STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

04/09/2020 10:00 A.M.

26 SOUTH B STREET, VIRGINIA CITY, NEVADA*

ADDITIONAL REGULAR MEETING AGENDA

No members of the public will be allowed in the BOCC Chambers due to concerns for public safety resulting from the COVID-19 emergency and pursuant to the Governor of Nevada's Declaration of Emergency Directive 006 Section 1 which suspends the requirement in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate.

Further, due to the Governor's mandated steps to protect against the spread of COVID-19, the Storey County Board of County Commissioners are hosting a teleconference meeting this month. Members of the public who wish to attend the meeting remotely, may do so by accessing the following meeting on Zoom.com:

Join Zoom Meeting
https://zoom.us/j/597519448

Meeting ID: 597 519 448

Dial by your location
+1 346 248 7799 US (Houston)
+1 669 900 6833 US (San Jose)
+1 253 215 8782 US
+1 301 715 8592 US
+1 312 626 6799 US (Chicago)
+1 929 205 6099 US (New York)
Meeting ID: 597 519 448
Find your local number: https://zoom.us/u/adi9WjdtNr

For additional information or supporting documents please contact the Storey County Clerk's Office at 775-847-0969.

MARSHALL MCBRIDE
CHAIRMAN

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

ANNE LANGER
DISTRICT ATTORNEY

VANESSA STEPHENS
CLERK-TREASURER

Members of the Board of County Commissioners also serve as the Board of Fire Commissioners for the Storey County Fire Protection District, Storey County Brothel License Board, Storey County Water and Sewer System Board and the Storey County Liquor and Gaming Board and during this meeting may convene as any of those boards as indicated on this or a separately posted agenda.

All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. Pursuant to NRS 241.020 (2)(d)(6) Items on the agenda may be taken out of order, the public body may combine two or more agenda items for consideration, and the public body may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Commission Chair reserves the right to limit the time allotted for each individual to speak.

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

2. **PLEDGE OF ALLEGIANCE**

3. **DISCUSSION/FOR POSSIBLE ACTION:**

   Approval of the Agenda for April 9, 2020

4. **DISCUSSION ONLY (No Action - No Public Comment): Committee/Staff Reports**

5. **BOARD COMMENT (No Action - No Public Comment)**

6. **DISCUSSION ONLY/NO ACTION:**

   Switch Presentation to Virginia City Silver Circuits FIRST Robotics.

7. **DISCUSSION/FOR POSSIBLE ACTION:**

   Special Use Permit 2020-012 is a request to operate a two-room bed and breakfast inn within an existing residence in the R1 – Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

8. **DISCUSSION/FOR POSSIBLE ACTION:**

   Parcel Map 2020-013 is proposed to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the

consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

9. **DISCUSSION/FOR POSSIBLE ACTION:**

First reading of Bill 115, Ordinance 20-304, text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in section 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

10. **DISCUSSION/FOR POSSIBLE ACTION:**

First Reading of Bill 116, Ordinance 20-305, text amendments to Storey County Code Title 17 Zoning adding, modifying, clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

11. **DISCUSSION/FOR POSSIBLE ACTION:**

First Reading of Bill 117, Ordinance 20-306 Text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provision within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

12. **DISCUSSION/FOR POSSIBLE ACTION:**

First Reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family, R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarification including the listed land uses minimum floor area, setbacks, minimum parcel area, distances between buildings and home enterprises are proposed.

13. **DISCUSSION/FOR POSSIBLE ACTION:**

Resolution No. 20-568 to reduce on a day-to-day prorated basis the total rent/lease of all "non-essential" commercial tenants of properties owned by Storey County effective the day of Governor Sisolak's Directive 003 (March 20, 2020) to remain closed, and for the rent reduction to remain effective until "non-essential" businesses may reopen to the public per the Governor, but not to exceed 60 calendar days from Directive 003.

14. **PUBLIC COMMENT (No Action)**

15. **ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the end of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item upon which action will be taken on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.
- In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

  Persons with disabilities who require alternative means of communication for program information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.

  To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html and at any USDA office or write a letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

  (1) mail: U.S. Department of Agriculture
  Office of the Assistant Secretary for Civil Rights
  1400 Independence Avenue, SW
  Washington, D.C. 20250-9410;

  (2) fax: (202) 690-7442; or

  (3) email: program.intake@usda.gov.

USDA is an equal opportunity provider, employer, and lender.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

CERTIFICATION OF POSTING

I, Vanessa Stephens , Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before 04/02/2020; Virginia City Post Office at 132 S C St, Virginia City, NV, the Storey County Courthouse located at 26 S B St, Virginia City, NV, the Virginia City Fire Department located at 145 N C St, Virginia City, NV, the Virginia City Highlands Fire Department located a 2610 Cartwright Rd, VC Highlands, NV and Lockwood Fire Department located at 431 Canyon Way, Lockwood, NV.

By Vanessa Stephens

Vanessa Stephens Clerk-Treasurer

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: April 7, 2020 **Estimate of time required:** 10 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/Possible Action:** Special Use Permit 2020-012 is a request to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2020-012, operation of a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** See enclosed Staff Report No. 2020-012

6. **Supporting materials:** Enclosed Staff Report No. 2020-012

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:** ____ District Attorney

9. **Reviewed by:**

   ____ Department Head KC Department Name: Planning

   ____ County Manager ____ Other agency review: _____

10. **Board action:**

    [ ] Approved [ ] Approved with Modifications
    [ ] Denied [ ] Continued

Agenda Item No. 7

Storey County
Planning Department
Storey County Courthouse
26 South B Street, PO Box 190, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org

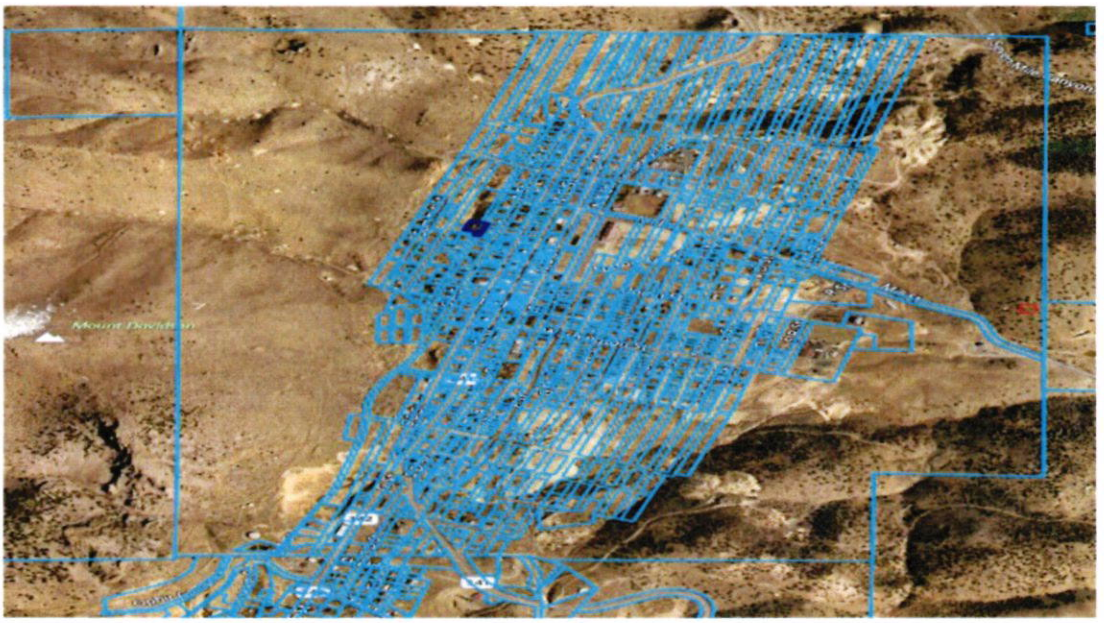
To:	Storey County Board of County Commissioners
From:	Storey County Planning Department
Meeting Date:	April 7, 2020 at 10:00 a.m.
Meeting Location:	Storey County Courthouse, 26 South "B" Street, Virginia City, Nevada
Staff Contact:	Kathy Canfield
File:	Special Use Permit File 2020-012
Applicant:	Michelle Buckman and Jason Virden
Property Owner:	Michelle Buckman and Jason Virden
Property Location:	120 N. Howard Street, Virginia City, Storey County, Nevada, APN 001-023-06
Request:	Special Use Permit 2020-012 is a request to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

Summary of Planning Commission Meeting: The Planning Commission heard this project application at their March 19, 2020 meeting. The project was discussed and two additional conditions of approval, related to noise and a review of the project after one year of operation. The applicants were acceptable to the additional permit conditions. One letter in support of the project from an adjacent neighbor was received. The Planning Commission voted unanimously (6-0, one absent) for a recommendation of approval for the project.

1. Background & Analysis

A. **Site Location.** The property is located at 120 N. Howard Street, which is located at the northwest corner of Sutton Street and the Howard Street alignment. The parcel is

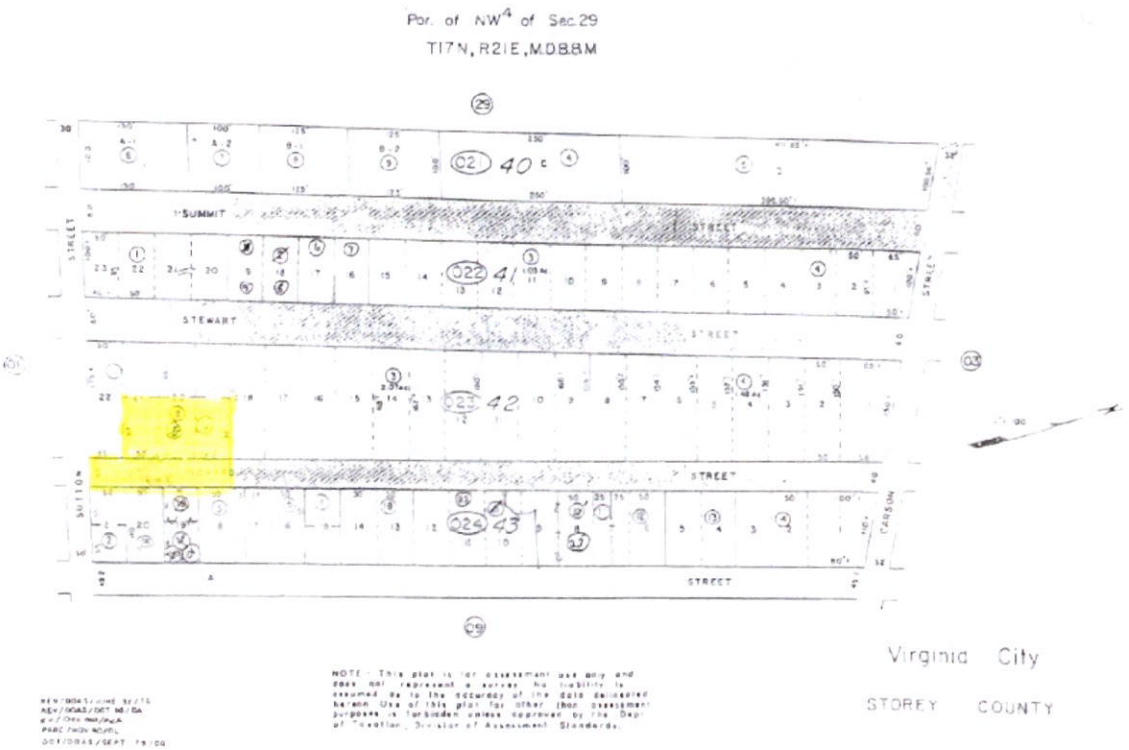
approximately a half acre in size and includes a portion of Howard Street which was abandoned in 1976. The parcel contains an existing residence along with a detached garage. Surrounding land uses include the Ophir Mine pit to the west and north and single family dwellings to the east and south.



