropriate Pershing County business license, and the correct state of Nevada contractor license for the work to be performed.

I. **Engineering Required.** All sign permit applications shall be engineered to demonstrate conformance with the applicable provisions of the international building code and, where required by the building official, shall be accompanied by a drawing stamped by an appropriate engineer, licensed by the state of Nevada, attesting to the adequacy of the proposed construction of the sign and its supports. ***Exception:*** signs painted directly upon a wall surface are not required to obtain engineering.

J. **Durability.** All permanent signs must be built of durable and permanent materials (e.g., no part of a sign, nor its supports shall be made of wood).

K. **Power Source.** Permanent power sources for signs must be concealed underground away from public view or within the structure of the sign or building to which the sign is attached and comply with all provisions of the national electric code.

L. **Foundations.** All ground signs must be mounted on foundations and footings which conform to the international building code as adopted by Pershing County.

M. **Sign Company Tag.** All permanent signs must have a sign builder's identification tag or signature. The tag or signature must be made of durable weatherproof material and must be affixed to the sign so as to be visible from the sidewalk or nearest convenient location by County inspectors.

N. **Small Portable Signs.** A-frame and similar portable freestanding signs are not allowed.

O. **Commercial Mascots.** Commercial mascots are prohibited.

P. **Elevation.** No signs or portion thereof shall occupy any area at an elevation less than eight feet six inches (8′ 6″) above the finished or proposed grade of any pedestrian walk.

Q. **Lighting, Color.** The lighting and color of signs shall not imitate or resemble official traffic control devices, railroad signs, or signals.

R. **Illumination.** All illuminated signs must use either indirect lighting or internal lighting. Illumination of any sign shall be of such nature that when light so generated extends into any residential zone, such extended illumination shall not exceed one foot-candle maintained at any point on a vertical plane extended from each property line separating the light source from adjacent residential zones.

Section 17.810.10 General Requirements. All permanent freestanding or monument signs installed in Pershing County must be incorporated into the landscape design concept or planter box. The landscaped area in which any sign is placed shall be kept free from weeds, garbage, and debris. To deviate from this requirement, the applicant must obtain a variance upon public hearing before the Planning Commission. *Note:* to obtain a variance, the applicant must demonstrate to the Planning Commission to their satisfaction that the applicant has satisfied the minimum requirements to qualify for a variance as specified in chapter 602 of this title.

Section 17.810.15 Location and Setback Requirements. The following shall apply:

A. **General Location.** No part of any sign shall interfere with the use of any fire escape, exit, required stairway, door ventilator, or window.

B. **Traffic Safety.** No sign or other advertising structure shall be erected which in any manner may be confused with an official traffic sign or signal. No sign or advertising structure shall be erected which by reason of its size, location, shape, content, coloring, or manner of illumination might be confused as a traffic control device. No sign shall have lighting which impairs the vision of anyone traveling upon a public street or distracts any driver so as to create a public nuisance.

C. **Public Rights of Way.** No sign shall be located on publicly owned land or inside street rights of way, except signs owned and/or erected by permission of an authorized public agency. For the purposes of this chapter, the area between the sidewalk and property line of the adjacent property owner is considered to be part of the overall development and qualifies for display of "on site" commercial message signs. Off-site signs shall not be permitted at any time within the right of way.

D. **Side Setbacks.** High profile (freestanding) and low profile (ground or monument) signs shall be located at least their height in distance from side property lines in order to prevent damage to adjacent land in case a sign is toppled by accident or an act of nature.

E. **Front Setbacks.** The following shall apply.

- High profile (freestanding pylon or pole) and low profile (ground or monument) signs shall be set back at least three feet (3') from the back of sidewalk or public right of way whichever is greater and from all driveways.
- Banners or other temporary signs allowed herein shall be set back at least seven feet (7') from the public right of way.

