

NOTE: Talking Paper

This chapter is in **DRAFT** form and is subject to change. Its draft contents are preliminary. The results of public and other stakeholder workshops will likely direct and change the contents of this document and the overall zoning and code update. Please contact the Planning Department at 775.847.1144 for questions.

Black: Existing text

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Chapter 17.12

General Provisions

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17.12.010 Purpose and Intent

The regulations set forth in this chapter modify or further restrict, where applicable, the zoning regulations of this title.

17.12.014 Uses Allowed

The following regulations apply to allowed uses:

- A. Uses listed as allowed. Buildings, structures and land may be used, erected, maintained, altered or enlarged only for purposes listed as allowed in the zone where the building or land is located.
- B. Any legally created use already established within an area prior to the present zone regulations that is not an allowed use within the zone or is a permitted use only with a special use permit may be allowed to continue as a nonconforming use subject to all conditions and restrictions relating to nonconforming uses provided in chapter 17.06 Nonconforming uses.

17.12.018 Uses Permitted Subject to a Special Use Permit

Uses listed as requiring a special use permit are considered as special exceptions within each zone. Any special permitted use must meet with the regulations for special use permits and any conditions imposed by the board. In addition to the special use permit, all necessary federal, state, and county permits and licenses are required.

17.12.022 Uses Prohibited

Uses that are prohibited in each zone are declared to be detrimental to the public health, safety and general welfare.

17.12.023 Home Enterprises

- A. Home enterprises may be permitted as an incidental use to the principal residential purpose in zones permitting residences provided that the occupation is confined to the inside of the principal residence or accessory building and does not involve an addition or alteration that would change the residential nature of the property. A home occupation that might produce noise, odor, dust or smoke, excessive vehicular traffic, other disturbance, or that would adversely affect the health, safety, or general welfare of the citizens of the county is not permitted.
- B. All home enterprises are subject to the requirements of a special use permit.
- C. Signs used in connection with home enterprises are limited to 1 foot by 2 feet, except for garage sales, which are limited to 2 sales per year per residence. Chapter 17.84 regulates all signs.
- D. Home pet and plant sales. In any CR, R, E, or SPR zone, a person may keep or cultivate pets or raise fowl, bushes, trees, berries, or crops, or sell pets, fowl, or crops from the premises, providing that no stores or stands are constructed for the purpose, the operation is not conducted as a regular commercial enterprise, and the activity is not in violation of any other ordinance.

17.12.024 Nonconforming Buildings and Uses

The uses of property or buildings that may become nonconforming by reason of changes to the zoning ordinance are regulated by chapter 17.06 Nonconforming uses.

17.12.040 Modernization

The expansion, modernization, replacement, reconstruction, repair, or rebuilding and continued use of public utility buildings, structures, equipment and facilities is allowed where there is no change of use or increase in area of the land so used.

17.12.041 Net Metering

In accordance with NRS 704, the difference between the electricity supplied by a public utility and the electricity generated by a customer-generator using renewable energy generating systems may be fed back to the utility over the applicable billing period is known as “net metering”. Net metering is permitted in all zones providing that all of the following apply:

- A. Renewable energy is the primary source of energy to generate electricity;
- B. The system has a generating capacity not exceeding the maximum allowable renewable energy generating capacity for the zone, or not more than 1 megawatt in I and P zones;
- C. The system is located on-site of the user or on the customer-generator’s premises;
- D. The system operates in parallel with the public utilities transmission and distribution facilities;
- E. The system is intended primarily to offset part or all of the customer-generator’s requirements for electricity; and
- F. The facility or renewable energy system for the generation of electricity has a generating capacity that does not exceed the greater of:
 1. The limit on the demand that the class of customer of the customer-generator may place on the system of the utility; or
 2. 150 percent of the peak demand of the customer or user.

Renewable energy generation systems are regulated in each zone pursuant to this title as well as federal, state, and county regulations and ordinances.

17.12.044 Height of Buildings and Structures

- A. **Buildings and structures – general.** The height limitations for buildings, manufactured homes, and other structures not listed in this section is regulated by the zone in which they are located. Church spires, belfries, cupolas, domes, chimneys water towers, and flagpoles are exempt from the height limitations in this title.
- B. **Wireless communication facilities.** Radio, television, and other commercial and non-commercial communication antenna support structures may extend vertically up to 45 feet above grade level in the A, C, CR, I1, E, F, P, R, and SPR zones; 75 feet in the IC, I2 and I3 zones. A special use permit may be granted to exceed these height limitations provided that the structures may be safely erected and maintained at that height in view of surrounding conditions and circumstances. For radio, television, and other commercial and non-commercial communication antenna support structures existing under an approved special use permit, no additional special use permit or alteration of the

existing special use permit will be required to add or modify antennas attached to the structure, provided that the antennas conform to the conditions of the special use permit and do not increase the height of the antenna support structure.

- C. **Wind energy turbines.** A special use permit is required for all wind energy turbines located within the Comstock Historic District boundaries. Where allowed and where a special use permit is required, a wind energy turbine of 10 kWh or less capacity may be located no closer than its total height, including its support tower and blade in the upward position, plus 10 percent of its total height, to the lot boundary in the parcel it is located (see figure 12.1). A variance for reduced setback may be granted when a wind energy turbine of 10 kWh or less capacity is located on a parcel of at least 1 acre. Setbacks for wind energy turbine support towers exceeding 45 feet in height or for wind energy turbines exceeding 10 kWh capacity must conform to the approved special use permit.

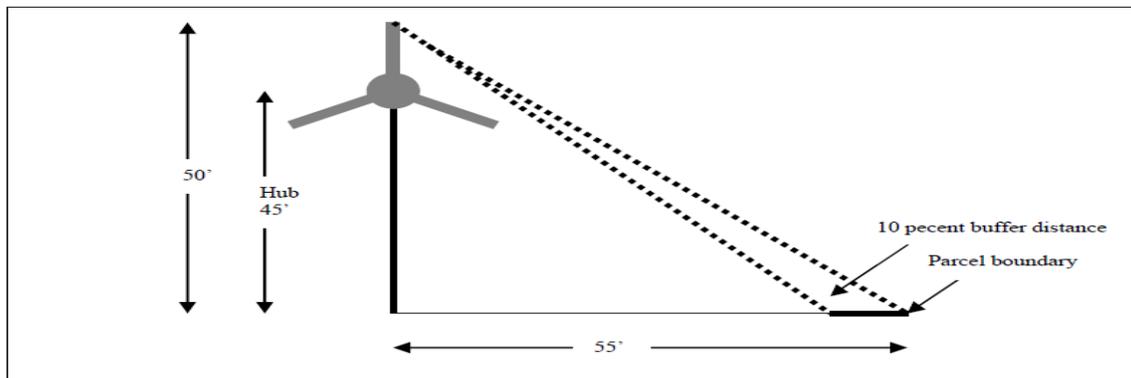


Figure 12.1: Total fall-down setback for a 10 kWh or less capacity wind turbine is the sum of its total height and ten percent thereof.

17.12.045 Accessory Buildings, Location and Placement (non-dwelling)

The following provisions apply to the location and placement of accessory buildings unless otherwise provided in this title. Accessory buildings must be no less than 6 feet from another building, and must comply with applicable building and fire separation requirements. Regular setback distances apply to accessory buildings with exception of the following.

A. Accessory buildings in R and SPR zone.

1. Accessory buildings up to 500 square feet or 20 feet in height may be located up to 3 feet of the rear and side property line.
2. Accessory buildings exceeding 500 square feet or 20 feet in height must conform to regular setback distances. However, a variance may be granted by the board with action by the planning commission to locate an accessory structure exceeding 500 square feet or 20 feet in height less than the regular setback distance to the rear and side property lines.
3. Accessory building(s) may cover no more than 40 percent of the rear yard area.