Vicinity Map

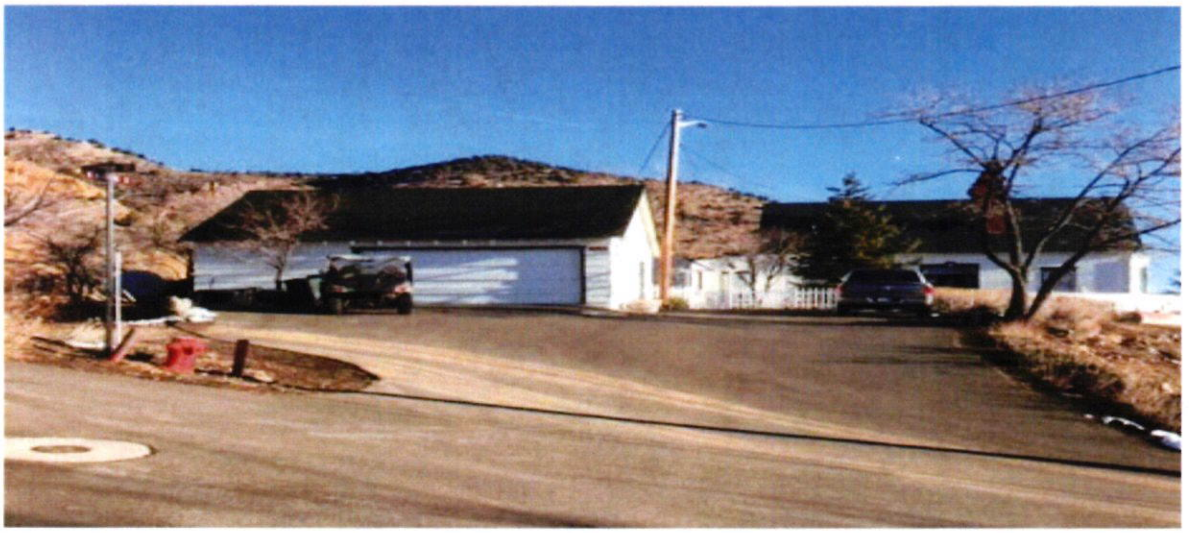
Location Map

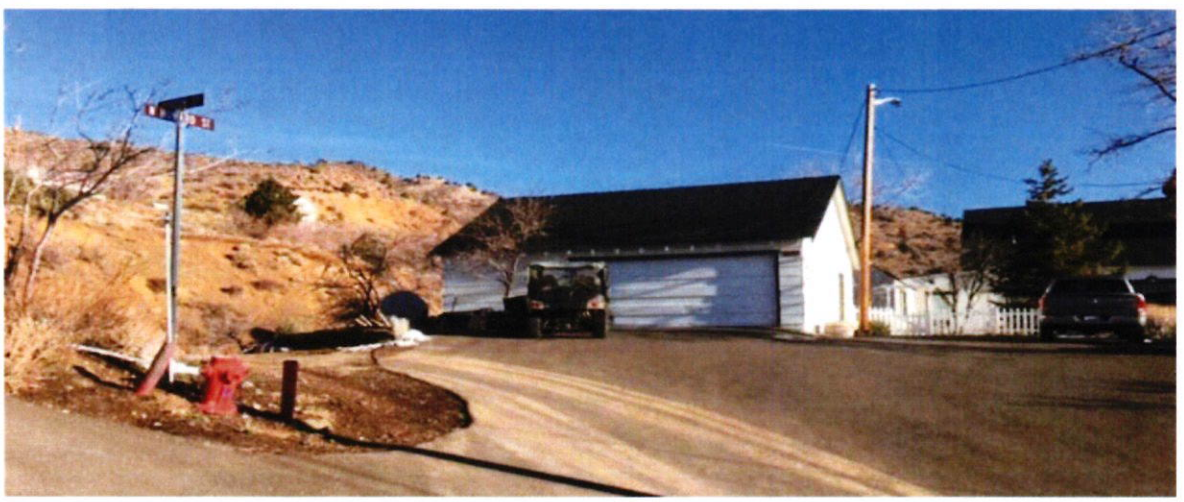
Approximate location



Assessor's Parcel Map

Views looking from corner of Sutton and Howard Streets





B. **Proposed Project**. The applicant is proposing to convert an existing residence to a bed and breakfast inn. Two bedrooms within the existing residence, accommodating a maximum of two people per bedroom, will be utilized for the inn. The residence will be occupied by the owner and the owner will operate the inn. The residence is located at the northwest corner of Howard Street and Sutton Street within a residential neighborhood. No modification to the exterior of the residence is proposed, with the possible exception of a sign.

The uses on the site require a total of four onsite parking spaces (two for the residential use and one space for each bedroom associated with the bed and breakfast inn). The property has four onsite spaces available to meet this requirement.

In addition to the existing residence, the parcel contains a detached garage, parking area and exterior landscaped spaces.

C. **Special Use Permit.** This parcel is located within the R1 Residential zone within Virginia City. The R1 zone states "Bed and breakfast inns offering accommodations for up to 8 guests, subject to providing one off-street parking space for each sleeping room" as subject to a special use permit.

2. Compatibility and Compliance

A. **Compatibility with surrounding uses and zones.**

The following table documents land uses, zoning classifications, and master plan designations for the land at and surrounding the proposed project.

	Land Use	Master Plan Designation	Zoning Designation
Applicant's Land	residential	Single family residential	R1 Residential
Land to the North	Vacant, mine pit, residential	Single family residential	R1 Residential
Land to the East	residential	Single family residential	R1 Residential
Land to the South	residential	Single family residential	R1 Residential
Land to the West	Vacant, mine pit, residential	Single family residential	R1 Residential

B. **Compliance with Zoning.** The proposed land use, bed and breakfast inn, is a special use for the zoning district. The parcel is zoned R1- Residential and the zoning district states "Bed and breakfast inns offering accommodations for up to 8 guests, subject to providing one off-street parking space for each sleeping room" can be permitted with a special use permit. The applicant has proposed to utilize two bedrooms within the residence for a total maximum accommodation of four people. The parcel has space to provide four parking spaces (two for the residence and one each for the bedrooms associated with the inn) onsite. The property owners will occupy the residence.

C. **General use allowances and restrictions.** Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval, with rationale for the findings included below each finding.

(1) Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.

The proposed use will be a bed and breakfast inn with two rooms available for overnight accommodations with a maximum occupancy of 4 persons. The owners of the property will also live within the residence. The bed and breakfast inn is listed as a special use for the zoning district.

(2) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

The proposed bed and breakfast inn will be located within an existing residence. No exterior modifications are proposed to accommodate the bed and breakfast inn use. The residence will also be occupied by the property owner. The parcel is of an adequate size to accommodate onsite the two additional parking spaces associated with the inn.

The bed and breakfast inn is within three blocks walking distance to the downtown area of Virginia City.

(3) Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

The bed and breakfast inn will be located within an existing residence which will also be occupied by the property owner. No exterior modifications to the residence are proposed and adequate onsite parking exists for the additional two parking spaces required for the inn.

(4) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

The proposed use is not expected to require any additional governmental services or impact existing facilities.

D. **2016 Storey County Master Plan**. This project is located within the Ophir Neighborhood Area Specific Plan area of Virginia City. The Plan states:

This area is expected to retain its single-family residential use pattern for the foreseeable future. However, case-by-case considerations have been given to applications for bed-and-breakfast inns when proposals are compatible with the residential and historic character of the area. Multi-family, commercial, and motel and hotel lodging uses have been proposed in this area over the past ten years, but were denied by the board and planning commission due to incompatibility with existing uses.

The proposed project is will be located within an existing single-family residence. The property owners will occupy the residence. Two bedrooms, along with common area within the residence, will serve as the bed and breakfast inn. The property is of an adequate size to accommodate the necessary parking onsite. The only visible sign of the bed and breakfast would be the presence of two additional cars parked onsite and the potential for a sign. The sign ordinance would allow for a sign of six square feet, which is the size any residential R1 zoning property is permitted.

3. Findings of Fact

A. <u>Motion for approval</u>. The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

(1) This approval is for Special Use Permit 2020-012 to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

(2) The proposed project complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.

(3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

(4) The proposed project will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.

(5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

(6) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Ophir Neighborhood Area Specific Plan portion of Virginia City in which the subject property is located. A discussion supporting this finding is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

(7) The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit, 17.12 – General Provisions, and Section 17.16 R1 Residential.

B. **Motion for denial**. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

(1) This denial is for Special Use Permit 2020-012 to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

(2) The conditions under the Special Use Permit conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit, 17.12 – General Provisions, and Section 17.16 R1 Residential.

(3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

A. **Special Use Permit**. This approval is for Special Use Permit 2020-012 Special Use Permit 2020-012 is a request to operate a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

B. **Requirements**. The Permit Holder/Licensee shall apply for any/all required permits and licenses, including building and fire permits, for the project within 24 months from the date of final approval of this Special Use Permit, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This permit shall

remain valid as long as the Permit Holder remains in compliance with the terms of this permit and Storey County, Nevada State, and federal regulations.

C. **Permit Contents**. This permit incorporates by reference the standards, objectives, conditions, terms and requirements of all plans and submitted separately from this permit. The requirements of all submitted plan, along with support material submitted with the application, become part of this Special Use Permit.

D. **Separate Permits Required**. This Special Use Permit shall not be construed to be a permit for licensing, design or construction. A separate Storey County plan review, fire safety review, and building permit may be required.

E. **Legal Responsibility**. Issuance of this permit does not convey property rights of any sort or any exclusive privilege; nor does it authorize any injury to persons or property, any invasion of other private rights, or any infringement of state or local laws or regulations.

F. **Indemnity Defense and Hold Harmless**. The Permit Holder/Licensee agrees to defend, indemnify and hold harmless Storey County, its Officers, Employees and Representatives from any claims, causes of action, damages, fees, including attorney fees or suits arising out of the operation of a bed and breakfast inn attributable to the negligence or acts of the Permit Holder except for liability arising out of the sole negligence of Storey County, its officer, employees or representatives

G. **Transfer of Rights**. This Special Use Permit shall inure to the Permit Holder and shall run with the land defined herein. Any and all transfers of Special Use Permit 2020-012 shall be advised in writing to the Storey County Planning Department at least 90 days prior to assignee taking over the operation of the facility. Any new Permit Holder/Licensee of the facility must sign and accept all conditions and requirements of SUP 2020-012 prior to any modifications or operations at the facility.

H. **Liability Insurance**. The Permit Holder, as well as its assigns, heirs or successors, shall provide proof of insurance to Storey County and maintain a satisfactory liability insurance for all aspects of this operation under Special Use Permit 2020-012 for a minimum amount of $1,000,000.00 (one million dollars).

I. **Transient Lodging Tax.** The bed and breakfast inn shall be subject to the transient lodging tax requirements of Chapter 3.60 of the Storey County Code.

J. **Onsite Management.** The bed and breakfast inn shall include onsite management living at the property.

K. **Fire Access Plan.** The permit holder shall provide a fire access plan to the Storey County Fire Protection District for review and approval prior to commencement of the bed and breakfast use onsite.

L. **Community Development Department.** The permit holder shall obtain a business license for the proposed bed and breakfast inn. As part of the business license review, the Community Development Department shall inspect the proposed structure for compliance with building code requirements for a bed and breakfast inn use.

M. **Annual Review.** At a regularly scheduled public meeting on or about the month of May 2020, the Planning Commission, with coordination from the Permit Holder, shall review the operations at the property and determine any significant impacts of the proposed operation has on the adjacent neighborhood. At that time, if ay negative impacts are identified and brought to the attention of the Planning Commission or County staff, additional mitigating conditions may be added to the Special Use Permit by the Board with action/recommendation by the Planning Commission. If no additional mitigation measures are imposed, no Board of County Commissioners review shall be required. At the Annual Review, the Planning Commission shall determine if further annual reviews are required.

N. **Unlawful Noise.** The Permit Holder shall be responsible for maintaining appropriate noise levels as defined in SCC 8.04. Furthermore, Permit Holder shall be responsible for quiet hours of 9:00 p.m. through 8:00 a.m. Sunday through Thursday.

5. Public Comment

As of March 10, 2020, Staff has not received any comments from the public with the exception of one letter of support from an adjacent neighbor.

6. Power of the Board

At the conclusion of the hearing, the Board of County Commissioners must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Board of County Commissioners upon which it bases its decision.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Board of County Commissioners should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Special Use Permit 2020-012, operation of a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

B. Alternative motion for denial

Against the recommendation by staff and the Planning Commission, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Board of County Commissioners, I (*commissioner*), move to deny Special Use Permit 2020-012, operation of a two-room bed and breakfast inn within an existing residence in the R1- Residential zone. The property owners will occupy the residence and two bedrooms, along with common rooms, will be available for guests. Parking for the inn will be provided onsite. The subject property is located at 120 N. Howard, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-023-06.

Appendix A
Detailed Project Description

Detail Description/Justification of Project

Homeowners, Michelle Buckman and Jason Virden, propose opening a small scale, elegant, historic Bed & Breakfast. Our project is "The Howard Street Home" located at 120 N. Howard Street, Virginia City, NV 89440.

- **Providing a Special Use Permit for our proposal would assist Virginia City in meeting the need for upscale lodging for special events and general tourism.**

Virginia City is a highly desirable tourist attraction to both local and out-of-state visitors. Many of the special events run for two-days or more. Tourists want to stay in Virginia City, preferably at reasonably priced, historic buildings. When the current Bed & Breakfast business are full, tourists turn to other available lodging. Our aim is to meet the need for additional historic, upscale lodging during special events and through the seasons.

- **Providing a Special Use Permit for our proposal would offer an additional two rooms with a total occupancy of four people in a highly desirable location with quality amenities similar with nearby Bed & Breakfast businesses.**

The Howard Street Home is an original building from 1859. We offer two bedrooms, access to the parlor, a reading room, and a front room with a cozy pellet stove fireplace. There are three yards available for guests to enjoy. The front yard and side yard have the beautiful Virginia City 100-mile view at an elevation of 6400 ft. The back yard offers a view of the famous Ophir Mine. The Howard Street Home is a 3-minute walk down to "C" Street. We are near the merchants, restaurants, and museums that would entertain our guests and benefit the businesses on "C" Street.

"Spirits Rest Here" and we welcome you!

Mama's Room:	The Cartwright Room:
Full size bed	Queen size bed
Private shower/tub	Private shower/tub
Private entrance	Private entrance
TV/DVD	TV/DVD
Internet service provided	Internet service provided
Daily maid services provided on request	Daily maid services provided on request
Full breakfast included and served at 9:00 am (earlier upon request)	Full breakfast included and served at 9:00 am (earlier upon request)
Parking provided in front of house	Parking provided in front of house
$125	$145

Detail Description/Justification of Project

Our rooms and common areas are clean, beautiful, and charming. Homeowner Michelle Buckman is a Certified Food Handler from the Nevada FHC (an ANSI accredited certificate issuer) and a former partner/owner of a restaurant in Long Beach, CA. Our amenities and prices are comparable to the other VC Bed & Breakfast businesses (The Cobb Mansion, The Buckner House, "B" Street Bed & Breakfast, and the Sun Mountain Bed & Breakfast) which are located within walking distance from our site.