F. **Vertical Setback.** In addition to the height restrictions contained herein, no sign shall be erected or maintained which has less horizontal or vertical clearance from communication lines and energized electrical power lines than that prescribed by the laws of the state of Nevada, its agencies, or appropriate utility company.

G. **Nearness To High Voltage Conductors.** No sign shall be erected in such a manner that any part will be closer to high voltage conductors than the following table allows:

rVoltage	Horizontal Proximity	Vertical Proximity
Up t0 6,600	6 feet	8 feet
6,600-15,000	8 feet	9 feet
15,000-50,000	10 feet	10 feet
Over 50,000	10 feet plus 1/2 inch per kV over 50,000	10 feet plus 1/2 inch per kV over 50,000

Note: The electrical distribution division shall determine the line voltage for any given location.

Section 17.810.15 Maintenance. All signs shall be maintained in a safe, presentable, and good condition including the replacement of defective parts, cleaning, painting, oiling, changing of light bulbs, or other acts required for the maintenance of said sign. Maintenance shall also include the restoration or repair of any exterior wall penetrations, discolorations, or other damages caused by the installation, removal, or placement of signs on a building.

CHAPTER 812
SIGNS NOT SUBJECT TO PERMIT REQUIREMENTS

SECTIONS:

17.812.00 Purpose
17.812.05 Application

Section 17.812.00 Purpose. Chapter 812, Signs Not Subject to Permit Requirements, identifies the signage rights and rules which are defined by zone and specifies that the following signs are allowed in any zone, without a permit, subject to the conditions stated herein.

Section 17.812.05 Application.

A. **Official Notices.** Signs are used to provide official notices issued by any public officer in the performance of a public duty, or by any person in giving legal notice.

B. **Functional Information.** Signs provide direction, warning, and functional information, when installed and maintained by an official body.

C. **Noncommercial Messages.** Signs displaying noncommercial messages, such as (by way of example, and not limitation), opinions on matters of religion, politics, social policy, etc., may be displayed at any time and in any zone, subject to:

1. **Commercial And Industrial Zones.** In commercial and industrial zones, as allowed under the message substitution policy.

2. **Residential Zones.** In residential zones, per residential unit, at all times:

Maximum Area	6 square feet per sign
Maximum height (if freestanding sign)	4 feet
Illumination	Not allowed

If the sign structure is permanent in physical nature, then all applicable building and safety code requirements shall be met.

3. **Temporary Increase In Noncommercial Message Signs Area.** During the period beginning sixty (60) days before any primary, special, or general election, and ending five (5) days thereafter, the amount of sign area used for noncommercial speech messages may be increased as follows:

   a. In commercial and industrial zones: An additional eighteen (18) square feet of sign area.
   b. In residential zones: An additional fourteen (14) square feet of sign area per sign.

D. **Government Flags.**

1. In residential zones, maximum one pole per dwelling unit, not to exceed twenty-five feet (25') in height; maximum flag area (measured 1 side only), twenty-four (24) square feet.
2. In commercial, industrial and agricultural zones, maximum of three (3) poles per building, not to exceed the maximum height allowed for buildings within that zone; maximum aggregate flag area (measured 1 side only) of sixty-four (64) square feet, with no single flag larger than forty eight (48) square feet.

CHAPTER 814
SIGNS ASSOCIATED WITH DEVELOPMENT PROJECTS

SECTIONS:

17.814.00 Purpose
17.814.05 Temporary Nonresidential Real Estate Development Signs
17.814.10 Temporary Residential Real Estate Development Signs
17.814.15 Construction Signs

Section 17.814.00 Purpose. The purpose of Chapter 814, Signs Associated with Development Projects, is to regulate signs permitted in any zone where the associated land use is allowed.

Section 17.814.05 Temporary Nonresidential Real Estate Development Signs. Temporary nonresidential real estate development signs are allowed on site in any zoning district, subject to:

A. **Display Time.** The display time begins when all necessary development approvals have been obtained and actual physical construction has begun and ends at the later of the issuance of a certificate of completion or certificate of occupancy or a final inspection approval, or their functional equivalent, has been issued, or when the last unit of the development has been sold by the developer.