B. Accessory buildings in E zone.

1. Standard setback distances apply when the lot is larger than one acre. When the lot is one acre or less, accessory buildings may be placed no closer than 50 percent of the depth of the lot from the front property line, or 60 feet, whichever is less.

C. Accessory buildings in the I1, I2, I3, and IC zones.

1. Accessory buildings 2,000 square feet or less may be located up to 20 feet of the front, rear, or side lot line.

D. Accessory buildings in the A and NR zones.

1. The location, placement, and area of accessory buildings in the A and NR zones are regulated by chapters 17.24 Agriculture zone and 17.76 Natural Resources zone, respectively.

E. Area limitations. The following limitations apply to allowable cumulative square footage for accessory building(s):

| Zone | Maximum square footage for accessory building |
|---|--|
| C and CR | No limitation |
| R1 and R2 | 1,500 square feet |
| SPR | 1,500 square feet |
| E and E1VCH (1 to 5 acres) | 4,000 square feet total. Second floor exterior walls must be offset from the first floor exterior walls by at least 10 percent on at least two sides. |
| E, E10HR, and E40VR (more than 5 acres, up to 40 acres) | 5,000 square feet |
| F | 5,000 square feet |
| IC, I1, I2, and I3 | No limitation |
| A | Up to 5 percent of total lot area when clearly incidental to the permitted agriculture use and 5,000 square feet when not clearly incidental to the permitted agricultural use |

F. Deed restriction. Any detached accessory building proposed to be connected to a potable water supply line, or a septic system or community water system (i.e., sanitary sewer) as part of a building permit application shall require a deed restriction to be filed with the county recorder’s office stipulating that the structure will not be converted to an accessory dwelling unit as defined by chapter 17.10 Definitions. The deed restriction shall make the county a party to the restriction and shall be obtained from the building or planning department. A copy of the recorded deed restriction shall be required prior to the issuance of the building permit.

G. Temporary accessory structure – during construction. It is unlawful to construct, erect, or locate private garages or other accessory buildings and uses in the E, R, or SPR zone without an existing principal building. A temporary building

may be constructed pending the construction of the principal building providing that a building permit will not be issued for the temporary building unless a permit is also issued at the same time for the principal building. Temporary accessory dwelling units are regulated under section 17.12.046 Accessory dwellings, location, and placement.

17.12.046 Accessory Dwellings, Location and Placement

The following provisions apply to accessory dwelling units defined in section 17.10 Definitions. Detached accessory dwelling units must be no less than 6 feet to another building and must comply with applicable building and fire separation requirements. Unless otherwise stated in this title, regular setback distances apply to accessory dwellings.

A. Accessory dwellings in the A, CR, F, and R2 zones

1. Dwelling units are regulated by chapter 17.24 Agriculture zone, 17.30 Commercial-Residential zone, 17.32 Forestry zone, and 17.20 Multi-family Residential zone, respectively.

B. Accessory dwellings in the I1, I2, I3, and IC zones

1. **Special use permit.** A special use permit for an accessory dwelling (attached or detached) may be granted by the board with action by the planning commission for the purpose of providing 1 watchperson/security living quarters for the property in which the principal industrial use is located.
2. **Principal use required.** No accessory dwelling may be permitted without a principal industrial use existing on the property.
3. **Occupancy.** The dwelling shall be limited to 1 person or 1 family. There shall be no payment of rent or lease, or payment toward purchase by the occupant of the dwelling.

C. Accessory dwellings in the E, R1, NR and SPR zones

1. **Special use permit.** A special use permit for an accessory dwelling (attached or detached) may be granted by the board with action by the planning commission.
2. **Minimum parcel size.** The lot size must be at least: 10,000 square feet in the R and SPR zones; 1 acre in the E zone; and 40 acres in the NR zone.
3. **Principal occupants.** The owners of the property in which the accessory dwelling unit is permitted shall occupy at least one of the dwelling units (accessory or principal unit) on the premises, except for bona fide temporary absence.
4. **Building area.** The attached and detached accessory dwelling may be no less than 500 square feet, and the detached accessory dwelling may be no more than 1,000 square feet.
5. **Parking.** At least 1 off-street parking shall be provided in addition to the required parking requirements for the principal use.
6. **One allowed.** Only 1 accessory dwelling unit is allowed per parcel.

7. **Affidavit of family.** If the accessory dwelling is occupied, an affidavit provided by the planning department and signed by the property owner(s) must be filed with the building and planning departments. It must state the name(s) of person(s) occupying the principal and accessory dwellings and describe the family lineage between the property owners(s) and the person occupying the accessory dwelling.
8. **Deed restriction.** A deed restriction shall be filed with the county recorder's office stating that the accessory dwelling unit is a temporary use for immediate family members. It shall stipulate that the unit will be vacated and converted to a non-dwelling use (in accordance with the building code) at such time that the immediate family member(s) no longer occupy the unit. The deed restriction form will be provided by the planning department and it shall make the county a party to the deed restriction. The planning department shall agree in-writing to allow the property owners(s) to remove the deed restriction if the owner legally converts the accessory dwelling to a non-dwelling use. A copy of the recorded deed restriction shall be required and presented to the building department prior to issuance of a building permit.

D. Temporary accessory dwelling – during construction. It is unlawful to construct, erect, or locate an accessory dwelling unit in the E, R, or SPR zone without an existing principal dwelling unit. When the following requirements are met, a temporary accessory dwelling unit may be constructed pending the construction of the principal building providing that a building permit will not be issued for the temporary dwelling unless a permit is also issued at the same time for the principal building. A certificate of occupancy for the principal building and the accessory dwelling shall not be granted until the temporary accessory dwelling is converted to a non-dwelling use.

17.12.049 Comstock Historic District standards

The provisions of NRS 384 establishing and regulating the Comstock Historic District are made part of this title within the boundaries of the Comstock Historic District. The boundaries of this area are fixed pursuant to the terms of NRS 384. The provisions of this section are those contained in NRS 384 as well as other provisions found by this ordinance to be appropriate for the area.

- A. **Commercial buildings abutting “C” Street.** Commercial buildings abutting “C” Street and located within the Virginia City Downtown District must have wooden porches over the top of the sidewalks/boardwalks extending from the building front to the street, and must have a front sidewalk constructed of wood from the building front to the street. A variance may be granted by the board with action by the planning commission when good cause is shown by the applicant.
- B. **Setback distances.** Building setbacks are established by the respective zones for each use.
- C. **Buildings, structures, and exteriors.** The following standards apply to all buildings, structures, and exteriors located within the Comstock Historic District.

1. All exterior materials must consist of a substance shown to have existed prior to 1942, and building and structure exteriors must be appropriate in design for that time period.
2. Outdoor signs and advertising devices must comply with the provisions of chapter 17.84 Signs and billboards.
3. Lighting within 2,000 feet of the Comstock Historic District boundaries is limited to incandescent lighting or indirect (concealed) fluorescent, Compact Florescent Lighting (CFL), or Light Emitting Diode (LED) type lighting. CLF and LED light emitting devices which are made to look like incandescent light “bulbs” are permitted to be plainly visible. No neon, or blinking, flashing, chasing, or motion lights are permitted. The regulations of this provision including other light emitting devices which appear similar to neon signs, such as those which employ LEDs similar in hue to neon and configuration to show a continuous stream of light.
4. Wind energy turbines must conform to the requirements in section 17.12.044.

17.12.050 Visibility at Intersections

Fences, certain fence support columns, walls, hedges, and other obstructions abutting the intersecting portions of the public right-of-way must be placed so that they do not obstruct vehicular and pedestrian visibility. Specifically, obstructions located within the vision-clearance-triangle must have a base 8 feet or higher above grade or a total height not exceeding 3 feet from grade, except solid fences and hedges up to 4 feet in height and other fences permitted by section 17.12.060. Trees and shrubs located within the vision clearance triangle are permitted so long as they are trimmed and maintained to meet the purpose and intent of this section. Traffic regulatory signs, lights, utilities, and other devices installed by a governing agency are exempt from these limitations. In instances where a safety or traffic hazard is caused by inadequate visibility at intersections, additional or more restrictive conditions may be imposed. A commercial building located in the C and CR zone and abutting the public right-of-way must have the corners abutting the intersection designed in accordance with the vision-clearance-triangle as demonstrated in figure 12.2.