- **Providing a Special Use Permit for our proposal would benefit our clients with specific and accurate information about the rich history of Virginia City.**

The homeowners (Michelle Buckman and Jason Virden) are involved with two Living Legends groups (Silent Riders; Fort Churchill Living History Legends). We frequently dress in period appropriate attire and tour the boardwalk with our groups sharing VC history while supporting the restaurants, merchants, and museums by interacting with tourists presenting information and suggestions for places to visit. We take numerous pictures with families and special event visitors. Both the Silent Riders and Fort Churchill Living History Legends provide lectures and information to our groups to make our re-enactments authentic. Information from local historians (Joe Curtis, Cal Dillon) have been particularly helpful and increased our knowledge. The following businesses have recognized our groups as beneficial and proudly display their support to our groups: Firehouse Grill, Brett's Kettle Corn, VC Hatmaker, Washoe Club, Comstock Bandito, Old Red Garter, Four Winds, Blue Buffalo, The Palace, Delta/Bonanza, CC's Closet, Old Corner Bar, Tommyknockers, Silver Dollar, Turquoise Kiva, Roasting House, Old Time Photos, VC Brewery, Cigar Bar, Canvas Café, VC RV Park. The homeowners (Michelle Buckman and Jason Virden) have knowledge and participation in historic groups which provide us with the unique ability to share accurate information and relay the significance of Virginia City with our guests.

- **Providing a Special Use Permit for our proposal would benefit the VCTC with financial resources through tax contributions and participation in informational groups.**

Our intention is to follow all rules, regulations, and obligations required from businesses in Virginia City. We seek to operate a legitimate business with all the necessary licenses. Additionally, we believe we would benefit the business community through the VCTC Merchants Group with our former experiences as business and restaurant owners in Long Beach, CA.

Appendix B
Letter of Support

---------- Forwarded message ---------
From: **Eileen Herrington** <efherrington57@gmail.com>
Date: Thu, Mar 19, 2020 at 1:26 PM
Subject: Agenda Item #7, (2020--012) 3-19-20 Meeting
To: <lrynaud@storeycounty.org>, <keanfield@storeycounty.org>

I am writing regarding Agenda Item #7 on tonight's meeting.

My husband and I are in support of the applicants' request to operate a two-room rental bed and breakfast inn within their existing residence at 120 H. Howard Street. Upon review of the application, it is clear that they reside at the home and will be on-site hosts to their guests.

Our home is located directly below their residence. Michelle and Jason have been pleasant and respectful neighbors, and we're confident that they will operate their business in a responsible manner.

John and Eileen Herrington
118 A Street, Virginia City

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: April 7, 2020 **Estimate of time required:** 10 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/Possible Action:** Parcel Map 2020-013 is proposed to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

2. **Recommended motion:** In accordance with the recommendation by staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I (*commissioner*), move to approve Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** See enclosed Staff Report No. 2020-013

6. **Supporting materials:** Enclosed Staff Report No. 2020-013

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:** ____ District Attorney

9. **Reviewed by:**

   ____ Department Head KC Department Name: Planning

   County Manager ____ Other agency review: _____

10. **Board action:**

    [ ] Approved [ ] Approved with Modifications
    [ ] Denied [ ] Continued

Agenda Item No. 8

Storey County
Planning Department
Storey County Courthouse
26 South B Street, PO Box 190, Virginia City, Nevada 89440
Phone 775-847-1144 – Fax 775-847-0949
planning@storeycounty.org

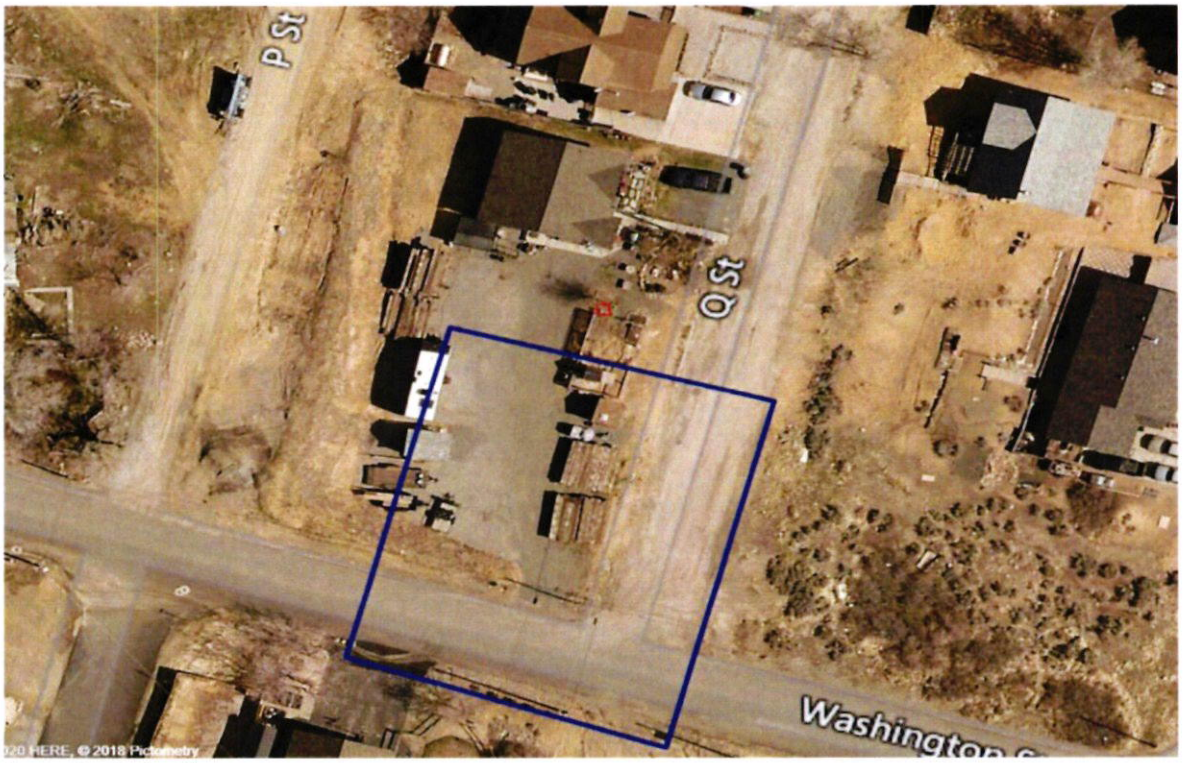
To:	Storey County Planning Commission
From:	Storey County Planning Department
Meeting Date:	March 19, 2020 at 6:00 p.m.
Meeting Location:	Storey County Courthouse, 26 South "B" Street, Virginia City, Nevada
Staff Contact:	Kathy Canfield
File:	Parcel Map File 2020-013
Applicant:	Richard, Doreen & Diane Bacus
Property Owner:	Richard, Doreen & Diane Bacus
Property Location:	140 South Q Street, Virginia City, Storey County, Nevada, APN 001-257-08
Request:	Parcel Map 2020-013 is proposed to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

1. Background & Analysis

A. **Site Location.** The property is located at 140 South Q Street, which is located north of Washington Street between P and Q Streets. The parcel is approximately 17,253 square feet in size and contains an existing residence and sheds. Surrounding land uses include a mixture of residences and vacant residentially zoned properties.

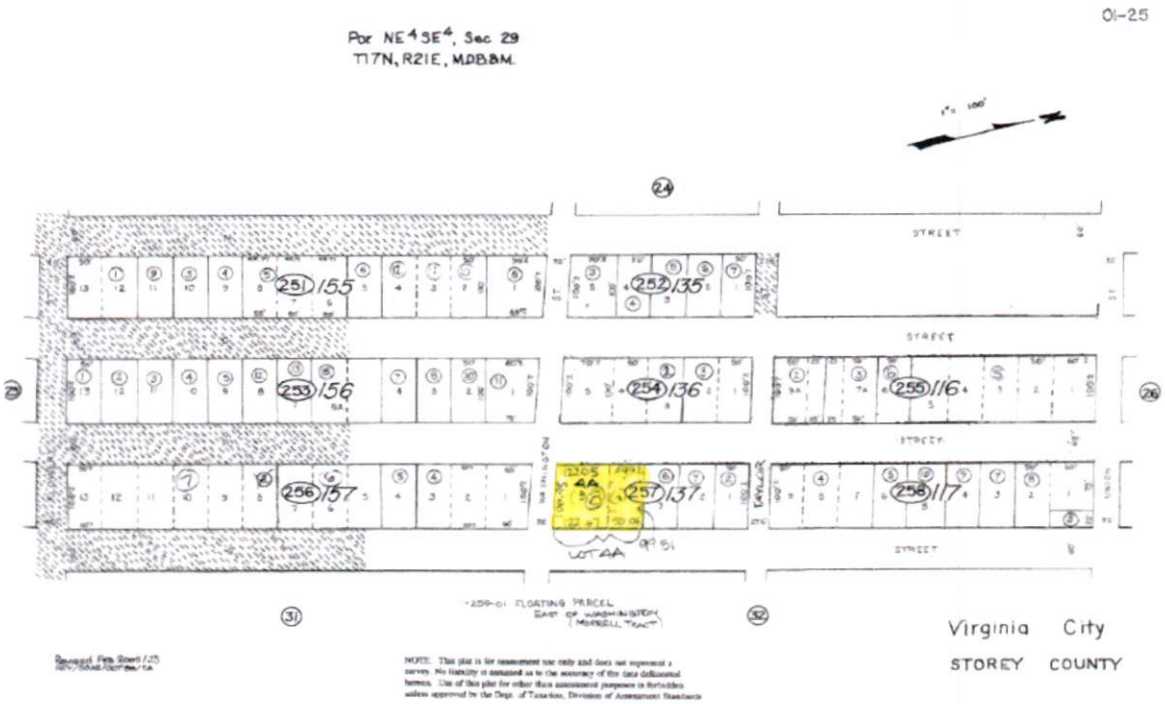
Vicinity Map

Location Map



Approximate location

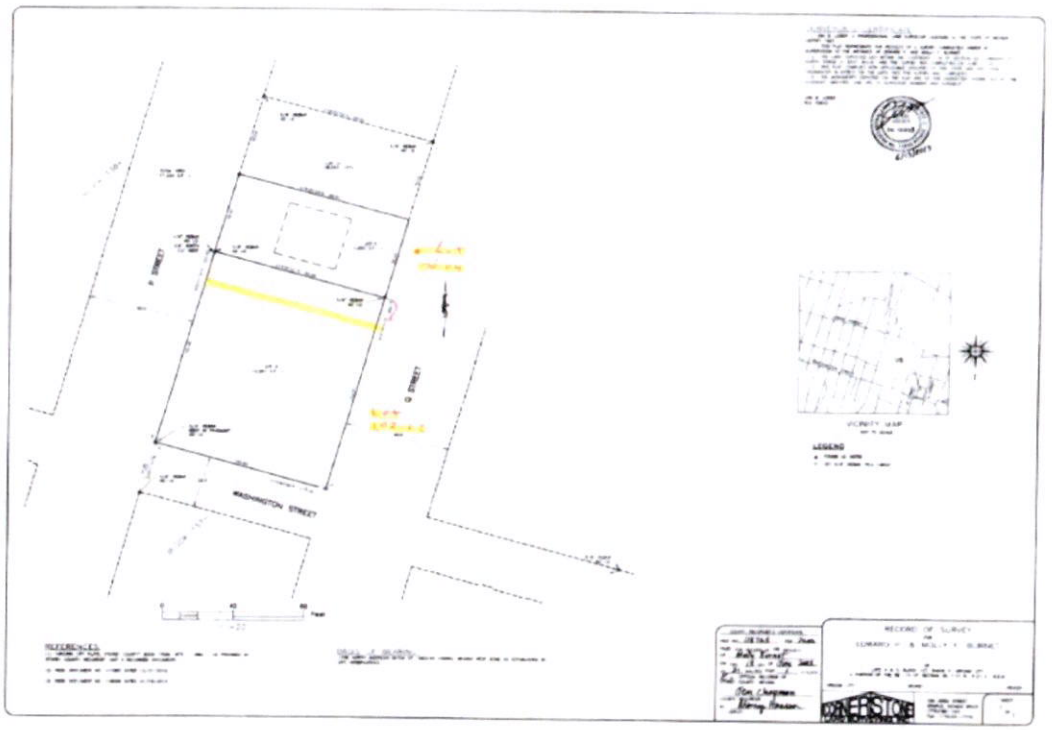
View looking northwest, corner of Washington and Q Streets



Assessor's Parcel Map

B. **Proposed Project**. The applicant is proposing a Parcel Map to divide an existing consolidated parcel and return the consolidated parcel to two individual lots. One parcel will be approximately 75-feet in width and the second parcel will be approximately 97-feet in width along the Q Street frontage.

The existing consolidated parcel contains a residence and sheds. The new property line will be placed to allow for the required 5-feet side yard setback to be met for the existing residence with the second parcel then vacant and available for a new residence to be constructed. The sheds will be relocated to either meet setback requirements or will be removed from the property. The applicant proposes to construct a new residence on the newly created vacant parcel. Both parcels will meet the minimum 5,000 square foot lot size, required setbacks and minimum parcel widths associated with the R1 Residential zoning district.



Proposed parcel division

C. **Parcel Map.** NRS 278.461 defines a "Parcel Map" as a division of land into four or less parcels. The proposed Parcel Map complies with NRS 278.461 through 278.469 regulating the division of land into four or less parcels.

Storey County Code (SCC) does not specifically require an Application for a Parcel Map. However, NRS does require a Parcel Map to go through the Application process.