B. **Structural Rules.**

Maximum number of individual signs	1 per street frontage
Maximum size of any single sign	64 square feet
Maximum height of any sign	12 feet
Illumination	Not allowed

Section 17.814.10 Temporary Residential Real Estate Development Signs. One sign may be placed on the site of a subdivision development under construction; provided that it does not exceed sixty-four (64) square feet in area or twelve feet (12') in height and is not illuminated. Such sign must be removed at the earliest:

A. Three (3) years after the permit is issued.

B. When the last unit is sold by the developer.

1. In addition, a maximum of four (4) small temporary real estate development signs, which must be located on site, subject to:

Maximum Size	16 square feet in area
Maximum Height	4 feet
Illumination	Not allowed

2. All real estate development signs shall be removed at the earlier of ten (10) calendar days after the on-site sales office is closed, or three (3) years after the permit was issued.

Section 17.814.10 Supplemental Guidelines, Standards and Criteria. In addition to the standards and findings set forth in the Pershing County Development Code, the Planning & Building Director may prepare supplemental guidelines for the submission of applications and minimum standards and criteria for approval of applications.

Section 17.814.15 Construction Signs. Construction signs are allowed in all zones, subject to the following.

A. The sign must be displayed on the same parcel or lot as the actual construction project, and only while physical construction is actually underway.

B. Structural Rules.

Number of signs	1 per street frontage
Maximum size of any one sign	64 square feet

CHAPTER 816

SIGN RESTRICTIONS AND REQUIREMENTS BY INDIVIDUAL LAND USE DISTRICTS

SECTIONS:

17.816.00 Purpose
17.816.05 General Commercial
17.816.10 Neighborhood Commercial
17.816.15 Industrial
17.816.20 Agriculture, Mining, Recreation
17.816.25 General Rural
17.816.30 Agricultural Preserve Overlay

Section 17.816.00 Purpose. The purpose of Chapter 816, Sign Restrictions and Requirements by Individual Land Use Districts, is to provide specific sign requirements and restrictions for each land use district are set forth as follows, in addition to sign size, lighting, location, setback, and height criteria.

Section 17.816.05 General Commercial. The general commercial land use district preserves areas for businesses that provide a variety of wholesale and retail goods and services, while catering to the community, general marketplace, and to a certain extent, tourists or travelers. The County desires to provide ample opportunity for businesses within the general commercial area to adequately advertise their business, yet also maintain the appearance of rural Nevada by considering the overall sign and height, sign area, and illumination.

A. **Permissible Sign Types.** The following sign types are permissible for use in the general commercial land use district.
   1. Suspended signs.
   2. Projected wall signs.
   3. Ground or monument signs.
   4. Individual lettered signs.
   5. Flat wall signs.
   6. Awning and/or canopy signs.
   7. Restoration of existing roof signs, on the same building.
   8. Pylon or pole signs less than 15' in height.

B. **Permissible Sign Types with a Special Use Permit.** The following sign type is permissible for use in the general commercial land use district with a special use permit.
   1. Roof signs, new installation.

2. Pole or pylon signs exceeding fifteen feet (15′) above grade or sidewalk.

Section 17.816.10 Neighborhood Commercial. The neighborhood commercial land use district preserves areas for business that cater to the daily needs of an immediate neighborhood trade area and may contain single family residences, duplexes, group homes, and limited gaming establishments. The County desires to provide ample opportunity for businesses within this commercial area to adequately advertise their businesses, yet also maintain residential characteristics of small towns and provide traffic safety.