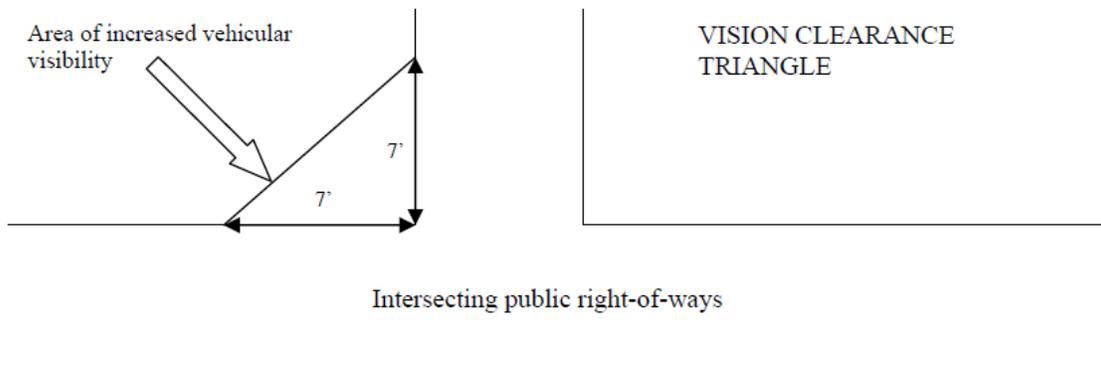


Figure 12.2: Setback requirements for devices placed within the vision-clearance-triangle maintain clear visibility for vehicular and pedestrian traffic. In some instances more restrictive requirements may be necessary to maintain a safe travel environment.

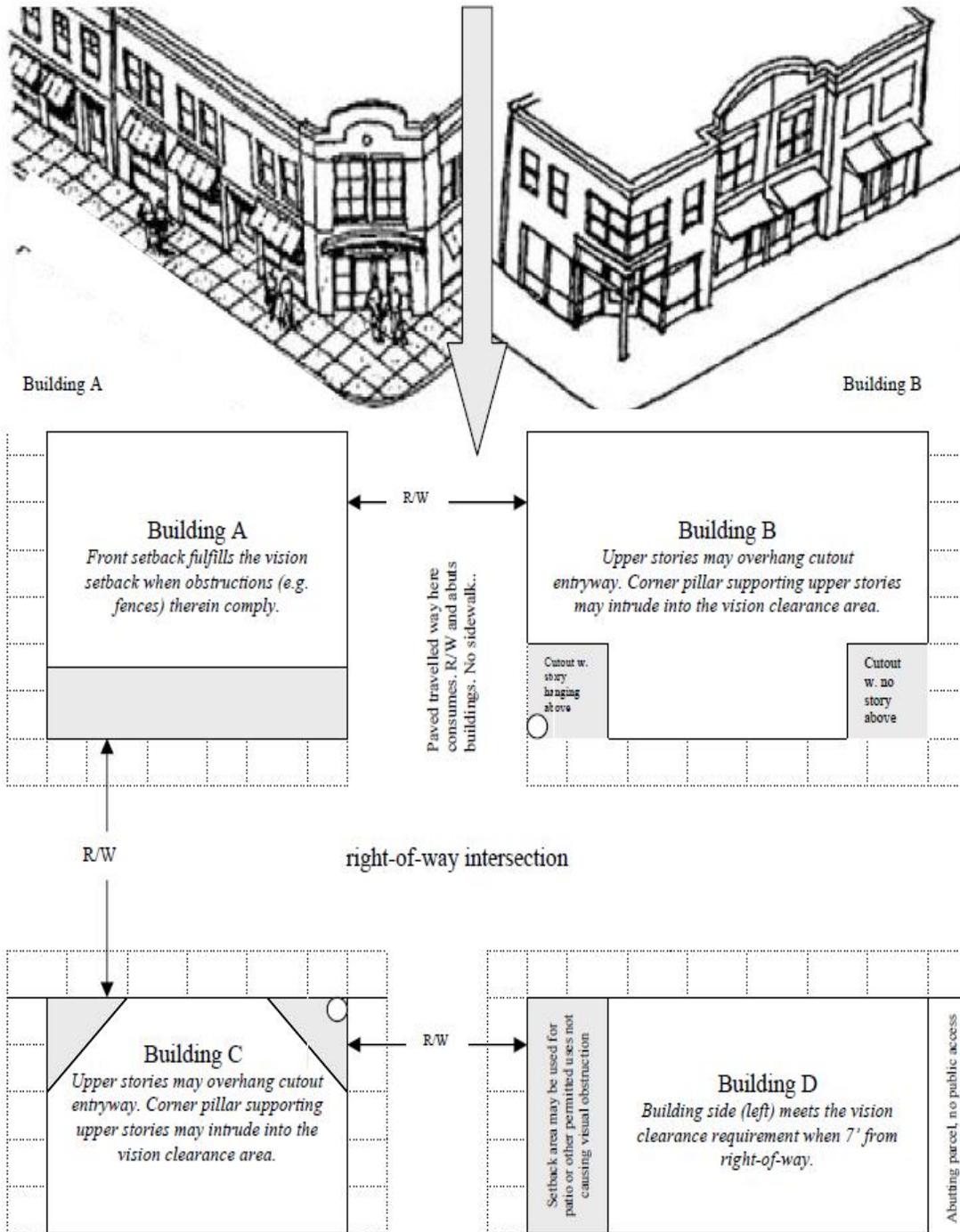


Figure 12.3: The image illustrates examples of building design and placement that meet the purpose and intent of the vision-clearance-triangle. The configurations above are not exhaustive as buildings and improvements may take many forms that meet said requirements. It is hereby recognized that many historic buildings in the Virginia City area currently abut the paved travelled way and facilitate no pedestrian access such as sidewalks. It is strongly encouraged that new developments which abut the public right-of-way in accordance with this Title include development of appropriate pedestrian access

such as sidewalks/boardwalks, and stairways when needed. The building cut-out corner design shall not be required for allies and access driveways.

17.12.052 Through Lots

On through lots, either line separating the lot from a public right-of-way may be designated by the owner as the front lot line. In such cases, the minimum rear setback distance is the average of the yards on adjoining lots. If the adjoining lots are undeveloped, the minimum rear setback distance shall be equal to the front setback distance for the zone in which the property is located.

17.12.056 Setback Encroachments

Where setback distances are required by this title, they must meet the minimum dimension specified for any part, and they must be open and unobstructed from the ground upward, except as follows:

- A. Cornices, canopies, eaves, or other similar architectural features not providing additional floor space within the building may extend into the required front, side, or rear setback area no more than 3 feet.
- B. Open, unenclosed, covered and uncovered porches, decks, platforms, or landing places which do not extend above the level of the first floor of the building, may extend into any front or rear setback area no more than 6 feet and side setback area no more than 5 feet. An open-work railing up to 36 inches in height, may be installed or constructed on any porch, deck, platform, or landing place including above the first floor level.
- C. Detached accessory buildings may occupy side and rear setback areas in accordance with the provisions of this chapter.