NRS 278.464 Action on a Parcel Map by the Planning Commission to the governing body.

The Planning Commission shall:

> In a county whose population is less than 700,000, within 60 days, after accepting a complete application for a Parcel Map, recommend approval, conditional approval or disapproval of the map in a written report. The Planning Commission shall submit the Parcel Map and the written report to the governing body.

The Applicant requests dividing one parcel of land into two parcels of land. Consequently, this request is within the perimeters of a Parcel Map per the NRS definition. Therefore, the Storey County Planning Department (the Planning Department) requested the Applicant submit an application for a Parcel Map.

(See Appendix 2: Nevada Revised Statues 278.461 - 278.469)

2. Compatibility and Compliance

A. Compatibility with surrounding uses and zones.

The following table documents land uses, zoning classifications, and master plan designations for the land at and surrounding the proposed project.

	Land Use	Master Plan Designation	Zoning Designation
Applicant's Land	Residential	Single family residential	R1 - Residential
Land to the North	Residential	Single family residential	R1 - Residential
Land to the East	Residential and vacant	Single family residential	R1 - Residential
Land to the South	Residential	Single family residential	R1 - Residential
Land to the West	Residential	Single family residential	R1 - Residential

B. Compliance with Zoning. The property is located within the R1 – Residential zoning district. The consolidated 17,253 square foot parcel was originally two parcels. The R1 zoning district requires a minimum 5,000 square foot lot size. The proposed lot configurations will meet this requirement. The proposed parcel line will be placed so that the existing residence meets the required 5-foot side yard setback. The existing residence is an allowed use for the zoning district, and any development proposed on the newly created parcel will also need to demonstrate consistency with the zoning code requirements. Any accessory buildings will be brought into conformance with zoning code requirements.

C. 2016 Storey County Master Plan. This project is located within the Silver Star Neighborhood Area Specific Plan area of Virginia City. The Plan states: *Steady infill of new single-family residential construction has occurred in this area within the past 20 years. Continued residential infill is expected to persist in this area for the foreseeable future.* The proposed parcel will be R1- Residential zoned, meet the size requirement for the zoning district and is will be allowed a land use as permitted by the zoning district.

3. Findings of Fact

A. Motion for approval. The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

(1) This approval is for Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

(2) The Parcel Map complies with NRS 278.461 through 278.469 relating to the division of land into four or less parcels.

(3) The Parcel Map complies with all Federal, Nevada State, and County regulations pertaining to Parcel Maps and allowed land uses.

(4) The Parcel Map will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.

(5) The conditions under this Parcel Map do not conflict with the minimum requirements in Storey County Code Chapters 17.16 R1 Residential Zones or any other Federal, Nevada State, or County regulations.

(6) The Parcel Map conforms to the 2016 Storey County Master Plan for the Silver Star Neighborhood Area Specific Plan area of Virginia City in which the subject property is located. A discussion supporting this finding for the special use permit is provided in Section 2.C of this staff report.

B. **Motion for denial**. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

(1) This denial is for Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

(2) Substantial evidence shows that the Parcel Map conflicts with the purpose, intent, and other specific requirement of Storey County Code Chapter 17.16 R1 Zoning or any other Federal, Nevada State, or County regulations.

(3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

A. Parcel Map. This approval is for Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

B. General requirements. The Parcel Map must comply with Nevada Revised Statues (NRS) 278.461 through 278.469 relating to the division of land into four or less parcels. The Parcel Map must comply with Federal, State, and County regulations pertaining to Parcel Maps and allowed land uses.

C. **Access and Easements.** All existing streets, easements, and utility easements, whether public or private, must remain in effect and be delineated clearly on the Final Map. No existing easements will be affected by the approval of this Parcel Map.

D. **Taxes Paid.** Prior to the recording of the proposed Parcel Map, the Applicant shall show valid evidence to the Planning Department that all property taxes on the land have been paid for the fiscal year.

E. **Separate Water and Sewer Connections for Each Parcel**. The property owner is required to obtain a will-serve letter from Public Works and separate water and sewer connections for each parcel. Connections must be paid in-full prior to any building permits being issued.

F. **Setbacks and Improvements**. The proposed parcels shall demonstrate conformance with zoning requirements including setbacks, land uses and accessory structures.

G. **Minimum Parcel Area.** No parcel created by this Parcel Map will be less than 5,000 square feet in size or have less than 50-foot street frontage width as required by Storey County Code Section 17.16.050 Minimum Parcel Area and Width Requirements for the applicable R-1 Residential Zones.

H. **Duties of the Parcel Map Preparer.** The preparer of the proposed Parcel Map shall meet all requirements pursuant to NRS 278.468 through 278.469.

I. **Final Map.** The Final Parcel Map must meet the form and contents pursuant to NRS 278.466.

J. **Null and Void.** The Final Parcel Map must be recorded with the Recorder within 12 months of the Board's approval. If the Final Parcel Map is not recorded by that time, this approval will become null and void.

K. **Indemnify.** The Variance Holder agrees to hold Storey County, its officers, and representatives harmless from the costs and responsibilities associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Parcel Map.

5. Public Comment

As of March 10, 2020, Staff has not received any comments from the public.

6. Power of the Board & Planning Commission

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Special Use Permit is advisory only to the Board of County Commissioners and that governing

body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

7. Proposed Motions

This section contains two motions from which to choose. The motion for approval is recommended by staff in accordance with the Findings of Fact under Section 3.A of this report. Those findings should be made part of the approval motion. A motion for denial may be made and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval

In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I (*planning commissioner*), recommend approval of Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

B. Alternative motion for denial

Against the recommendation by staff, but in accordance with the Findings of Fact under Section 3.B of this report, and other findings deemed appropriate by the Planning Commission, I (*planning commissioner*), recommend denial of Parcel Map 2020-013 to create two parcels from one previously consolidated parcel. Originally, the land in question was two individual parcels of land. The two original parcels were consolidated into one legal lot of record in 2013. This Parcel map will divide the consolidated parcel into two individual parcels, returning the land to two parcels. The property is located at 140 South Q Street, Virginia City, Storey County, Nevada and having Assessor's Parcel Number 001-257-08.

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: April 7, 2020 **Estimate of time required:** 10 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/For Possible Action:** First Reading of Bill 115, Ordinance 20-304, text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in section 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

2. **Recommended motion:** In accordance with the recommendation by staff and the planning commission, I [county commissioner] motion to approve the First Reading of Bill 115, Ordinance No. 20-304, text amendments to Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in section 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** The First Reading of an ordinance amending Storey County Code Title 17, Chapter 17.03 Administrative Provisions. Please see attached staff summary.

6. **Supporting materials:** The attached staff summary and attached Bill 115. Additional information including, but not limited to, draft text may also be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:**

   ✓ District Attorney

9. **Reviewed by:**

   KC Department Head Department Name: Planning

   County Manager Other agency review: _____

10. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 9

Bill No. 115

Ordinance No. 20-304

Summary

An Ordinance amending Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in sections 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

Title

An Ordinance amending Storey County Code Title 17 Administrative Provisions to clarify and modify language, and align to NRS noticing requirements in sections 17.03.050, 17.03.060, 17.03.070 and 17.03.080.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

SECTION I: Chapter 17.03 is amended as follows:

Chapter 17.03

Administrative Provisions

Sections:

17.03.010 Powers of the board and planning commission
17.03.020 Administration of this title
17.03.030 Jurisdiction, interpretation, and application
17.03.040 Enforcement
17.03.050 Applications
17.03.060 Application limitations
17.03.070 Notice provisions
17.03.080 Hearings
17.03.090 Advisory action by the planning commission
17.03.100 Decisions by the board
17.03.110 Amendments and revisions of approvals
17.03.112 Expiration of time for development permits.
17.03.114 Extension procedures.
17.03.116 Revocation of development permits.
17.03.120 Fees and charges
17.03.130 Appeal procedures
17.03.135 Design Review
17.03.136 Procedure for Design Review
17.03.137 Procedure for Multi-Family Complexes

17.03.138 Findings
17.03.139 Decision on Design Review and appeal for Multi-Family Complexes
17.03.140 Variances
17.03.045 Abatement of public nuisances
17.03.150 Special uses (conditional uses)
17.03.160 Standard conditions of approval - special use permits and variances
17.03.170 Review or revocation of variance or special use permit
17.03.180 Show cause procedures of variance or special use permit
17.03.200 Administrative permits
17.03.210 Master plan
17.03.220 Zone map amendments and zone text amendments
17.03.230 Planned unit developments

17.03.010 Power of the Board and Planning Commission

The board of county commissioners (the board) has the power to make planning and zoning decisions for Storey County and has created the planning commission to advise the board as provided in title 2 of this code and NRS *Chapters* 278 and 278A.

A. The planning commission must perform all duties and functions delegated to a county planning commission by the terms of NRS 278.010 to 278.630, inclusive, and chapter 2.12 (Planning commission).
B. The planning commission is advisory to the board. The planning commission must hear applications on special use permits, variances, and appeals of administrative decisions, changes to the county master plan, zoning districts, amendments to title *17*~~18~~, and all other appropriate subjects and make recommendations to the board.
C. After considering the planning commission's recommendation the board by majority vote may approve, approve with conditions, or deny the application, or return the recommendation to the planning commission for further consideration.

17.03.020 Administration of this Title

The **Director of Planning** will administer this title. For the purposes of this title, the term "director" means the director of the planning department or the director's designee. The director will determine when any application under his jurisdiction is complete.

17.03.030 Jurisdiction, Interpretation, and Application

The provisions and standards contained in this title are the minimum standards for the allowed or permitted uses, and must not be construed as limiting the legislative discretion of the board to further restrict the allowed or permissive uses or to withhold or revoke permits for uses when the protection of the public health, morals, safety, welfare and protection of surrounding land uses is necessary. Title 17 requirements apply to all properties within the county.

A. Conflict of regulation. When this title imposes a greater restriction upon the use of land, or upon height, bulk, location or use of buildings and structures than is required by existing provisions of law or by private covenant or other restriction, the provisions of this title will prevail. Private covenants or deed restrictions that impose more restrictive conditions than those contained in this title are not superseded by this title or enforced by the county.
B. Rules of interpretation. In interpreting the language of this title, the rules set out in this chapter will be observed unless the interpretation is inconsistent with the expressed

language of this title.

C. Text controls. In case of any conflict between the text of this title and any figure or appendix, the text will apply.

D. Computation of time. The time in which an act is to be performed will be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday, or legal federal or state holiday, the period runs until the next day which is not a Saturday, Sunday, or legal federal or state holiday. The following time-related words will have the meanings ascribed below:

1. "Day" means a calendar day unless otherwise stated.
2. "Week" means 7 calendar days.
3. "Business week" means 5 days starting Monday and ending Friday.
4. "Business day" means 1 or more days beginning on Monday and ending on Friday.
5. "Month" means 1 calendar month.
6. "Year" means a calendar year, unless a fiscal year is indicated.

E. Other clarifications.

1. Tense. Unless clearly indicated to the contrary, words used in the present tense include the future, words used in the plural include the singular, words used in the singular include the plural and words of one gender include the other.
2. Use of certain words. The words "shall," "must," and "will" are always mandatory. The term "may" is discretionary to the subject which it refers. Words and phrases are to be construed according to the common and approved usage in the language, except for technical words and phrases that may have acquired a peculiar and appropriate meaning.
3. Conjunctions. Unless the context clearly indicates the contrary, conjunctions are to be interpreted as follows:

   a. "And" indicates that all connected items or provisions apply; and

   b. "Or" indicates that the connected items or provisions may apply singularly or in any combination.
4. Delegation of authority. Whenever reference is made to the head of a department or to some other county officer or employee, the reference will be construed as authorizing the head of the department or other officer to designate, delegate to and authorize subordinates to perform the required act or duty, unless expressly provided otherwise.

17.03.040 Enforcement

It is unlawful for any person, firm or corporation, whether as a principal, agent, employee, or otherwise, to construct, build, convert, alter, erect maintain a building, structure or any use of property, equipment, or operation in violation of a provision of this title. Any violation of this title is a public nuisance and a misdemeanor offense punishable by a fine of not more than one thousand dollars, or by imprisonment in the county jail for a period of not more than six months, or by both fine or imprisonment. The following procedures apply to enforce the provisions of this title:

A. If a violation of this title occurs, the director may deliver to the party in violation an order to comply with the provision of this title in a time period up to 30 days from the issuance of the order to comply at the director's discretion.

B. The director may also refer notice of the violation to the district attorney who may commence an action to abate, remove and enjoin the violation as a public nuisance or a criminal action in the manner provided by law. A party is guilty of a separate offense for each and every day the violation of this title, or the failure to comply with any order, is committed or otherwise maintained.

C. The conviction and punishment of any person under this section will not relieve the person from the responsibilities of correcting the nuisance.

17.03.045 Abatement of Public Nuisances

A. Upon receipt of a complaint alleging a public nuisance violation of this chapter, the director must determine the validity of the complaint. If the director determines the complaint to be valid, the director must personally deliver to the property owner, or send to the property owner by certified mail, return receipt requested, notice of the violation and notice to abate. The notice of violation and notice to abate must inform the owner of the following:

1. Nature of the violation.
2. The date the owner must abate the condition. If the public nuisance is not an immediate danger to public health, safety, or welfare or was caused by the criminal activity of another person, the owner has a minimum of 30 days to abate the public nuisance.
3. That the owner has a right to request a hearing before the director.
4. That should the owner not prevail at the hearing, the owner may appeal to the commission upon filing a notice of appeal with the commission and payment of a filing fee.