A. **Permissible Sign Types.** The following sign types are permissible for use in the general commercial land use district.
   1. Suspended signs.
   2. Projected wall signs.
   3. Ground or monument signs no taller than six (6) feet above grade or sidewalk, whichever is shorter.
   4. Individual lettered signs (including channel letter or flat letter).
   5. Flat wall signs (including painted wall signs).
   6. Awning and/or canopy signs.
   7. Cabinet signs molded or freeform.
   8. Pole or pylon signs not greater than fifteen feet (15′) above grade or sidewalk, whichever is shorter, on the same private property and not within a right of way.
   9. Restoration of existing roof signs, on the same building.
   10. One name plate is allowed without permit for residential uses, not exceeding two (2) square feet to indicate the name of the occupant. This provision does not allow commercial messages, other than real estate signs on residential uses.

B. **Permissible Sign Types with a Special Use Permit.** The following sign types are permissible for use in the neighborhood commercial land use district with a special use permit.
   1. Combination sign displays. Increase permitted square footage to permit suspended signs in combination with traditional wall signs.
   2. Roof signs, new installation.
   3. Pole or pylon signs exceeding fifteen feet (15′) above grade or sidewalk.

C. **Nonpermissible Signs.**
   1. Pole or pylon signs may not exceed fifteen feet (15′) above grade or sidewalk in the neighborhood commercial land use district.

Section 17.816.15 Industrial. The industrial land use district preserves areas for high intensity activities such as manufacturing, mining, data storage, and warehousing. The intent for signage in this area is to identify business locations with minimal visual intrusion.

A. **Permissible Sign Types.** The following sign types are permissible for use in the industrial land use district.
   1. Ground or monument signs.
   4. Individual lettered signs (including channel letter or flat letter).
   5. Flat wall signs (including painted wall signs).
   6. Awning and/or canopy signs.
   7. Cabinet signs.
   8. Restoration of existing roof signs, on the same building.
   9. Pole or pylon signs not greater than fifteen feet (15') above grade or sidewalk, whichever is shorter, on the same private property and not within a right of way.

B. **Permissible Sign Types with a Special Use Permit.** The following sign types are permissible for use in the industrial land use district with a special use permit.
   1. Roof signs, new installations.
   2. Pole or pylon signs exceeding fifteen feet (15') above grade or sidewalk.

Section 17.816.20 Agriculture, Mining, Recreation. The agricultural, mining, recreation land use district allows uses that fall within the definition of agriculture, industrial and recreation. The intent for signage in these areas is to identify use locations with minimal visual intrusion. Establishments in AMR must adhere to the same criteria designated for each individual land use district for which the land is used (i.e., agriculture preserve, industrial, and recreation).

Section 17.816.25 General Rural. The general rural district represents low density development ranging from residential, agriculture, and more specific uses as identified in Division 3, Table of Uses. The intent for signage in this area is to identify the locations of these uses and establishments with minimal visual intrusion.

A. **Permissible Sign Types.**
   1. Ground or monument signs not to exceed six (6) feet above grade.
   2. Individual lettered signs (including channel letter or flat letter).
   3. Flat wall signs (including painted wall signs).
   4. Restoration of existing roof signs, on the same building.
   5. Restoration of existing pole or pylon sign on same property.

B. **Permissible Sign Types with a Special Use Permit.**
   1. Roof signs, new installations.
   2. Pole or pylon signs, new installation.

C. **Nonpermissible Signs.**

1. Pole or pylon signs may not exceed fifteen feet (15') above grade or sidewalk in the general rural land use district.

Section 17.816.30 Agricultural Preserve Overlay. The agricultural preserve overlay designates prime agricultural land and provides space for residential and commercial uses catering to agricultural businesses. The intent for signage in this area is to identify the locations of farming businesses with minimal visual intrusion.

A. **Permissible Signs.**

1. Ground or monument signs not to exceed six (6) feet above grade.
2. Individual lettered signs (including channel letter or flat letter).
3. Flat wall signs (including painted wall signs).
4. Awning and/or canopy signs
5. Restoration of existing roof signs, on the same building.
6. Restoration of existing pole or pylon sign on same property.