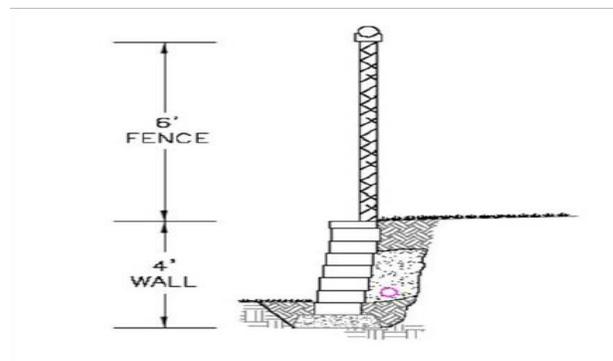
17.12.060 Fences, Walls and Hedges

The following regulations apply to the placement and design of fences, walls, and hedges:

- A. Height limitation and visibility:
 - 1. In addition to the requirements of this section, all fences, walls, hedges, and other obstruction must comply with section 17.12.050.
 - 2. Rear and side yard fences, hedges, and walls may not exceed a height of 6 feet above grade in the C, CR, R, and SPR zones, (see figure 12.5).
 - 3. Front yards fences, hedges, and walls may not exceed a height of 4 feet above grade in the C, CR, R, and SPR zones, (see figure 12.5). (Note: For the purpose of this section, corner lots in these zones are considered to have 2 front yards as illustrated in figure 12.4).
 - 4. Fences and walls in the A, E, and F zones may extend to 6 feet above grade in the front setback area when the criteria listed below are met. Hedges in the A, E, and F zones are exempt from these height limitations when they conform to section 17.12.050:
 - a. They consist of at least 75 percent of open space uniformly distributed along their surface above a height of 4 feet; and

- b. Vision through the fence or hedge is not materially obstructed from any angle as to obstruct the view of vehicular traffic on adjacent streets or public right-of-ways or of pedestrian traffic on adjacent sidewalks.
 - c. *Examples of fences that typically meet the requirements in this subsection include chain link, wire, rail and split rail, and wrought iron (see Figure 12.5). Rail fences must consist of horizontal rails not more than 4 inches wide and at least 1 foot between rail edges. Deviation from horizontal rails and from these dimensions may be allowed, providing the applicant can demonstrate to the satisfaction of the building and planning departments that the deviation will not violate the purpose and intent of this chapter. Picket fences, wire and chain-link with inserted solid slats or other solid applications do not comply with this section.*
5. Rear yard fences in R zones within Virginia City must be setback 4 feet from the edge of the public travelled way.
 6. Fences and walls in the A and I zones may extend 8 feet above grade level in the rear, side, and front yard, but must not materially obstruct from any angle as to obstruct the view of vehicular traffic on adjacent public right-of-ways or of pedestrian traffic on adjacent sidewalks.
 7. One additional foot of height is allowed for fence or wall columns which are a maximum of 2 feet in width and spaced at least 6 feet apart measured center to center (see figure 12.5).
 8. Two additional feet of height is allowed for decorative open arched gate which does not exceed 25 feet in width for a vehicular gate or 8 feet in width for a pedestrian gate (see figure 12.6).
 9. Four additional feet of height is allowed to accommodate solid arch structures over gates and other passageways for pedestrians and vehicles (see figure 12.5).
 10. A fence height must be measured from grade to the top of the fence. When a fence is located on top, and within 12" of a retaining wall, the height of the retaining wall is not be included in the height measurement of the fence (see illustration below).

11.



The retaining wall is not part of the fence in this illustration. Retaining walls are defined pursuant to chapter 17.10.

Two additional feet of height is allowed for decorative lanterns,

urns, planters, or sculptural elements above the maximum height allowed for the fence or wall component (e.g., wall, column, or arch) upon which such decorative feature is located.

12. Maximum height may vary up to 6 inches to allow for grade changes, clearance under fences for maintenance, footers, other obstacles customary to the use intended to be fence, and reasonable human error.
 13. Fences and walls which are exempt from the height limitations of this section when they are:
 - a. Associated with uses that require high fences to protect public safety including, but not limited to, golf driving ranges, public utility substations, baseball fields, athletic fields, and swimming pools;
 - b. A requirement of a state or federal agency, such as those for jails and other high security facilities.
- B. Barbed or razor wire. Fences incorporating barbed wire or razor wire are not permitted in C, CR, E, and R zones, except barbed wire may be used on top of a 6 foot high solid or chain link fence or wall surrounding a public utility building, substation, or public use or when the fence is not placed within 12 inches of the property line.
- C. Electric fences. Fences or barriers incorporating electrical current are not permitted in C, CR, and R zones. In all other zones, fences and other barriers (e.g., electrical ribbon) incorporating electrical current are permitted provided that they are safe for humans and animals, are manufactured by an established and reputable company and carry an Underwriters Laboratory UL or equivalent federally recognized standard seal, and are located no closer than 10 feet from the property line. The setback requirement does not apply to wireless below-ground electronic pet barriers, i.e., “invisible dog fences”.
- D. Fabric and screening. The attachment of fabric or shade cloth to a chain link or similar open fence is prohibited. Fabric, shade cloth, or other material is not a permitted method of required screening of outdoor storage areas. Fabric, shade cloth, or other material may be installed to create a wind barrier for athletic fields and courts or similar situations subject to the following requirements: (a) it must be professionally installed by a licensed contractor; and (b) the proposed material must be designed and installed to withstand wind resistance and attached at grommets designed in a manner consistent with the building code.