B. A property owner who desires a hearing to challenge the violations set forth in the notice of violation must notify the director in writing prior to the date indicated on the notice to abate. The property owner will be afforded an opportunity to appear before the director and, if not satisfied with the results of the hearing, may request an appeal of the decision by filing a notice of administrative appeal with the office of the board along with the filing fee. The notice of appeal must be placed on the next available board's agenda. The board's decision is final.

C. Should the property owner fail to comply with the terms of the notice to abate, fail to request a hearing within the time specified, fail to prevail at any requested hearing, or fail to file an appeal in the time specified, the county may abate the nuisance on the property and may recover the amount expended by the county for labor and materials used to abate the public nuisance. The expense and any civil penalties are a special assessment against the property where the nuisance is located and this special assessment may be collected as allowed by law.

D. The board may by resolution set civil penalties to be imposed for a public nuisance violation.

17.03.050 Applications

A. Application deadline. An application for a variance, a special use permit, a zoning map amendment, a master plan amendment, zoning code amendment, *road abandonment request,* an amendment to this title, or an appeal of an administrative decision must be filed with the director no later than 5:00 p.m. on the Friday of the third week before the planning commission meeting at which the application will be heard. The director may

under certain exigent circumstances make a determination to accept an application after the deadline but before that planning commission meeting.

B. Determination of a complete application. Within ~~5~~ *3* working days after receiving an application, the director will determine whether the application is complete. If the director determines that the application is not complete, the director must contact the applicant during that time period verbally or in writing and state the application's deficiencies and describe the additional information required. The director may take no further action on the application unless the deficiencies are remedied. An application may only be scheduled for hearing if the director deems the application complete before the agenda deadline date of the planning commission or board without the written concurrence of the applicant, the application is deemed complete. A determination of completeness will not constitute a determination of compliance with other requirements of this title or federal and state regulations.

C. Fee submittal. The required application fee must be tendered to the planning department with the submitted application.

D. Processing of an application. The director will review the application and prepare a report for the planning commission and board recommending approval, approval with conditions, denial, or continuance for re-design. The director will schedule the application for public hearing within the time and in the manner required by this title and state statute. An application for a planned unit development must be preceded by a pre-submittal conference pursuant to section 17.03.230(A).

E. Official filing date. The time for processing and acting on planning commission and board applications as established by NRS or this title will commence on the date that the application is deemed complete. Material modifications of any application by the applicant following the filing of the application will re-establish the time for processing and acting on the application upon the director's determination that the modified application is complete.

17.03.060 Application Limitations

A second or subsequent application substantially similar to an application for a variance, special use permit, zoning map amendment, zoning code amendment, *road abandonment request,* or master plan amendment may not be submitted for review within 1 year of the first application's denial by the board with respect to that parcel or any portion of that parcel under the same ownership or if ownership changes unless the director determines that the subsequent application is substantially different such that the facts supporting the previous denial from the commission or board no longer exists.

Where the holder of an application for a development approval wishes to file a subsequent application for a project that is substantially different from the first project, the new development application will supersede the previous development application, and the applicant must state on the application that, upon approval of the subsequent application, the first development approval is withdrawn.

17.03.070 Notice Provisions

A. Published notice. Unless ~~as~~ otherwise provided by this title *or NRS* Chapter *278,* any application~~,~~ *for* ~~including~~ a zoning map or text amendment, *a* tentative map, *a* planned unit development, *a road abandonment, a* master plan amendment (land use

amendment or element text amendment), ~~that requires~~ *upon which* a public hearing *is required* ~~to be held~~, ~~a~~ notice of the time and place of the hearing must be published in an official newspaper of general circulation in the county at least 10 days before the date for the hearing.

B. Personal notice. Whenever personal notice of a public hearing is required by this title or NRS *Chapter* 278, in addition to the published notice, ~~including an application for a variance, special use permit, zoning map or text amendment, tentative map, planned unit development map, master plan amendment (land use map amendment or element text amendment), appeal of administrative decision or administrative permit,~~ the director will mail notice of the hearing not less than 10 days before the public hearing date to:

1. The applicant;
2. All ~~record~~ *real* property owners~~, shown on the latest equalized assessment rolls,~~ *listed* on the county assessor's records within 300 feet of the exterior boundaries of the subject property, *and* to all ~~property~~ owners of land within ~~such~~ *an* area proposed for re-zoning; *and*
3. Each tenant of a mobile home park if that park is located within 300 feet of the property in question, written notice of the time, place and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change.~~; and~~
4. ~~At least thirty unique property owners nearest the subject site if there are not thirty unique property owners within 300 feet of the subject site.~~ *Notice of Zone Map Amendment/Zoning Boundary change only: In addition to the notice required in items 1, 2 and 3, above, notice must also be sent to the owners as listed on the county assessor's records, of each of the 30 separately owned parcels nearest the subject site to the extent this does not duplicate the notice sent pursuant to subsection B(2) above and to any advisory board which has been established for the affected area by the governing body.*
5. *Electronic Notice. If requested by a party to whom notice must be provided pursuant to paragraphs B(1)to (4), inclusive, by electronic means if receipt of such an electronic notice can be verified, and must be written in language which is easy to understand.*

C. Notice for zoning map and text amendments. In addition to published and personal notice required above, the notice for a zoning map or text amendment must set forth the time, place and purpose of the hearing and a physical description of or a map detailing the proposed change. It must indicate the existing zoning designation and the proposed zoning designation of the property in question, and must contain a brief summary of the intent of the proposed change. If the proposed amendment involves a change in the boundary of the zoning 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 board to indicate his or her approval of or opposition to the proposed amendment.

D. Notice for design review, excluding minor design review. The planning department must send, by first class mail, notice of the filing of an application to all contiguous property owners. Contiguous for the purpose of this section includes those properties that touch the parcel which is subject to the land use request including those which would touch the property when projected across a public or private easement or right-of-way. The notice must contain a brief description of the request, the location of plans for review and a deadline for comment.

E. When notice of a hearing is sent, the board or other entity must retain:
   1. A copy of the notice;
   2. A list of the persons or governmental entities to which the notice was addressed; and
   3. A record of the date on which the notice was deposited in the United States mail postage prepaid, or sent by electronic means.

17.03.080 Hearings

A. The board and the planning commission, when holding a hearing on an application for a variance, special use permit, tentative map, zoning map amendment, *road abandonment request,* master plan amendment, zoning code amendment, or master plan element, must review and judge the merits of an application and find that the regulations and standards in this title and state law are met.
B. Any person or persons may appear at a public hearing and submit evidence, either individually or as a representative of an organization. Each person who appears at a public hearing must state his or her full name, and if appearing on behalf of an organization, state the name and mailing address of the organization for the record.
C. The hearing body may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. Any person appearing as a witness may ask relevant questions of other persons appearing as witnesses, but may do so only through the chairman of the body conducting the hearing and at the chairman's discretion.
D. Continuances. The body conducting the hearing may, on its own motion or at the request of any person, for good cause, continue the hearing to a fixed date, time, and place. The applicant must agree to the continuance when the time limit of the application provided by law would otherwise lapse. An applicant has the right to one continuance upon payment of the established fee, and if required, the cost of additional notice. A continuance requested by the applicant suspends the time lines established in NRS *Chapter 278* and this title. All subsequent continuances may be granted at the discretion of the body conducting the hearing only on good cause shown, and on payment of applicable fees. If the request for continuance is denied, the hearing will be conducted as scheduled on the posted agenda and the fee for the continuance will be refunded to the applicant. If the hearing is continued to a fixed date within 35 days of the original hearing date, additional notice is not required. For all other continuances, additional notice is required in the manner required for the initial hearing. The county will prepare the notice and the party requesting the continuance must pay the costs.

17.03.090 Advisory Action by the Planning Commission

At the conclusion of the hearing, the planning commission must take action on the application

and announce and record its action in the form of a motion. The motion must recite the findings of the planning commission used for its decision and include any reasonably necessary conditions of approval. Notice of the approval, approval with conditions, or a denial must be prepared by the director and sent to the applicant and the board by the agenda cut-off date of the board meeting at which the item will be heard. The decision of the planning commission in approving, approving with conditions, or denying the application is advisory only to the board.

17.03.100 Decision by the Board

The board, when required by this title or NRS *Chapter 278* to take final action on an application, and after receipt of the report from staff and the recommendation from the planning commission, must consider the application as an action agenda item during a normally scheduled meeting of the board and must make a decision on that item based on the findings required by this title. For an approval, a majority of the board must vote to approve the item. A vote of less than a majority or tie vote is considered a denial. Within 5 working days of the date of the board's decision on an application, written notification of the action taken must be filed with the clerk of the board and mailed to the applicant stating the action taken and including all conditions imposed and the times established for satisfaction of conditions. The board may return an application to the planning commission for further consideration if new information, not presented at the planning commission, is submitted to the board. The decision of the board is final.

17.03.110 Amendments and Revisions of Approvals

A. The director, upon submittal of the applicable form, materials and fee, may approve minor amendments to the terms of an approval. Minor amendments or revisions must be authorized in writing by the director and are subject to appeal pursuant to section 17.03.120. Minor revisions that may be authorized are those that appear necessary in light of technical considerations requested by the applicant or the director and are limited to the following:

1. Requests that involve less than 10 percent of the building area or project site area;
2. Requests for adjustments to a planned unit development pursuant to this subsection must comply with the provisions of chapter 17.56 PUD zone, and section 17.03.230;
3. Requests that involve minor changes in color, material, signage, design, landscape material or parking or driveway orientation; or
4. Requests that involve minor design changes which represent improvements to previous engineering, site design or building practices, provided the request does not change the character of the project or result in negative impacts to adjoining properties, drainage facilities, irrigation facilities or rights-of-way.

B. For a special use permit, a minor amendment means a modification to one or more of the conditions of the special use permit which: does not substantially change the use allowed by the special use permit; does not cause substantially greater impacts to surrounding properties than that allowed under the existing special use permit; does not increase area of land, increase the height of any structure, or reduce the required setbacks of any structure under the special use permit; and conforms to the minimum required findings and conditions of approval pursuant to this chapter.

C. All other amendments or revisions are considered major revisions. Where the holder of an approved application for a permit wishes to make a major amendment or revision to

the approval which is not covered by subsections 1 through 3 above, an application including all required materials and fees must be submitted to the planning department and forwarded for approval of the final decision-maker in accordance with the procedures established for the original approval.

17.03.112 Expiration of time for development permits.

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

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

B. If no time limit for satisfaction of conditions is specified in the original or revised approval of the development application, the time is deemed to be two years from the date the approval was granted by the final decision-maker.

17.03.114 Extension procedures.

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

17.03.116 Revocation of development permits.

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

B. Notice must be given in the same manner provided in chapter 17.03. The public hearing must be conducted in accordance with the procedures established in chapter 17.03.

C. Required findings. The hearing body may revoke the development permit upon making one or more of the following findings:

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

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

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

E. A decision to revoke a development permit will become final ten days after the date of notice of the decision was given, unless appealed. After the effective date, all activities pursuant to the permit are deemed in violation of this title. Appeal of the director's decision to revoke the permit may be made to the board and must conform to the procedures established in chapter 17.03. There is no appeal where the board has revoked a development permit. Whenever any application for a development permit is revoked, an application for a development permit for all or a part of the same property must not be considered for a period of one year from the date of revocation unless the subsequent application involves a proposal that is materially different from the previously revoked proposal.

F. The county's right to revoke a development permit, as provided in this chapter, is cumulative to any other remedy allowed by law.

17.03.120 Fees and Charges

A. Before accepting any application required by this title, fees adopted by the board, including service charges, will be charged, collected and deposited with the planning department. A fee sheet will be available to the general public at the main desk of the department.

B. No fee is charged to any nonprofit organization or government agency that is the owner of record of the property involved in an application.

C. All fees are non-refundable except for recording fees when there is no actual recording.

D. The fee for an extension of the expiration date of the special use permit or variance will be the same amount as the original application fee.

E. Unless a continuance is requested by the planning commission or board with the applicant's concurrence, a continuance of a planning commission agenda item to a later meeting is subject to the following: The applicant will be required to pay any fees and the cost of re-noticing the items as required by this chapter or NRS.

F. No fee or part of fee will be refunded if an application is not approved.

G. All application costs must be paid in U.S. cash, by credit card accepted by the planning department, or check payable to Storey County Planning.

17.03.130 Appeal Procedure

A. Appeals of staff decisions. The applicant or any aggrieved party may appeal an administrative decision of the director to the board within 10 days of the written decision. The board may affirm, modify, or reverse the decision.

B. Procedure for filing a staff administrative decision appeal.

1. Standing for filing an appeal. The applicant or any aggrieved party, defined as a person with a legal or equitable interest in the property affected by the final decision or property located within the notice area of the property that is entitled by law to notice, may file an appeal provided that the appellant has participated in the administrative process before filing the appeal.
2. Issues for an appeal. Only issues raised or addressed in the public hearing stage of the administrative process for a project may be raised as a basis for the appeal unless there is substantial new evidence that has become available after the time of the public hearing.
3. Appeal application. All appeal applications must be filed in writing with a letter of appeal to the director.
   a. The letter of appeal and application must be submitted within 10 days of the date of the staff decision for which the appeal is requested.
   b. The appeal letter must include the appellant's name, mailing address, daytime phone number, and must be accompanied by the appropriate fee.
   c. The letter must specify the project or decision for which the appeal is being requested. The letter must indicate which aspects of the decision are being appealed. No other aspect of the appealed decision may be heard.
   d. The letter must provide the necessary facts or other information that support the appellant's contention that the staff erred in its consideration or findings supporting its decision.
   e. The staff may provide the board with a report containing the information used in making the decision
   f. The board must set the appeal for hearing and render its decision on the appeal within 60 days of the submittal of a complete appeal application.
   g. Notice of appeals. Notice of time and place of appeal hearings must meet the requirements of 17.03.070.