B. **Permissible Sign Types with a Special Use Permit.**

1. Roof signs, new installations.
2. New installation of pole or pylon signs.

C. **Nonpermissible Signs.**

1. Pole or pylon signs may not exceed fifteen feet (15') above grade or sidewalk in the agriculture preserve overlay land use district.

CHAPTER 818
SIGN PERMITS

SECTIONS:

17.818.00 Purpose
17.818.05 Permit Process
17.818.10 Conditions of Approval
17.818.15 Permits Issued in Error
17.818.20 Processing of Permit Applications
17.818.25 Time for Decision

Section 17.818.00 Purpose. Unless a particular type of sign is specifically exempted from the permit requirement, by a provision of this chapter or other applicable law, no person shall erect, change, or replace any sign allowed by the provisions of this chapter without first having obtained the necessary permit(s).

Section 17.818.05 Permit Process. The application for a sign permit shall be made in writing on a form provided by the Director and shall be accompanied by any fee established by resolution of the Pershing County Board of Commissioners. The Planning & Building Director shall create a standard form to be used as an application for a sign permit; when approved, the application shall constitute the permit. A single application may be used for multiple signs proposed for the same lot, parcel, or use; however, decisions and conditions may pertain to individual signs. Such application may call for any of the following information.

A. The street address, assessor's parcel number, and name and contact information for the legal owner of record of the property.

B. Proof of the consent of the property owner or other person in control or possession of the property. For example, if the subject property is leased and the applicant is the lessee, the lessee must demonstrate that the sign complies with all provisions of the lease related to signage or submit a written landlord's consent.

C. If a business license has been issued for the property, or an application for a business license is pending, a copy (or the number) of the business license or the application, therefore.

D. If the property is subject to a conditional use permit, either a copy of such permit or the number of such.

E. Any pending zoning or code enforcement matters concerning the property or an establishment thereon.

F. Whether the parcel or use is the subject of any outstanding orders for removal, repair, or other corrective action regarding any sign.

G. A drawing to scale showing the design of the sign, including dimensions, sign size, colors (applies to commercial message signs only), materials, method of attachment, source of illumination and the relationship to any building or structure to which the sign is proposed to be attached or mounted.

H. The name, address, phone number and license number of the sign contractor who will construct the sign.

I. A site plan, including all dimensions, drawn to scale, indicating the location of the sign relative to property lines, rights of way, streets, sidewalks, vehicular access points and existing buildings or structures and off-street parking areas located on the premises.

J. The number, size, type, and location of all existing signs on the same building, site on premises: however, temporary signs need not be shown.

K. Whether the proposed sign will be used to display off site commercial messages.

L. Any structural information and plans necessary to ensure compliance with current adopted building standards and safety codes.

M. The name, address and state contractor's license number of the professional sign company or contractor, such contractor's name, and contact information, along with licensing and bonding information, and the estimated time for construction and installation of the sign following all necessary permits and approvals.

N. Information regarding interruptions to normal traffic or pedestrian traffic which may be caused by the construction.

O. Whether the sign or any portion thereof will encroach into or over the public right of way or any property owned by the County.

P. Such information is needed to determine if the proposed sign complies with any applicable sign plan, sign program, or redevelopment plan.

Q. The application need not show the proposed graphic design or message content of the display face, but such information may be provided at the applicant's option.

Section 17.818.10 Conditions of Approval. A sign permit application may be approved subject to any of the following conditions, as applicable:

A. **Compliance:** Compliance with other applicable approvals and permits, including encroachment, building, electrical, plumbing, demolition, mechanical, etc. Alternatively, the director may require the applicant to receive approval of the building and other safety code permits prior to processing the sign permit application.

B. **Remedy For Compliance Issues.** No sign permit shall be issued, nor sign installed upon property where exists an outstanding issue as to compliance with the County's zoning law. The sign permit shall only be issued upon verification that the subject property follows all applicable ordinances governing land use as specified in this title.