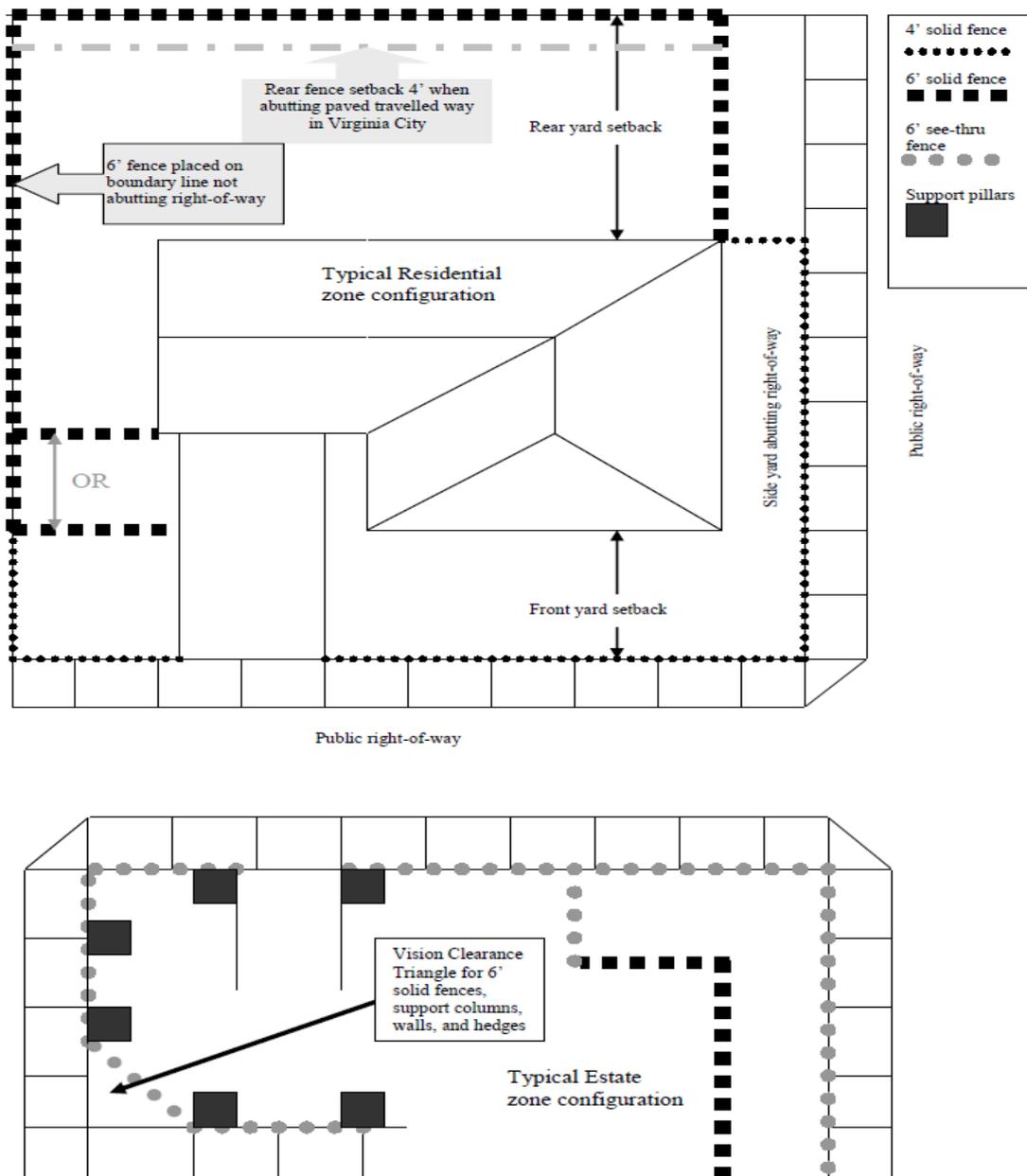


Figure 12.4: The diagram illustrates typical situations that are applicable to residential and estate zones. It is recognized that that many rear yards of historic parcels in Virginia City abut the public (paved) travelled way and, in some instances, overlap the dedicated right-of-way. This situation leaves little or no room for pedestrian ways and creates challenges for public parking as well as snow removal. The rear yard fence setback requirement in R zones located within Virginia City will enable services to be provided by the county in a safe and efficient manner.



Figure 12.5: The wrought iron fences (top) are easily seen through by adjacent vehicular and pedestrian traffic. The top left fence, with no large supporting columns, may be located within the vision-clearance-triangle; the top right fence, with vision obstructing columns, may not. The 6 foot fences (bottom) may abut the front lot line of the E zone because the solid portion meets the maximum height limitation for fences and walls in the front yard. The bottom left fence/wall combination, like the top left fence, employs large support columns and must be placed outside of the vision-clearance triangle.

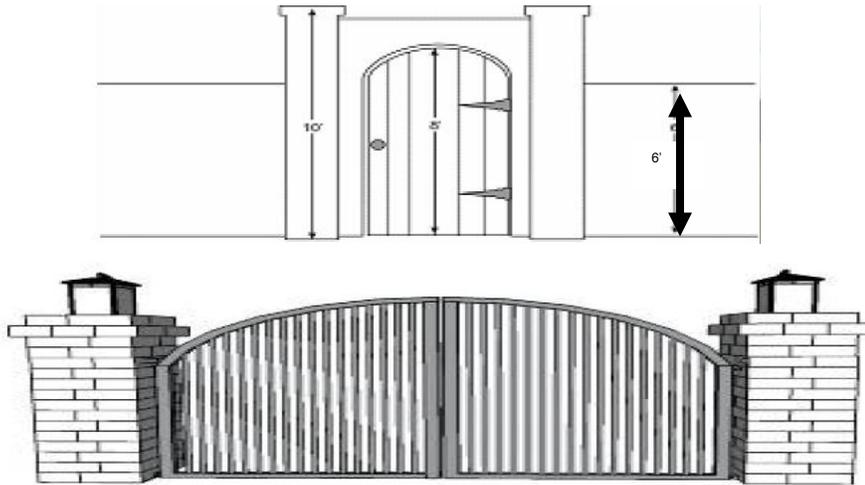


Figure 12.6: The gate designs are examples where maximum height limitations for fences may be exceeded in accordance with this chapter. They include structural archways over gates, arched gates, support pillars, and their lamps.

17.12.064 Public Utility Uses

The provisions of this title do not apply to the construction, installation, operation and maintenance of public utility distribution and transmission lines, towers and poles, and underground facilities for providing gas, water, electricity, telephone, telegraph or communication services by public utility companies under the jurisdiction of the Public Utilities Commission of the State of Nevada; provided, before a public utility acquires any right-of-way for a transmission line, the proposed route must be submitted to the planning commission for review and recommendation to the board. This exemption does not apply to commercial cellular and other wireless communication antenna support structures and towers.

17.12.068 Minimum Lot Area

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

- A. One acre per dwelling unit where the lot is served by a public sewer system but not a public water system;
- B. Ten Thousand square feet per dwelling unit where the lot is served by a public water system but not by a public sewer system;
- C. One acre per dwelling unit where the lot is not served either by a public water or a public sewer system.

17.12.070 Off-Street Parking

- A. Residential. There shall be at least 2 off-street parking spaces provided for each residential dwelling unit, including manufactured homes, mobile homes, and other attached or detached dwelling units.
- B. Commercial (no lodging). At least 1 off-street parking space shall be provided for each 500 square feet of gross floor area of a commercial use.
- C. Commercial lodging. At least 1 off-street parking space shall be provided for each commercial transient lodging unit or suite.
- D. All required parking spaces must be provided as on-site parking, and included on the parcel upon which the unit is constructed, and must remain with the parcel so long as the use is continued.
- E. The planning commission may establish any other ratio not set forth in this section, and all parking spaces referred to in this section must be of a sufficient size to accommodate any size of passenger automobiles.

17.12.080 Open Storage Prohibited

No open storage is allowed in any zone unless stated otherwise in this title.

17.12.090 Access and Right-of-Ways

A. Definitions.

1. **Access ways.** A clear and unobstructed usable approach of at least 12 feet in width (residential), 15 feet in width (one-way commercial and industrial), and 24 feet in width (two-way) from a development upon land to a public travelled way located within a public right-of-way (see figure 12.7). An access way may also be established within a legal recorded **easement** (see figure 12.8) across another's land which benefits the subject property by connecting it to a public right-of-way, or any other access way suitable and acceptable to the building, planning, and public works departments.
2. **Public right-of-way.** A strip of land or easement acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by public traveled ways, highways, sidewalks, boardwalks, bicycle lanes, equestrian and pedestrian trails, or other transportation related improvements (see figures 12.7 and 12.8). A public utility right-of-way or easement and associated public utility improvements may be located within a public right-of-way. Public right-of-ways may also be used in reference to public-private right-of-ways (easements) in which vehicular or pedestrian access are limited to designated persons such as members of a homeowners association.
3. **Public utility right-of-way.** A strip of land or easement acquired by reservation, dedication, prescription, or condemnation and intended to be occupied by public utilities such as waterlines, sanitary sewers, telecommunication infrastructures, electricity transmission lines, and gas, but not including transportation related facilities applicable to the public right-of-way.
4. **Public traveled way.** The entire width between the boundary line of every way (from curb to curb and/or edge of paved or graveled roadway) maintained by a public authority and that is open to public use for the purpose of vehicular or other mechanized transit traffic (see figure 12.7).

B. Access Requirements.

1. **Required area.** On any subdivision, parcel, tentative or informational map, the required nominal parcel or lot area per the land use zoning requirements is the net area of the parcel or lot, excluding any access ways containing the public traveled way. A nominal gross area tolerance of 5 percent maximum may be granted in the computation of the net area by the board with action by the planning commission when there is a single access, and 10 percent where there is a double access. Any higher percentage request requires a variance.
2. **Required width.** The full dedicated or easement width, without reference to the width of the developed public traveled way. No commercial, industrial, or dwelling construction may be permitted on any parcel or lot not served by a public right-of-way of at least 50 feet in width, with a minimum public traveled way of 24 feet in width. When the public right-of-way is less than 50 feet in width, or the public traveled way is less than 24 feet in width, a variance is required. This required width applies to all areas subdivided, parceled, or under record of survey, on file in the county recorder's office. In

non-subdivided areas or areas where no official map is on file in the county recorder's office, an applicant for a variance, special use permit, or a building permit must demonstrate by a title company report, or other acceptable means, the existence of the required improved access way before a variance, special use permit, or building permit may be issued.