17.03.135 Design Review

A. Design review is required for:

1. Subdivision maps (division into 5 or more parcels);
2. Parcel maps (division into 4 or less parcels);
3. Planned unit developments;
4. Multi-family complexes (consisting of 2 or more principal multi-family residential buildings);
5. All uses located within the Industrial Professional zone; and
6. Shopping centers including: commercial neighborhood store or shopping center, commercial regional store or shopping center, commercial shopping center, and commercial super regional store or shopping centers.

B. A building permit may not be issued for a development subject to design review until a design review has been approved in accordance with this chapter and conditions of approval have been met.

C. The following uses are exempt from the design review requirements:

1. Interior remodels which do not result in substantial changes in the character of the occupancy or use, or cause greater impact on traffic, water or sewer usage, as determined by the director.

2. Repair and maintenance of structures or parking areas constrained by the existing structure and not altering existing drainage patterns or easements;

3. Replacement or repair of a structure partially destroyed by fire, flood or other natural occurrence, when the repair of the structure is determined by the director to be consistent with the design, use and intensity of the original structure and consistent with the zoning and master plan designations;

4. Reductions of floor area or building area within a previously approved design review where it is determined that the modification would not result in a significant change in site design, building design, or functionality of the site;

D. The following projects are subject to minor design review:

1. Accessory dwelling units;

2. Expansions of uses listed in subsection (A) above of less than 25% in total floor area, where the proposed expansion will not cause increased impacts on existing infrastructure and public services, as determined by the director;

3. Changes in use requiring additional parking, where the proposed use will not cause increased impacts on existing infrastructure and public services, as determined by the director, and the use is proposed in existing structures;

4. Exterior remodeling;

5. Residential multi-family uses consisting of one building on a single parcel.

6. Wireless communication facilities as defined in section 17.10 Definitions and regulated pursuant to chapter 17.12 General Provisions.

7. Non-commercial telecommunications site, multiple structures, or those not meeting setback or height requirements, including station antenna structures, as defined in section 17.10 Definitions and regulated pursuant to chapter 17.12 General Provisions.

8. All wind energy conversion systems regulated pursuant to chapter 17.12 General Provisions.

17.03.136 Procedure for Design Review

A. The director will review the development application for conformance with the design criteria manual, set forth findings in accordance with section 17.03.137, and make a recommendation to the board and planning commission based on those findings. The board and planning commission will consider those findings and make other findings necessary before the decision on the development application.

17.03.137 Procedure for review for multi-family complexes

A. The director is the final decision-maker for design review applications. Design review applications are subject to administrative review and do not require a public hearing.

B. The director will review the submitted site and building plans of the multi-family complex for conformance with the design criteria manual, set forth findings in accordance

with section 17.03.137, and make a final decision.

17.03.138 Findings

When considering development applications and applications for design review, the director, board, and planning commission, as applicable, must evaluate the impact of the design review on and its compatibility with surrounding properties and neighborhoods to ensure the appropriateness of the development and make the following findings:

A. The proposed development is consistent with the goals and policies embodied in the master plan and the general purpose and intent of the applicable district regulations.

B. The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development and neighborhoods. These improvements or modifications may include but are not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, and the addition of landscaping, walls, or both.

C. The proposed development will not generate pedestrian or vehicular traffic that will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

D. The proposed development incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding neighborhood streets.

E. The proposed development incorporates features to minimize adverse effects, including visual impacts, of the proposed development on adjacent properties.

F. The project is not located within an identified archeological/cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.

G. The proposed development complies with all additional standards imposed on it by the particular provisions of this chapter, the Storey County design criteria and improvement standards and all other requirements of this title applicable to the proposed development and uses within the applicable base zoning district; and

H. The proposed development will not be materially detrimental to the public health, safety, convenience and welfare, or result in material damage or prejudice to other property in the vicinity.

17.03.1359 Decision on design review and appeal for multi-family complexes

A. The director must approve, deny, or conditionally approve the design review of multi-family complexes within 30 working days of submittal of building and site plans. Appeal of

the director's decision is to the planning commission and board.

B. The director in his sole discretion may refer the design review of multi-family complexes for review by the planning commission and decision by the board in lieu of rendering a decision on the site plans. In such event, the planning commission must consider the design review at a public hearing and render its recommendation to the board in accordance with section 17.03. The decision of the board must be in accordance with section 17.03. The planning commission and the board must apply the standards for design review set forth in this title.

17.03.140 Variances

A variance to the provisions of this title may be granted by the board with action by the planning commission where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the lot or parcel, the strict application of the regulations enacted under this title would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon the owner of property.

A. Authority. The board with action by the planning commission has the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a variance.

B. Application requirements. Any person requesting a variance must file a complete application signed by all owners of record of the subject property. The application must include the information, site plans and other materials determined by the director to be necessary to support the requirements of this section.

C. The applicant for a variance must bear the burden of proof by a preponderance of the evidence to provide facts supporting the proposed variance. Additionally, the applicant must provide adequate information in the application and on the site plan to substantiate the findings required in this section.

D. Investigation. The director will investigate each application to assure that the proposal is consistent with the requirements of this title and make a report to the planning commission and board.

E. Hearing. The planning commission must hold a public hearing on the application and make a recommendation to the board. The board must hold a public hearing no later than 65 days after the acceptance of the complete application. The hearing must meet the requirements of section 17.03.080 (Hearings).

F. Findings. The board's approval, approval with conditions, or denial of a variance must be based on findings that indicate that the proposed use is appropriate in the location for which it is approved. The findings listed in this subsection are the minimum to be cited in an approval; the board may include additional findings in their decision. The board and planning commission must cite findings of fact in the motion for approval, approval with conditions, or denial. At a minimum, the approval must be based on findings that the proposal:

1. That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification;
2. That the granting of the application is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
3. That the granting of the application will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

G. Decision. Following the public hearing, the board must decide if there is adequate evidence in the record to support the findings required by this section and must approve, conditionally approve, modify, continue within allowed time frames, or deny the variance request.

H. Request for continuance. The applicant may request a continuance of any application for a variance to a future meeting under section17.03.080 (D).

I. Expiration. Where an approved variance is not developed or exercised within 12 months of the date of approval, unless additional time is granted by the board with action by the planning commission, based upon consideration of the specific circumstances of the project, then without further action, the permit will be null and void and no development activity may be made of the property except on the granting of a new variance.

J. Force majeure. In the event that circumstances beyond the control of the applicant result in a failure to complete variance conditions and construct or commence the project prior to the expiration date, the applicant may request in writing an extension of the expiration date. The director may approve a 1 year extension from the original date of variance expiration with the option of the director to have the planning commission and board review the extension. The board with action by the planning commission may approve additional extensions of time subject to the consideration of the continued appropriateness of the variance and may be subject to the imposition of additional conditions to ensure that the project permitted by the variance does not adversely impact other properties in the area or the public interest.

K. Limitations on Variances. A variance may not be granted that allows a land use prohibited in the zoning district in which it is located or that changes any boundary of the district; nor may any variance be granted that changes the permitted residential density of a zoning district. *Variances may not be granted for failure to comply with use restrictions. The grant of a variance does not change the zoning ordinance or underlying zoning of the parcel and may only be granted upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district. The hardship may be demonstrated where, due to special circumstances applicable to the property, strict application of the development code's standards or requirements would deprive the property of privileges enjoyed by others in the vicinity. A self-imposed hardship is not a legitimate ground or reason for a variance approval.*

17.03.150 Special Use Permit (conditional use)

The board, with action by the planning commission, may approve, approve with conditions, continue within the allowed timeframe, or deny uses expressly listed as "uses subject to permit". Uses in each zone not expressly listed as allowed, permitted, or subject to permit are prohibited unless the board, with action by the planning commission, determines that the proposed use is consistent and similar to the uses listed in the zone. The following requirements apply to the approval of a special use permit:

A. Application requirements. Before a special use permit may be considered for approval, the proposed use must be listed as a use requiring a special use permit in the regulatory zone or must be a similar use as determined by the board with action by the planning commission. For the purpose of accepting an application, the director will determine whether the use is similar to those expressly listed as requiring a special use permit. The similar use must not deviate from the pattern of other conditional uses in the zone.

B. Investigation. The director will investigate each application to assure that the proposal is consistent with the requirements of this title and make a report to the planning commission and board.

C. Hearing. The planning commission must hold a public hearing after acceptance of a complete application, and notice of the hearing is given as required by this chapter and the NRS. The board must hold a public hearing no later than 65 days after the acceptance of the complete application. The hearings must meet the requirements of section 17.03.080 (Hearings).

D. Findings. The approval of a special use permit must be based on findings that indicate that the proposed use is appropriate in the location for which it is approved. The findings listed in this subsection are the minimum to be cited in an approval; the board and planning commission may include additional findings in their decision. The body must cite findings in its motion for approval or findings for their motion for denial. The applicant will bear the burden of proof by a preponderance of the evidence to provide facts supporting the proposed special use permit. At a minimum, the approval must be based on findings that the proposal:

1. Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.
2. The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.
3. Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map, or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.
4. The proposed use in the proposed area will be adequately served by and will impose no undue burden or any of the improvements, facilities, utilities, or services provided

by the county or other governmental agency having jurisdiction in the county. Where improvements, facilities, utilities, or services are not available or adequate to service the proposed use in the proposed location, the special use permit applicant must, as part of the application and as a condition of approval of the proposed special use permit, be responsible for establishing ability, willingness, and binding commitment to provide the improvements, facilities, utilities, infrastructure, and services in sufficient time and in a manner consistent with the county master plan, this title, and all plans, programs, maps, and ordinances adopted by the county to guide its growth and development. The approval of the special use permit must be conditioned upon the improvements, facilities, and services being provided and guaranteed by the applicant.

E. Conditions of approval. The board with action by the planning commission may require conditions under which the lot or parcel may be used or the building constructed if the use may otherwise be incompatible with other existing and potential uses within the same general area or will constitute a nuisance or will overburden public services, improvements or facilities.

F. Expiration and revocation. Where a use permitted by a special use permit is not started on the property within 24 months from the date of approval, unless additional time is granted by the board with action by the planning commission based upon consideration of the specific circumstances of the project, then the special use permit will be null and void without any further action and the use will not be allowed except by the granting of a new special use permit.

G. Extension and expiration of permits. If circumstances beyond the control of the applicant result in a failure to complete applicable special use permit conditions and construct or commence the use prior to the expiration date, the applicant may request in writing an extension of the expiration date. The written request for an extension must be received by the planning department within 30 days prior to the expiration date. The application must state the reason for the extension request. The board with action by the planning commission may approve a 24 month extension of the special use permit and may approve up to 2 additional extensions for time subject to the consideration of the continued appropriateness of the special use permit. The extended special use permit may be subject to additional conditions imposed by the board to ensure that the activity permitted by the special use permit does not adversely impact other properties in the area or the public interest. If construction work is involved, the work must actually commence within the stated period and be diligently pursued to completion. A stoppage or lapse of work for a period of 12 months will invalidate the special use permit. When any use of land, building, structure or premises established under the provisions of this chapter has been discontinued for a period of 24 consecutive months, it is unlawful to again use the land or building or premises for the discontinued use unless a subsequent special use permit is authorized and issued.

H. Re-application. No person, including the original applicant, may reapply for a similar special use permit on the same land, building, or structure within a period of 1 year from the date of the final decision by the board of such previous application.

17.03.160 Standard Conditions of Approval - Special Use Permits and Variances

The standard conditions contained in this section are imposed on applications requiring

discretionary approval. Additional conditions may be imposed by the board or recommended by the planning commission. The minimum required conditions are as follows:

A. Conformance with plans. All development must be substantially in accordance with the site development plans submitted with the application.

B. Conformance with regulations. All on- and off-site improvements must conform to federal, state, and county regulations and the regulations by any applicable political subdivision of the county.

C. Period to commencement. The use for which the permit or variance is approved must commence within 24 months of the date of final approval. A single, 1 year extension of time must be requested in writing to the planning department 30 days prior to the permit or variance expiration date. The permit or variance will become null and void if the project applicable to the permit is not initiated within 1 year and no extension granted.

D. Department conditions. The recommended conditions of approval from each county department must be incorporated as conditions to the final permit or variance, provided that the recommended conditions comply with federal, state, and county regulations.

17.03.170 Review or Revocation of Variance or Special Use Permit

The director may refer a variance or a special use permit to the board for a show cause hearing on revocation based on any of the following reasons or occurrences. The procedure for the show cause hearing will be as required in section 17.03.180.

A. A failure or refusal of the applicant to comply with any of the terms or conditions of a variance or special use permit.

B. Any misrepresentation made in the application for a variance or special use permit.

C. Any act or failure to act by the applicant or its agents or employees directly related to the variance or special use permit which would be a violation of federal or state law or a violation of the county code.

D. Any act or failure to act by the applicant or its agents or employees directly relating to the variance or special use permit that creates or tends to create a public nuisance or is detrimental to the public health, safety and welfare.

E. A failure to return a signed copy of the notice of decision, 21 days from receipt of said notice.

F. Further use of a revoked variance or special use permit is a violation of this title and will be punishable as provided in this title.