Section 17.818.15 Permits Issued in Error. In the event that a sign permit is issued, and the issuance is found to be in error at any time before substantial physical work on actual construction has been accomplished, then the permit may be summarily revoked by the County simply by giving notice to the permittee. In such event, the applicant may reapply within thirty (30) calendar days for a new permit, without paying a new application fee.

Section 17.818.20 Processing of Permit Applications. All sign permit applications shall be initially reviewed as administrative matters by the director. When a permit application complies with this chapter and all other application laws, the application shall be granted. An application may be approved subject to such conditions as are necessary for full compliance with this chapter and all other applicable law.

A. If the proposed sign can be approved only with a variance or other discretionary approval, then the director shall prepare a report and recommendation, and refer the matter to the Planning Commission.

B. The Planning & Building Director shall initially review a sign permit application for completeness. If the application is not complete, the director shall give written notice of the deficiencies within fifteen (15) business days following submission of the application; if no notice of incompleteness is given within such time, then the application shall be deemed complete as of the last day on which notice of completeness could have been given. If a notice of incompleteness is given, the applicant shall have fifteen (15) business days thereafter to file a corrected and complete application.

Section 17.818.20 Time for Decision. Unless time is waived by the applicant, the Director shall issue a written decision on a sign permit application within forty-five (45) calendar days of when the application is deemed complete. Failure to issue such a decision in a timely manner shall be deemed a denial of the application and create an immediate right of appeal to the Planning Commission.

CHAPTER 820
TEMPORARY SIGNS

SECTIONS:

17.820.00 Standards for Temporary Signs
17.820.05 Examples of Typical Temporary Sign Types
17.820.10 Temporary Signs Allowed Without Permit in Nonresidential Zones
17.820.15 Temporary Signs for Real Estate Transactions

Section 17.820.00 Standards for Temporary Signs. Temporary signs may not flash, blink, be illuminated, spin, rotate, block traffic visibility, constitute a vehicular or pedestrian traffic hazard, or cause a public nuisance of any kind. They shall not be attached to utility poles, fences, or trees. They must be secured to the building, interior parking lot light pole or ground. Temporary signs may be attached to existing permanent signs.

Section 17.820.05 Examples of Typical Temporary Signs. It is intended that the following images will illustrate the terms being used within this section and not to be comprehensive. The following images are representative temporary sign types. Any sign not expressly allowed by this chapter is prohibited.

Automotive Goods





Banner Signs





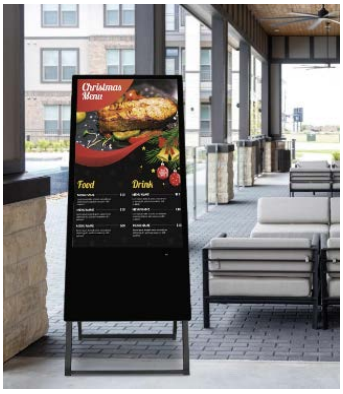
Inflatable Signs







Portable Signs







Real Estate Signs







Section 17.820.10 Temporary Signs allowed Without Permit in Nonresidential Zones.

A. **Business Identification.** Upon application for permanent signage, one banner, attached to the building/lease space is allowed until permanent signage can be installed. Upon installation of permanent signs, temporary signage shall be removed.

B. **Road Construction Periods.** Businesses with frontage immediately adjacent to a road right of way construction zone may have one banner not to exceed thirty-two (32) square feet nor five feet (5') in height during periods of construction within the road right of way. The signs shall be located on site and may be in landscape areas abutting the right of way. They must be removed immediately upon restoration of traffic flow on the affected rights of way.

C. **Temporary Freestanding Business** (e.g., Christmas Tree Lot). Temporary freestanding businesses are allowed only two (2) temporary signs under the following conditions:

1. The two (2) signs may only be banners and/or portable signs (e.g., A-frame or T-frame).

2. Banners may not exceed thirty-two (32) square feet and portable signs (A-frames or T-frames) must comply with the size and area requirements for portable signs allowed without a permit.