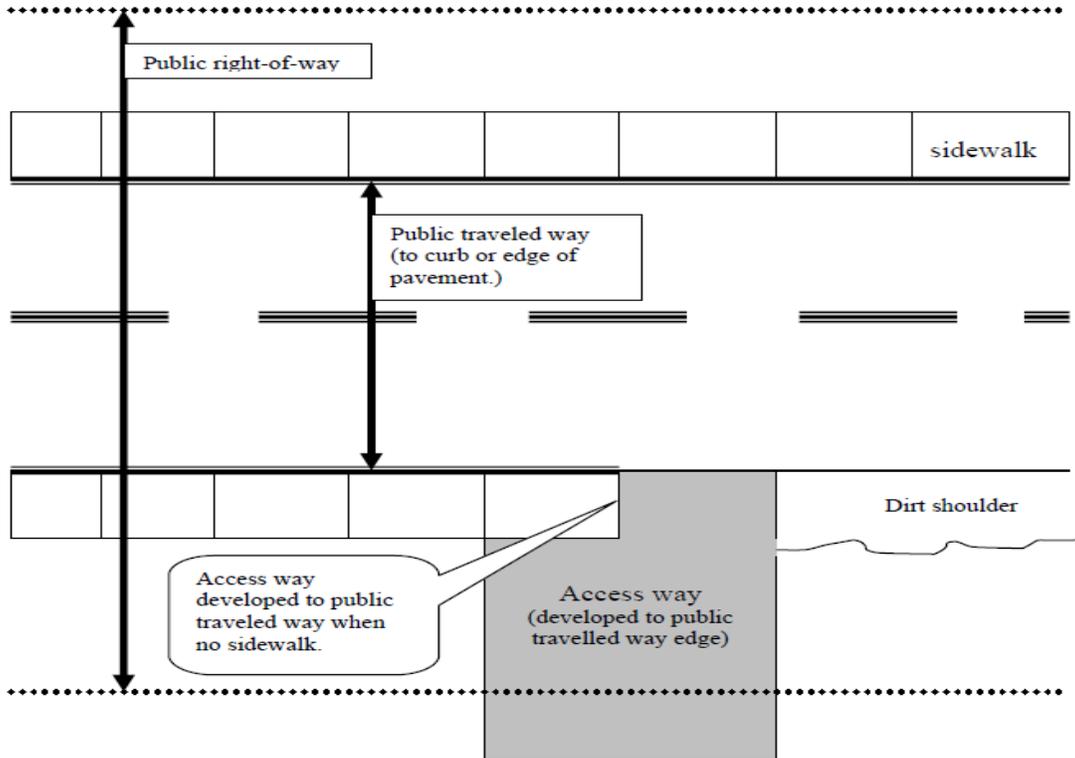


Figure 12.7: The public right-of-way encompasses much more land than the traveled way. While public utilities such as power, sanitary sewer, and water may be located above or below the traveled way, they are oftentimes located within the outer edges of the public right-of-way.

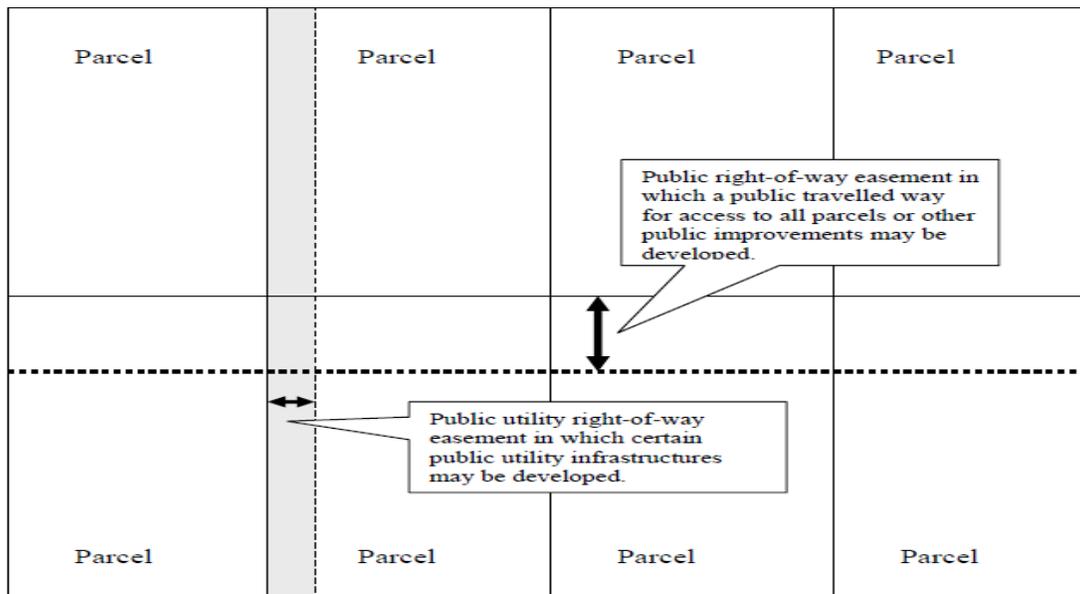


Figure 12.8: In the case illustrated above, only the lower parcels include easements for public right-of-way development. Required building setbacks must be from that easement line in accordance with section 17.40.050. Public utilities, but not transportation improvements, may be developed in the public utility right-of-way.

3. **Surface materials.** Surface materials covering the entire length of the access way must consist of a minimum coverage of one and one-half inches of gravel installed and adequately maintained by the owner of the lot or parcel to be developed, the developer, the homeowners association, or by a cooperative effort of the adjoining lot owners. A paved 20-foot approach must be installed by the developer, property owner, or association when the access way abuts a paved public traveled way. The public works director may require an extended pavement approach up to 100 feet if necessary to minimize impacts to the paved public traveled way. The surface materials installation must be inspected and approved by the building and public works departments.
4. **Single-ownership conditions.** When there are 4 dwelling sites, each a minimum required area per the zoning, within a single ownership, the developed area must be served by double permanent access ways of at least 50 feet in width. When there are 3 or less dwelling sites, developed area may be served by a single 50 foot access way. The access way must meet the following requirements:
 - a. Two copies of an acceptable map, signed by a state land surveyor, showing the proposed layout together with any other supplementary information, must be submitted by the applicant to the building and planning departments.
 - b. In the event there is a sale, trade, barter, or gift of any portion of the land covered by the provisions of this section resulting in a condition which does not meet the terms of this section, the transaction is considered a violation of this section, and subject to any penalties herein, and be

required to provide additional access ways acceptable to the planning commission.

5. **Drainage.** Appropriate storm water drainage or detention must be installed and maintained by the property owner and not negatively impact public right-of-ways. All roads and access ways must be sloped properly to prevent accumulation of storm water. All driveway culverts must be a minimum of 12 inches in diameter. Street crossing culverts, bridges, and overpasses must be developed and maintained as required by the building, planning, and public works departments.
6. **Fire prevention.** Property along right-of- ways and between easement lines must be kept clear of combustible materials including dead and dry vegetation and other flammables. All combustible material applicable to this subsection must be removed from the property and disposed of as required by county code. Failure to abate the hazardous conditions in accordance with the notice of violation may result in abatement of the hazardous conditions by the county at the cost of the property owner.
7. **Cuts and fills.** All cuts and fills exceeding 30 inches and that are 2:1 or steeper in slope must be mechanically stabilized. Cuts and fills exceeding 30 inches and that are flatter than 2:1 must be re-vegetated with non-invasive plant species having fire retardant characteristics. Planting or maintenance of noxious plant species is prohibited. The removal of noxious invasive plant species must comply with subsection 6.
8. **Inspection.** A site inspection by the building, planning departments, and the fire district are required prior to any actual grading work being done.