17.03.180 Show Cause Procedures of Variance or Special Use Permit

A. Procedures. The board upon its own motion, or upon the sworn complaint in writing of any person, or upon information presented by the director, must request that the director investigate the conduct of any applicant under this chapter to determine whether grounds for revocation of any variance or special use permit exist. The director will notify the applicant of any investigation prior to any public hearing.

B. Investigation. After an investigation, if the director determines that a ground for revocation of a variance or special use permit exists, the director will issue and serve the applicant with an order to show cause why the variance or special use permit should not be revoked. The order must contain:

1. A statement directing the applicant or applicant's representative to appear before the board at a particular time and place; provided, that the applicant has at least 10 days

from the date of service of the order before the scheduled meeting;

2. A statement of the grounds for revocation;
3. A statement that the applicant will have an opportunity to be heard, present witnesses and respond to any witnesses against him or her;
4. Service on the applicant must be made by personally delivering a copy of the order to show cause to one of the persons whose name is on the application or by mailing a copy of the order by certified mail with return receipt to the applicant's address on the variance or special use permit.

C. Hearing for show cause.

1. At the public hearing on the order to show cause, the applicant and the complainant, if there is one, may present testimony, question witnesses, and be represented by attorneys. If the hearing is pursuant to a complaint, the complainant must also be present.
2. After the conclusion of discussion and public testimony, the possible actions that the board may take include taking no action on the permit, revocation, or modification of permit conditions of approval, limited suspension, and continuance with the concurrence of the applicant.

D. Appeal of show cause determination. A show cause decision from the board is final. Any further appeal of the board's decision must be in the court of competent jurisdiction within the time frames established by NRS *Chapter 278.*

17.03.200 Administrative Permit

A. Purpose. The purpose of administrative permits is to provide for the method of reviewing proposed uses which possess characteristics that have the potential to adversely affect other land uses, transportation, or facilities in the vicinity. The director may require conditions of approval necessary to eliminate or reduce any adverse effects of a use.

B. Applicability. This chapter authorizes the director to review and render final decisions on zoning matters and development proposals identified within this chapter as requiring an administrative permit pursuant to the provisions of this section.

C. Permit Required. An administrative permit is required in the following cases:

~~1. A proposed accessory structure pursuant to chapter 17.12 General provisions, with a total size that is more than 50 percent and up to 75 percent of the size of the primary structure.~~

1. ~~2.~~ Small operations exploration and mining.

~~3. Sign permits.~~

D. Process. Applications for administrative permits may be initiated by the property owner or the property owner's authorized agent. Applications must be filed with the planning department. A request for an administrative permit must include a site plan which clearly delineates the location and characteristics of the proposed use. No administrative permit will be processed until the director determines the application is complete.

E. Decision. This title delegates certain authority for making decisions relating to various development applications, uses and similar approvals to the director. The director must review all complete applications, make necessary findings and render a decision on the application. The director may refer the application to the planning commission for its

review and recommendation to the board prior to rendering a decision on the application.

F. Findings. In approving an administrative permit, the director must make the findings shown in section 17.03.150 (D).

G. Notification and appeal of decision by director. The director must notify the applicant within 10 working days of the decision. The decision of the director may be appealed to the board by the applicant or any aggrieved party pursuant to section 17.03.130 (Appeal procedure).

17.03.210 Master Plan

A. Purpose. The purpose of this section is to provide for the adoption of the county master plan and amendments to the master plan.

B. Administration. The members of the board and the planning commission and county employees, in the performance of their functions, may enter upon any land and make examinations and surveys. The board has power as may be necessary to enable it to fulfill its function and carry out the provisions of this title and NRS *Chapter* 278. The county master plan is, but is not limited to, a map, together with charts, drawings, diagrams, schedules, reports, ordinances, or other printed or published material, or any one or a combination of any of the foregoing.

C. Requirements for application.

1. Initiation of amendments. The director, planning commission, the board, or a property owner, resident or the owner of a business located in the county may initiate a request for amendment of the master plan map. The planning department is responsible for reviewing and processing of master plan map amendments. A public hearing must be scheduled before the board within 45 days of the planning commission action.
2. Types of applications. There are 3 types of applications for master plan amendments. The first type is an amendment to the master plan map. The second type of amendment is an amendment to the master plan text. The third type of amendments to the county master plan is adoption of a new master plan element.
3. Completeness. No master plan amendment may be processed until the information necessary to review and decide upon the proposed master plan amendment or element is determined to be complete by the director.
4. Timing of amendments. The county master plan land use map may be amended by the board no more than 4 times per year on a schedule to be determined by the director. Master plan elements or other master plan text amendments may be submitted in any month during the calendar year for adoption.
5. Frequency of amendment. Only the board 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.

D. Concurrent processing of applications. If a proposed project requires more than 1 application under the provisions of this title, the applications may be filed at the same time and processed concurrently.

E. Elements of the master plan. The master plan, along with accompanying maps, charts, drawings, diagrams, schedules and reports may include, but is not limited to, the subject matter appropriate under state law for the county and as the basis for the physical

development of the county.

F. Master plan maps. The official county zoning maps may serve as the maps for the county master plan.

G. Adoption of master plan by planning commission. The planning commission must prepare and adopt a comprehensive, long-term master plan for the physical development of the county. This plan will be known as the county's master plan and must be prepared so that all or portions of the plan may be adopted by the board as the basis for the development of the county for a set, reasonable period of time. The planning commission must hear the request within 120 days of a determination of completeness by the department. The adoption of the master plan, or of any amendment, extension or addition, must be at a public hearing and be by resolution of the planning commission carried by the affirmative votes of not less than two-thirds of the total membership of that body. The resolution must refer expressly to the maps, descriptive matter, and other matter intended by the planning commission to constitute the plan or any amendment, addition or extension, and the action taken must be recorded on the map and plan and descriptive by the identifying signatures of chair of the planning commission and its secretary or clerk.

H. Adoption of master plan by board. Following receipt of a certified copy of the resolution approving a master plan amendment or the report referencing the decision and findings of the planning commission, the board must schedule a public hearing to decide whether to adopt the amendment. The planning department must provide published notice of the hearing. For amendments to the master plan map or text amendments seeking a change to minimum parcel size policy provisions, personal notice must also be given. The board may continue a master plan application pursuant to section 17.03.080(D). The board may adopt all or a portion of the master plan for all or any part of the county. If the board's approval proposes to change the plan, as adopted by the planning commission, it must refer the proposed changes to the planning commission for its report and recommendation. The planning commission must review the proposed changes at a regularly scheduled meeting and file an attested copy of its report and recommendation with the county clerk within 40 days after referral from the board. Failure to file the report and recommendation within the time period is considered to be an approval of the proposed changes to the amendment.

I. Findings of fact. The board and planning commission must, at a minimum, make the following findings of fact in the decision:

1. Consistency with the existing master plan.

a. Adoption. The proposed amendment is in substantial compliance with the goals, policies and action programs of the existing master plan.

b. Denial. The proposed amendment is not in substantial compliance with the goals, objectives and policies and action programs of the existing master plan.

2. Compatible land uses.

a. Adoption. The proposed amendment will provide for land uses compatible with existing adjacent land uses, and will not adversely impact the public health, safety or welfare.

b. Denial. The proposed amendment would result in land uses which are incompatible with existing adjacent land uses, and would adversely impact the public health, safety or welfare.

3. Response to change conditions.

a. Approval. The proposed amendment addresses changed conditions that have occurred since the plan was adopted by the board and the requested amendment represents a more desirable utilization of land.

b. Denial. The proposed amendment does not identify and/or address changed conditions of an area that have occurred since the plan was adopted by the board and the requested amendment does not represent a more desirable utilization of land.

4. Desired pattern of growth.

a. Approval. The proposed amendment will promote the desired pattern for the orderly physical growth of the county and guides development of the county based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

b. Denial. The proposed amendment does not promote the desired pattern for the orderly physical growth of the county. The proposed amendment does not guide development of the county based on the projected population growth with the least amount of natural resource impairment and/or the efficient expenditure of funds for public services.

5. When forwarding its recommendation to the board for adoption of a master plan element, the planning commission must, at a minimum, make the following findings of fact:

a. That the proposed element is consistent with and not contrary to the present elements of the existing master plan.

b. That the element must be part of the existing county master plan, which is a comprehensive long-term document for the physical development of the county, and that the element will now supplement the other master plan elements that compose the county master plan.

c. The proposed element will promote a desired pattern of orderly, physical growth of the county or guide a particular type of development activity within the county, which will be based on the projected population growth with the least amount of impairment to natural resources and available water, and the efficient expenditure of funds per public services.

J. Implementation of the master plan by the board. Whenever the board has approved the master plan, upon recommendation of the planning commission, the board must determine a reasonable and practical means for implementing the master plan. The master plan will serve as a pattern and guide for the kind of orderly physical growth and development of the county that will cause the least amount of natural resource impairment and will conform to the county growth plan as a basis for the efficient expenditure of funds, relating to the subject elements of the master plan. The board may adopt and use procedures as may be necessary for the implementation of this title.

17.03.220 Zone map amendments and zone text amendments

A. Amendments. This title and land use map incorporated as part of this title may be amended, repealed, or supplemented by the board.

B. Application requirements. Amendments to this title or the county official zoning district map may be initiated by the board, planning commission, or an owner of a lot or

parcel, by filing with the director a signed and complete application, accompanied by the necessary fee, and application materials including all evidence and facts required under this section. Pursuant to section 17.03.230(C) only the owner of a lot or parcel may initiate an application for a zone change to PUD.

C. Investigation. The director will investigate each application to assure that the proposal is consistent with the requirements of this title.

D. Notice. Notice of time and place of planning commission and board hearings must meet the requirements in section 17.03.070.

E. Hearing.

1. The planning commission must hold a public hearing with notice required under ~~chapter~~ *section* 17.03.0~~6~~70 on all proposed amendments within 65 days following the acceptance of a complete application.
2. When the planning commission deems it proper, it may consider other property for change in addition to that sought in the application; provided, that proper notice has been given pursuant to this section.

F. Findings. The applicant for a zoning map amendment or zoning code amendment has the burden of proof to provide facts supporting the proposed zoning map amendment or zoning text amendment. The applicant must provide adequate information in the application and on the site plan to substantiate the findings required in this section. The submitted application for a PUD must also provide adequate information to substantiate the findings required in section 17.03.230(C). The board and planning commission must determine if the information presented is adequate to support their decision.

1. Before a zoning map amendment may be recommended for approval, the applicant must provide evidence to the board and planning commission concerning the physical use of land and zoning currently existing in the general vicinity, and which have occurred in the previous 5 year time period, and describe:
   a. How the proposal will impact the immediate vicinity.
   b. How the proposal supports the goals, objectives and recommendations of the master plan concerning land use and related policies for the neighborhood where the subject project is situated.
   c. If the proposed amendment will impact properties within that use district.
   d. Any impacts on public services and facilities, and availability of water resources.
   e. How the application for a PUD will conform to the findings in section 17.03.230(C).
2. The planning commission, in forwarding a recommendation to the board for approval of a zoning map amendment or zoning code amendment must make the following findings of fact:
   a. That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan;
   b. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;
   c. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

d. That the approval of a PUD will conform to the findings in section 17.03.230(C).

G. Planning commission decision. Following the public hearing, the planning commission will determine if there is adequate evidence in the record to support the facts and findings required by this section and must recommend to the board to approve or deny the request for the zoning map amendment or zoning text amendment.

H. Report to the board. The planning commission must forward to the board a copy of its decision and findings recommending approval, modification, or denial of the proposed zoning map amendment or zoning code amendment.

I. Action by the board. The board must consider the evidence relating to the map amendment or the ordinance containing the proposed zoning text amendment at a hearing noticed and conducted in accordance with the provisions of this title and state law. The zone text amendment must be adopted by ordinance and the map amendments must be adopted in accordance with all procedures established in this code. Following approval of the ordinance or map amendment, the zoning text or the official zoning map must be changed to reflect the amendment.

17.03.230 Planned unit developments

A. Pre-application submittal conference. Before an application for a PUD zone may be accepted, a pre-submittal conference including the developer (or an authorized representative) and county staff, including staff from other regulatory agencies or jurisdictions if necessary, is required to discuss proposed plans and review submittal requirements. The purpose of the pre-application submittal conference will be to determine if and how the proposed development may satisfy the required findings of fact under sections 17.03.230(C).

B. Application. An application for a PUD will include a request for zone change from the existing zone to PUD; a tentative map pursuant to section 17.03.220; and a PUD development plan which conforms to the provisions of chapter 17.56 (PUD zone). All of these required components will be submitted together in the application.

C. Approval and required findings. As required by NRS 278A.500, the grant or denial of tentative approval by minute action must set forth the reasons for the grant, with or without conditions, or for the denial, and the minutes must set forth with particularity in what respects the plan would or would not be in the public interest including, but not limited to, findings on the following:

1. In what respects the plan is or is not consistent with the statement of objectives of a planned unit development.
2. The extent to which the plan departs from zoning and subdivision regulations otherwise applicable to the property including, but not limited to, density, bulk and use, and the reasons why these departures are or are not deemed to be in the public interest.
3. The ratio of residential to nonresidential use in the planned unit development.
4. The purpose, location and amount of the common area in the planned unit development, the reliability of the proposals for maintenance and conservation of the common area, and the adequacy or inadequacy of the amount and purpose of the common area as related to the proposed density and type of residential development.
5. The physical design of the plan and the manner in which the design does or does not

make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.

6. The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood in which it is proposed to be established.

7. In the case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interests of the public, residents and owners of the planned unit development in the integrity of the plan.