3. The temporary signs must be immediately adjacent to the temporary business, i.e., they are not permitted to be located at the far end of a parking lot, sidewalk, right of way, etc.

D. **Holiday Promotional Periods.** A business may display additional commercial temporary signage during the following holiday periods without a permit. Only one banner sign, not to exceed thirty-two (32) square feet, is allowed during these periods. Such must be secured to the building and removed by the end of the first working day after the associated holiday.

Holiday Period	Permitted Display Time Frame (Days)
President's and Valentines Days	5, including the holiday
Easter (March or April months)	5, including the holiday
Memorial Day - May	5, including the holiday
July 4th	5, including the holiday
Labor Day - September	5, including the holiday
Nevada Day - October 31	5, including the holiday
Thanksgiving - November	7, including the holiday
Hanukkah, Christmas, New Years Eve	23, starting on December 10-ending Jan 2

Section 17.820.15 Temporary Signs For Real Estate Transactions.

A. **On site.** Signs relating to a proposed real estate transaction may be placed on private property, on site, subject to:

Maximum Size	6 square feet in area
Maximum Height	4 feet
Illumination	Not allowed

The maximum number of such signs which may be displayed at any one time on any one parcel is two (2).

B. **Off site.** Signs relating to a proposed real estate transaction may be placed on private property, off site, subject to:

Maximum Display face area	12 square feet per sign
Maximum Height	4 feet
Display Time	6:00 A.M. to 10:00 P.M.
Illumination	Not allowed

The maximum number of such signs which may be displayed at any one time on any one parcel is three (3).

CHAPTER 822
PLANNING COMMISSION REVIEW, APPEALS, AND SPECIAL USE PERMITS

SECTIONS:

17.720.00 Purpose
17.720.05 Appeals
17.720.10 Special Use Permits

Section 17.822.00 Purpose. The purpose of Chapter 822, Planning Commission Review, Appeals, and Special Use Permits, is to establish the regulations and procedures for applicants to respond to actions by Pershing County on a sign related matter.

Section 17.822.05 Appeals. Any official decision or action on a sign related matter may be appealed first to the Planning Commission, and then to the Pershing County Board of Commissioners, and then to judicial review. Any person denied by official decision or action on a sign related matter may appeal the decision.

A. **Notice of Appeal.** An appeal is perfected by filing a written notice of appeal with the county clerk within seven (7) business days after the decision is announced, delivered, or posted. The notice of appeal shall identify the appellant, the decision appealed from, and the grounds for the appeal.

B. **Status Pending Appeal.** Appeal. While an appeal of a sign related decision is pending, the status quo shall be maintained, unless the subject sign poses an immediate threat to the public health and safety by virtue of the physical condition of its structure, in which case the sign may be summarily abated to the least degree necessary to protect the public health and safety.

C. **Consideration Factors On Appeal.** On appeal of a sign related decision, the appellate body shall not consider the message content of any noncommercial speech, and as to commercial speech, may consider only whether the message is on site or off site, whether the sign conforms to the provisions of this chapter, other applicable law, and any applicable sign program, and other non-communicative aspects of the sign.

D. **Time for Appellate Decision.** Following receipt by the county clerk of an appeal of a sign related decision, the matter shall be placed on the agenda for the next meeting of the appellate body (Planning Commission or Board of Commissioners) for which the notice and agenda requirements may be met, but in no event more than forty-five (45) calendar days after the county clerk receives notice of the appeal. Unless all appellants waive time, the appellate body shall hear and decide the appeal not later than sixty (60) calendar days after the county clerk receives the written notice of appeal. A decision by the appellate body shall be in writing and shall set forth findings, based on evidence presented at the public hearing, which supports the decision.