17.12.100 General Provisions for all zones

This section applies to all zones unless otherwise stated:

- A. Noise, smoke, odor, gases, weeds, or other noxious nuisances must be controlled so as not to become objectionable, or adversely affect the properties in the vicinity, and must not be detrimental to the public health, safety and welfare.
- B. Uses involving the sale, display, dispensing, cultivation, or use of marijuana or illegal drugs or paraphernalia commonly used or associated with the use of marijuana or any illegal drug, such as glass pipes, water pipes, roach clips, bongs, etc., is prohibited. Accessory items related to the use and sale of legal tobacco products such as rolling papers, rolling machines, tobacco pipes and pipe maintenance items are not considered “drug paraphernalia” unless they are associated with the above prohibited items.
- C. Where a commercial business is allowed, a special use permit is required for the display, sale, barter, or trade of items associated with a business outside of a permanent building, except for permitted temporary uses and farmer’s markets. A business may not display items for sale or conduct any business on the public right-of-way (See Figure 12.9.) or between the public traveled way

and building. Recessed door openings and thresholds may be used to display items for sale or trade and conduct business.

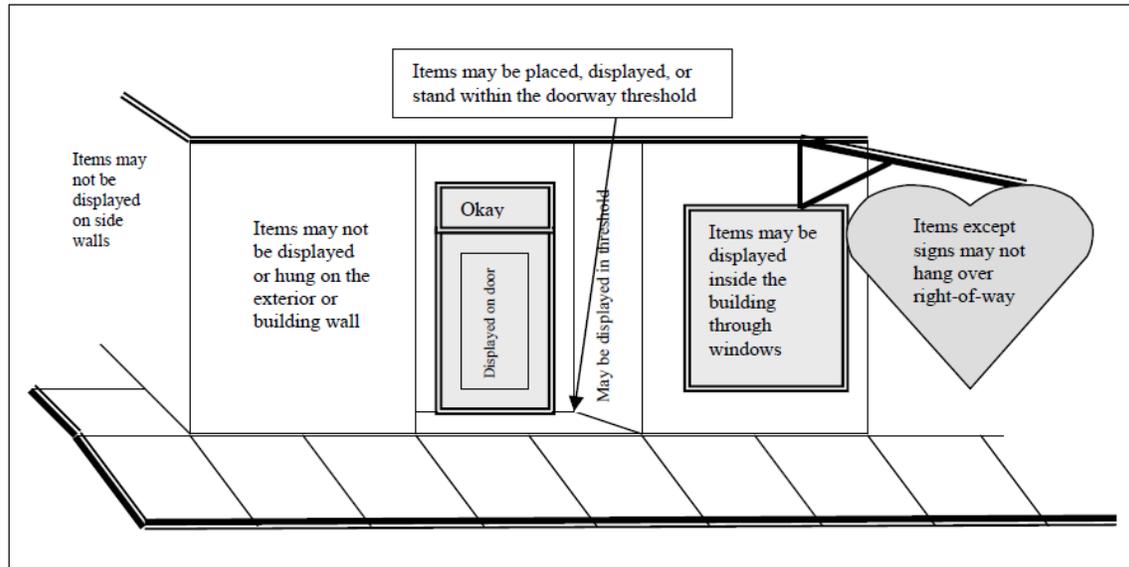


Figure 12.9: The diagram shows where merchandise and other items may and may not be displayed. The diagram does not apply to signs and advertising devices which are regulated pursuant to chapter 17.84 Signs and billboards.

- D. Incidental hotel uses. Any hotel may contain business uses that are customarily conducted in conjunction with and incidental to the hotel. Unless the business uses are otherwise permitted in the use district in which the hotel is situated, every public entrance to the business must be from a lobby, a hallway, or other interior portion of the hotel. No sign or other advertising material of the incidental hotel use may be placed outside of the hotel, except for as allowed by chapter 17.84 Signs and billboards.
- E. Outdoor lighting, including for private and public uses, must comply the regulations of chapter 8.02 Dark Skies.
- F. Access ways are defined by section 17.12.090. The access way for commercial building fronts abutting the public right-of-way are the door openings or the thresholds located at the building front.
- G. A special use permit is required for all natural resources river and waterway restoration, wetland creation, and water restoration and recycling.
- H. Up to 4 dogs and 2 pot-belly pigs more than 12 weeks of age are allowed in any zone. A special use permit is required to exceed this number. A minimum of 10 acres is required to obtain a special use permit for this use. This restriction does not apply to the A Agriculture zone.

17.12.110 Manufactured Homes Authorized

Manufactured homes as defined by chapter 17.10 Definitions, and NRS 118B.015 specifically include, without limitation, mobile homes that do not comply with the

standards established by the National Manufactured Housing Construction and Safety Standards Act of 1974.

- A. Manufactured homes are authorized when installed in accordance with the NRS, the regulations adopted by the Manufactured Housing Division of the Department of Business and Industry, and the county building code, including snow load, earthquake zone, and wind load requirements for the county.
- B. The manufactured home must have been manufactured no more than 15 years from the date at which it is placed on a parcel. The manufactured home must meet the Nevada Division of Manufactured Housing standards for manufactured homes. (Note: The Nevada standards are required to be equal to or more restrictive than the U.S. Department of Housing and Urban Development standards; however, if there is a discrepancy and the HUD standard are shown to be more restrictive, the HUD Standards will be the governing standard). This requirement does not pertain to any manufactured or mobile home which is already installed in any area of Storey County prior to the adoption of the ordinance codified in this section.

17.12.120 Converting Manufactured and Existing Mobile Homes to Real Property

In order to permanently affix a single or multi-sectional mobile home existing at the time of adoption of this title or manufactured home to the land for the purpose of having such home assessed as real property, the structure may be affixed to the real property in any manner which a lending institution would find as acceptable for treating the manufactured home as real property. In all cases, the running gear and tongue must be completely removed from the property.

17.12.130 Community Design Standards

A. Multi-family and attached single-family uses

The design standards in this section apply when two or more multi-family residential or attached single-family residential uses are located on the same lot in any zone where allowed.

Setbacks, height limitations, and other provisions in the applicable zone and this chapter shall also apply. Building design, architecture, coloring, appearance, transitioning, and configuration for uses within the Comstock Historic District boundaries shall be regulated by the Comstock Historic District Commission and not the provisions in this section. Landscaping, vehicular parking and travel ways, pedestrian ways, and required community amenities shall be regulated pursuant to this section countywide including within the Comstock Historic District. The more stringent architectural and design standards set forth by the applicable property owners association, ~~general improvement district~~, and the Comstock Historic District Commission will supersede the regulations set forth in this section. The following design standards will apply by land use regardless of zoning. These design standards are in addition to any Comstock Historic District Commission, property

~~owners association, general improvement district or any other design requirements.~~

~~Multi-family and attached single-family:~~

1. Purpose of these regulations.

These design standards maximize flexibility in the design of multi-family residential *and single-family attached residential* developments and encourage a variety of product types, while protecting the community and its environmental resources. These standards encourage well-designed developments that: provide high-quality ~~front~~ elevations; promote pedestrian activity; create functional and visual diversity; provide community *common* open-space; and protect significant features of the natural environment. ~~The intent of these design standards is to allow maximum flexibility in the design of multi-family housing or attached single-family (such as condominiums, rowhouses, and townhouses) and to encourage a variety of product types, while protecting the aesthetic value of the community, both the built and natural environments.~~

2. Site Planning Standards

a. ~~Site Character~~ Preservation of Natural Sight Characteristics

1. *Prominent natural features, including rock outcroppings, waterways and water bodies, riparian areas, trees with trunks of 6 or more inches in diameter, and other such natural site features shall be preserved and become part of the **to the extent feasible and incorporated into the overall development** new project feasible, or the applicant developer shall replace natural **prominent** features that are removed with similar feature of same or greater visual or ecological value.*

~~b. Natural features such as mature trees, creeks, riparian corridors and similar features unique to the site shall be preserved and incorporated into development proposals.~~

b. Building Orientation

1. *Buildings shall be generally **be staggered or otherwise** oriented with varying setbacks to provide visual interest and varying shadow patterns.*

2. *Buildings shall be oriented in such a way as to create courtyards and **common** open space areas. Clustering of multi-family units shall be consistently planned throughout the development.*

3. ~~To~~ *Buildings shall be oriented to provide indoor privacy between living spaces, and there should be distance separations, buffering or **and/or** changes-variation in the angle of units, **except for within the Virginia City Downtown Area (see Chapter 17.30 CR commercial-residential***

zone) and as part of a town-center environment where buildings may abut neighboring buildings and the right-of-way.