E. **Judicial Review.** After exhaustion of all internal appeal procedures, an appellant may seek judicial review of any sign related decision in any court of competent subject matter jurisdiction which also has personal jurisdiction over the County and its officers. An action seeking such judicial review must be filed with the court and served on the County not more than sixty. (60) days after the final decision is reached by the County's internal review procedures.

Section 17.822.10 Special Use Permits. Within each sign district, certain sign types require a special use permit for continued use, relocation, or installation. It is the intent and purpose of this section to outline the process and review criteria for the Planning Commission to utilize during the review of the special use permit. The goal of the permit process is to be fair, comprehensive, and enforceable while allowing Pershing County to create and maintain safe and aesthetically pleasing buildings, highways, and streetscapes. These special use permit review criteria serve to balance the need to protect the public safety and welfare, the need for a well maintained and attractive community, and the need for adequate identification, communication, and advertising for land uses. Special use permits shall follow the process used for notification for hearings for a conditional use permit and shall be conducted as a public hearing.

A. **Review Criteria For A Special Use Permit.**

1. The sign shall be determined to be of significant civic interest.
2. The proposed reuse of the sign shall be determined to eliminate the blighting effects of an otherwise dilapidated sign if properly restored or reused.
3. The sign shall be determined to not create a vehicular traffic hazard.
4. The sign shall preserve (if applicable) the historic appearance of the property, including maintaining the original sign exterior shell and lighting method.

B. **Items Not To Be Included In Review of Special Use Permit.** The Planning Commission shall not consider the following.

1. The commercial or noncommercial message content of the sign.
2. The coloring of a company logo (registered trademark or logo).

CHAPTER 824
NONCONFORMING SIGNS

SECTIONS:

17.824.00 Previously Conforming
17.824.05 Maintenance

Section 17.824.00 Previously Conforming. Any sign which fully complied with all applicable law at the time of its construction, may be continued in use, but is subject to the standard procedures for abatement of nuisance if it is found to be unsafe because the structure creates an immediate hazard to persons or property.

Section 17.824.05 Maintenance. Reasonable repairs and alterations may be made to nonconforming signs, provided that there is no expansion of any nonconformity with current requirements Repair. In the event any previously conforming sign is damaged, by any cause other than intentional vandalism, and repair of the damage would exceed fifty percent (50%) of the reproduction cost, according to appraisal thereof by competent appraisers, such sign may be restored, reconstructed, altered, or repaired only to conform with the provisions of this chapter.

CHAPTER 826
ENFORCEMENT

SECTIONS:

17.826.00 Purpose
17.826.05 Responsible Parties
17.826.10 Abandoned Signs
17.826.15 Remedy by the County

Section 17.824.00 Purpose. The Director may enforce the provisions of this chapter by appropriate orders and directives. Such orders and directives may include, but are not limited to, orders to remove, repair, upgrade, repaint, replace, or relocate any sign. All such orders and directives are subject to appeal as provided in this chapter. Any failure to follow a valid order or directive issued by the director shall be deemed a violation of this chapter which may be remedied in the same manner as any violation of this title (zoning).

Section 17.824.05 Responsible Parties. Sign-related rights, duties and responsibilities are joint and several as to the owner of the property, the owner of any business or other establishment located on the property, and the owner of the sign.

Section 17.824.10 Abandoned Signs. Any on site commercial sign associated with a business which has ceased operations for ninety (90) days may be deemed an abandoned sign and may be ordered removed within ten (10) business days. The removal duty falls jointly and severally upon the party which used the sign as part of the business and the owner of the land on which the sign is mounted or displayed.

Section 17.824.15 Remedy by the County. In the event that a valid directive or order of the Director is not followed, and is not timely appealed, then the Director may give a ten (10) calendar day written notice to the responsible parties that the County shall take corrective action and assess the cost of doing so as a lien against the property, using such procedures as are required by state or local law. The Director may grant a reasonable extension of time, not to exceed one hundred twenty (120) calendar days to affect the required correction, if the owner or occupant of the premises has made proper application for a new sign which would accomplish the same result.