Private outdoor spaces shall be designed with maximum consideration for privacy, such as separations and orientation of the outdoor space. Building orientation shall provide opportunities for public spaces, for recreation, and general open space. Public spaces shall be accessible to the majority of the surrounding units. The common area shall be *reasonably* useable areas and not steep slopes or riparian areas.

c. Landscaping standards

The entire premises, and the perimeter of the development adjacent to public roads and right-of-ways, must be fully landscaped with trees, groundcover, shrubbery, and automated irrigation systems. Xeriscaping and reclaimed water irrigation systems (e.g., “gray water”) are highly encouraged and may be required where extensive landscaping may impose undue strain on available area water resources. The landscaping must be installed prior to occupancy.

d. Transition to adjacent properties

- 1. A development of 20 or more dwelling units must incorporate height and density transitioning in order to achieve an orderly transition between it and existing residential zones and uses on adjacent properties. Buildings to be located along the perimeter of the proposed development must maintain setback distances and stay within 50 percent tolerance range of the height and density of the adjacent residential zones and uses.*
- 2. Transitioning includes a range of design features related to existing and proposed residential uses. These include, but are not limited to, height, mass, density, buffer distances, architecture, landscaping, loss of privacy, unsightly views, pedestrian and vehicular traffic circulation, vehicular parking areas, and environmental impacts.*
- 3. The body will consider the relationship of second-story windows, doors, and balconies with the privacy of neighbors, and may require that these features be redesigned or omitted from second-story rear and side walls. The body may also prohibit two-story structures from parcels along the exterior boundary of the development and within the transition area described in subsection.*

~~((moved down)) e. Developments with less than 20 units but greater than 4 units shall choose at least 1 of the following recreational facilities. Developments with less than 100 units but greater than or equal to 20 units shall choose at least 3 of the following recreational facilities.~~

Developments with at least 100 units shall choose 6 of the following recreational facilities:

e. Parking, Circulation, and Pedestrian Ways

1. *Driveways.* Entry driveways shall have a sidewalk on both sides to connect with existing infrastructure and include ~~one of~~ the following. *Monuments and other structures must comply with Comstock Historic District Commission requirements.*

- i. *Landscaping or xeriscaping, complete with automated irrigation;*
- ii. *Monuments of substantial stature in scale with the development, and including the name and address of the development;*
- iii. *Concrete, stamped concrete, decorative pavers, or other material approved by the director.*

~~I. Monuments;~~

~~II. Pavers;~~

~~III. Stamped concrete;~~

~~IV. Landscaping;~~

~~V. Decorative paving, or~~

~~VI. Any similar material approved by the Director.~~

2. Parking

i. *There shall be at least 2 parking spaces per dwelling unit including carports, garages, ~~or~~ and surface parking. One additional space must be provided for every 20 residential units which may be off-site or within designated visitor parking areas. Where the on-street parking is legally allowed and functionally feasible in terms of the development's overall design, each on-street parking space may be substituted for a one-for-one basis for each unit requirement provided that a detailed parking analysis and plan that satisfied functional and safety standards is submitted and approved.*

ii. *Except as required otherwise by the Comstock Historic District Commission, carports and garages shall be designed as an integral part of the architecture of the development. They shall be similar in materials, color, and detail to the principal buildings of the development. Carports shall be designed to complement the architecture of the main buildings.*

3. Vehicle travel ways

Vehicle ways within the development must be designed to avoid long, straight expanses which encourage high speed vehicular travel and are not aesthetically appealing. Vehicle calming devices, such as

speed-bumps, road curvature, and cul-de-sacs shall be employed throughout the development. Providing a minimum 25 foot lateral deviation from a straight course for every 350 feet of street length or other design measures may be used to help achieve this goal.

4. Pedestrian ways

- i. All multi-family *and* attached single-family developments shall incorporate pedestrian connections to adjoining residential, recreational, and commercial uses.
- ii. Sidewalks along public streets ~~shall have a minimum width of 4 feet~~ *must meet the applicable county codes* and be ADA compliant.
- iii. ~~The~~ *Parking* areas shall be designed in a manner which links ~~it~~ *them* to the building and sidewalk network as an extension of the pedestrian system. The pedestrian system shall be designed within the development to connect the buildings and open space/recreational facilities. This can be accomplished by using design features such as walkways with enhanced paving, trellis structures, and/or landscaping treatment.
- iv. *Provision for bicycle and pedestrian pathway systems, especially to designated potential common area or park areas, trails, scenic sites, viewpoints, and public transit access to the site must be provided.*
- v. For projects along transit routes, they shall be designed to have a pedestrian entrance oriented towards transit stop(s) for convenient access.

f. Community amenities

1. Multi-family/attached single-family developments shall have useable community amenities, whether common or private, for recreation and social activities. *Structures housing and facilitating amenities must comply with Comstock Historic District requirements where applicable.*
2. Developments with less than ~~20~~*10* units but greater than 4 units shall choose at least 1 of the following recreational facilities. Developments with less than 100 units but greater than or equal to ~~20~~ *10* units shall choose at least 3 of the following recreational facilities. Developments with at least 100 units shall choose 6 of the following recreational facilities:

• swimming pool • tennis courts • ~~horseshoe pits~~ • spa • exercise equipment *exercise facilities and equipment* • game room • community room • par course • walking trails (minimum 1/4 mile in length) • picnic areas to include tables with barbeques • volleyball court • basketball court and lawn areas for field games • *jungle-gym and children* play structures • or similar amenities of scale as approved by the director.

3. To ensure that recreational facilities are conveniently located, the facilities shall *be*:

- i. *Located* within 1,000 feet from any dwelling unit; and
- ii. *Connected* to residential buildings by sidewalks or trails. ~~or open space.~~

4. All living units shall have a private open space (i.e., decks or patios) and shall be contiguous to the units with a minimum of ~~25~~ *50* square feet.

g. Building Architecture

1. Building Design

- i. There is no specific architectural "style" required for multi-family residential structures, *except as may be required by a property owners association or the Comstock Historic District Commission*. Within a development, the architecture shall include building style, form, size, color, material and roof lines that are complementary *to the surrounding community and natural environment*.
- ii. In order to avoid boxy and monotonous facades that lack a sense of human scale, buildings shall incorporate articulation with no flat wall planes exceeding 50 feet vertically or horizontally, unless approved by the director.
- iii. The following standards apply:
 - a. The architectural character (i.e., exterior materials, window trims, cornices, arches, etc.) of the exterior elevations shall be consistent on all sides of the building(s) that are visible from a public right-of-way *and from adjacent residential uses existing at the time the development is approved*.
 - b. Roofs shall have variations in plane accomplished by changes in plane or by the use of traditional roof forms such as dormers (pitched, shed-roof or eyebrow), gables, hipped roofs and

variations in pitch. When a flat roof is used, it must relate to the architectural style (*e.g., Spanish style or nineteenth century style*) as approved by the director.

- c. Stairs shall be compatible with the architecture of the buildings and integrated into the design of the building.
- d. Access points to units shall be clustered. Use of distinctive architectural elements and materials shall be used to denote entrances.

2. Building Materials

- a. Exterior elevation shall demonstrate a logical use of materials, unified appearance, and complementary materials, and *earth-tone* colors. The materials shall be architecturally related and avoid frequent changes in materials. Expanses of uninterrupted single exterior materials without planar or color changes are not allowed.
- b. Change of materials or color shall occur at changes in plane or at a logical break point. Accent colors can be used for shutters, trim, balcony rails, stucco recesses, or cornice bands, and shall relate to the architectural character of the building.
- c. Building materials and color schemes shall be consistent with the chosen architectural style. For example, stucco buildings and mission tile roofs are consistent with Spanish style homes.
- d. Materials such as brick and stone shall be left in their natural colors.