8. The extent to which the plan is consistent with the statement of objectives of a planned unit development contained in the master plan, this chapter, and chapter 17.56 (planned unit development zone).
9. The extent to which the proposed development is compatible and preserves the character and integrity of adjacent developments and communities.
10. The extent to which the quality or quantity of available water for surrounding communities and uses will be protected.
11. The extent to which sufficient quality and quantity of water serving the anticipated number of units in the proposed development, including phasing and at completion, will be provided.
12. The extent to which the development conforms to existing topography (including hillside and ridgeline environments as described in chapter 17.56), water bodies, natural drainage systems, and other geographic features.
13. The extent to which the development provides for an orderly and creative arrangement of land uses that include a variety of housing types, commercial services, employment and recreational opportunities, and common area for recreational purpose (passive and active), or any combination thereof, designed to achieve a balanced integration of economic, housing, or redevelopment opportunities.
14. The extent to which the development mitigates adverse impacts such as traffic, noise, odors, visual nuisances, light pollution, or other similar adverse effects to adjacent developments and communities.
15. Where the development plan proposes development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public, residents, and owners of the PUD and the integrity of the plan and, where the plan provides phases, the period in which the application for each phase must be filed.
16. Where there is deviation from the standard ordinance requirements in the county code, how it will be warranted by the design and additional amenities incorporated in the development which offers certain unusual redeeming features to compensate for any allowed deviations.
17. The extent to which the development will not result in material prejudice or diminution in the value of surrounding properties, and will not endanger the health, safety, and general welfare of the community.

D. Development standards. The development standards, density, and intensity of uses of a planned unit development are regulated pursuant to chapter 17.56.

E. Revision procedure. A public hearing by the planning commission and board is required before revisions to the plan which involve changes in land use, expansion, or intensification of development, or changes in the standards of development may be approved. The director will determine on a case-by-case basis those instances when a

revision to the development plan is necessary, following the same procedure as the original application. Changes in an approved development plan which do not involve changes in land use, expansion, or intensification of development or changes in the standards of development may be approved by the director if the changes are consistent with the purposes, character, and conditions of the development plan.

F. Development schedule, modification, or revocation.

1. An application for a PUD approval must be accompanied by a development schedule, including a phasing plan, indicating the dates when applications for final approval of all sections of the plan are to be filed and, in the case of tentative maps, dates that the final map or series of final maps must be recorded by.
2. Minute order. As required by NRS 278A.510, unless the time is specified in an agreement entered into pursuant to NRS 278.0201, if a plan is granted tentative approval, with or without conditions, the board must set forth, in the minute action, the time within which an application for final approval of the plan must be filed or, in the case of a plan which provides for development over a period of years, the periods within which application for final approval of each part thereof must be filed. The board may add, delete, or modify the conditions of approval for a planned development when approving a modification to a development schedule.
3. Tentative approval will be revoked for areas included in the plan for which final approval has not been given if:
   a. The landowner elects to abandon the plan or any part thereof, and so notifies the director in writing; or
   b. The landowner fails to file application for the final approval within the required time.

G. Identification. Each planned development overlay must be numbered, the first adopted being shown on the zoning map as Planned Development (1) and each zone subsequently adopted being numbered consecutively.

H. Compliance with chapter, application restricted. Compliance with any requirement contained in this chapter must not be construed to relieve the applicant from compliance with subdivision regulations, building code requirements, or any other applicable regulations of the county, except when they are modified in the approval process.

I. Status of plan after tentative approval.

1. Tentative approval of a planned development plan does not qualify the plan for recording or authorize development or the issuance of any building permits. Recording and development of the planned development requires filing and approval of substantially conforming applications for final approval of each phase within the time specified in the order approving the application for tentative approval.
2. A plan which has been approved by the board as submitted, or which has been given tentative approval with conditions which have been accepted by the developer, may not be modified, revoked or otherwise impaired by action of the county pending an application for final approval without the consent of the developer or assigns, except as provided in subsection 17.03.230(J).

J. Revocation of tentative approval. Tentative approval may be revoked in accordance with the procedures set forth in this chapter and the portion of the area included in the plan

for which final approval has not been given is subject to the current provisions of this title if:

1. The developer elects to abandon the plan or any part thereof, and so notifies the county in writing; or
2. The landowner fails to file applications for final approval within the times established in the tentative approval.

K. Procedure for final map approval.

1. Application requirements. An application for final approval of a phase or phases of a PUD must be submitted to the director on forms provided by the planning department within the times specified by the tentative approval of the plan. The application for final approval may be for all the land included in a tentatively approved plan or, to the extent set forth in the tentative approval, for a particular phase of the plan. The application must be accompanied by the maps, drawings, specifications, fees, covenants, easements, conditions and forms of performance security required in the tentative approval or otherwise required by law. If a tentative map is submitted with the development plan, a final map must be approved at or before final plan approval.
2. Determination of substantial compliance. The director will review the application for final approval and all information submitted and determine whether it complies with the approved tentative plan. The plan submitted for final approval will not be in substantial compliance if any modification:
    a. Varies the proposed gross residential density or intensity of use;
    b. Varies the proposed ratio of residential to non-residential use;
    c. Involves a reduction of the area set aside for common area or involves the substantial relocation of the area;
    d. Substantially increases the floor area proposed for non-residential use;
    e. Substantially increases the total ground areas covered by buildings or involve a substantial change in the height of buildings;
    f. No longer meets adequate public facilities standards of this title, except for minor modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary; or
    g. Is not accompanied by proof of satisfaction of conditions imposed as prerequisites to final plan approval.
3. Approval of applications which substantially comply with tentative approval. The director must approve a final plan if it is in substantial compliance with the plan as tentatively approved.

L. Procedure for determining noncompliance.

1. If the final plan as submitted for final approval is found by the director not to be in substantial compliance with the plan as tentatively approved, the director must, within 30 days of the date of filing of the application for final approval, notify the developer in writing the particular ways in which the plan is not in substantial compliance with the tentative approval.
2. The developer may:
    a. Treat the notification as a denial of final approval;
    b. Re-file the plan in a form which is in substantial compliance with the plan as

tentatively approved; or

c. File a written appeal request with the director that a hearing be set before the commission on the application for final approval.

3. If the developer elects the alternative set forth in subsection (2)(ii) or (2)(iii) above, the developer may re-file the plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which the developer was authorized by the tentative approval to file for final approval, or 30 days from the date the developer receives notice of the refusal, whichever is the latter.
4. The public hearing must be held within 30 days after the request for the hearing is made by the landowner. Notice must be given and the hearing must be conducted as prescribed by this chapter. Within 20 days after the conclusion of the hearing, the commission must either grant final approval of the plan or deny final approval of the plan. The grant or denial of final approval of the plan must contain the findings of fact required in in this section and chapter 17.56.

M. Certification, filing and recording of approved plan. A plan, or any part, which has been given final approval, must be certified without delay by the county and filed of record in the county recorder's office before any development occurs in accordance with the plan. The county recorder must not file for record any final plan unless, if required by the provisions of this code, a final map has been approved, the certificates of approval as required under NRS 278.377 have been provided, or the map is accompanied by evidence that the approvals were requested more than 30 days before the date on which the request for filing is made, and that the approval has been refused.

N. Effect of recordation. After the final map is recorded for the PUD, or any phase, the zoning and subdivision regulations of this code apply to the land subject to the final map or phase only to the extent that these regulations have been incorporated in the final plan as recorded.

O. Development schedule, revocation or amendment. The PUD project must be initiated within 3 years of approval of the final map. If the PUD owner fails to meet this deadline and the approved schedule, including phasing, the board may initiate proceedings to reclassify the property back to its original underlying zone(s) and revoke the approval of the development plan, or amend the required timelines and phasing in the development plan.

Proposed on _____, 2020.

by Commissioner _____

Passed on _____, 2020.

Vote: Ayes: Commissioners _____

_____

_____

Nays: Commissioners _____

_____

Absent Commissioners _____

_____
Marshall McBride, Chair
Storey County Board of County Commissioners

Attest:

_____
Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2020.

Staff Report
Bill 115, Ordinance 20-304
Amendments to Storey County Code Title 17.03, Administrative Procedures

Title 17.03, Administrative Provisions is proposed to be amended to include the following modifications:

- Added Design Review to sections list on front page of chapter. This section had previously been included but the chapter title was missing from the list.
- Added road abandonments to the listings of project applications.
- Altered Notice Provision to match with Nevada Revised Statutes (NRS) language.
- When NRS is stated, added Chapter 278 for clarity of NRS chapter reference.
- Added additional explanation for variance language
- Clarified the administrative permits the County requires.
- Other minor and clarifying language, typographical errors and numbering modifications.

The revised language can be found online at http://storeycounty.org/517/Updates and also within proposed Bill 115.

Staff and the Planning Commission initiated public workshops and discussions on Title 17 as a whole starting in October 2018. In total, the Planning Commission held 13 public meetings, including locations at the Storey County Courthouse, the Virginia City Senior Center, the Mark Twain Community Center, the Highlands Fire Station and the Lockwood Senior Center.

The Planning Commission at their March 19, 2020 meeting discussed the final recommendation for the proposed modifications. There was one public participant at this meeting who inquired about a definition and a process listed in Title 17.03 of which no changes are proposed. Explanations of the existing code language was provided. At the end of the discussion, the Planning Commission recommended approval of the proposed modifications to Title 17.03 with a unanimous vote of 7 ayes, 0 nays.

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: April 7, 2020 **Estimate of time required:** 10 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/For Possible Action:** First Reading of Bill 116, Ordinance 20-305, text amendments to Storey County Code Title 17 Zoning adding, modifying clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

2. **Recommended motion:** In accordance with the recommendation by staff and the planning commission, I [county commissioner] motion to approve the First Reading of Bill 116, Ordinance No. 20-305, text amendments to Storey County Code Title 17 Zoning adding, modifying clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** The First Reading of an ordinance amending Storey County Code Title 17, Chapter 17.10 Definitions. Please see attached staff summary.

6. **Supporting materials:** The attached staff summary and attached Bill 116. Additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:**

   ✓ District Attorney

9. **Reviewed by**:

   KC Department Head Department Name: Planning

   County Manager Other agency review: _____

10. **Board action:**

   [ ] Approved [ ] Approved with Modifications
   [ ] Denied [ ] Continued

Agenda Item No. 10

Bill No. 116

Ordinance No. 20-305

Summary

An Ordinance amending Storey County Code Title 17 Zoning adding, modifying, clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

Title

An Ordinance amending Storey County Code Title 17 Zoning adding, modifying, clarifying, elaborating upon, and consolidating land use and other terms and definitions in Chapter 17.10 Definitions and as those terms and definitions apply to and within all regulatory zones and all other provisions in the zoning ordinance. Terms include Animal Boarding and Grooming, Beekeeping, Crisis Care Facility, Equestrian Establishments, Veterinary Services and Wild Animal Keeping.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

SECTION I: Chapter 17.10 is amended as follows:

Chapter 17.10

Definitions

Sections:
17.10.020 Definitions generally
17.10.030 Definitions

17.10.020 Definitions Generally

For the purpose of this title certain terms and words are defined as follows in this chapter. When consistent with the context, words used in the present tense include the future; words in the singular include those in the plural and the plural the singular; any words of gender include the opposite gender; "building" includes "structure," the word "shall" is mandatory, not discretionary, the word "person" includes "firm," "association," "corporation," "partnership," and "natural person"; the word "used" includes the words "arranged," "designed," or "intended to be used"; and the word "construct" includes the words "erect," "reconstruct," "alter," "move-in" and "move-upon."

17.10.030 Definitions

Abandoned. The term "abandoned" concerns a building or use that has not been developed or maintained for a period of time as stated in an ordinance.

Access Way. The term "Access Way" means a clear and unobstructed usable approach of at least 12 feet in width (residential), 15 feet in width (one-way commercial), and 24 feet in width (two-way) from a development upon land to a public travelled way located within a public right-of-way. An access may also be secured by means of an easement from the owner of a parcel or lot proposed to be built upon for the full length of the parcel or lot extending to a public right-of-way, or any other access way suitable or acceptable to the community and public works departments.

Accessory building, detached. The term "Accessory Building, Detached" refers to a building on the same lot as the principal building, but which is physically separated from the principal building, subordinate to the principal building, and devoted to a use incidental to that principal building. A detached accessory building is not designed, configured, or used for human habitation. The detached accessory building may be connected to water and wastewater systems. ~~subject to the recordation of a deed restriction prohibiting the use of the structure as a dwelling unit (see accessory dwelling unit)~~. Installation of both a kitchen, and bathroom with bathtub or shower, changes the building to an accessory dwelling unit and, therefore, subject to the respective regulations. Typical uses include detached garages, outbuildings, storage buildings, barns, sheds, etc.

Accessory dwelling unit~~, attached.~~ The term "Accessory Dwelling Unit, ~~Attached~~" refers to *both attached and detached living space* ~~a portion of a principal single-family dwelling or other principal building that is~~ designed to be used as a separate and completely independent dwelling unit by family members *on the same parcel*. An ~~attached~~ accessory dwelling unit includes, at a minimum, a permanent kitchen and a bathroom with bathtub or shower *and*. It may also include habitable space for living, sleeping, and eating. The ~~attached~~ accessory dwelling is separated from the principal unit by walls, ceilings, or other permanent partitions, or by non-habitable space such as a garage, and is accessed through a lockable door between the partitions, or by a separate entrance from the principal living space. ~~Incidental and accessory features such as trellises, decks, patios, breezeways, tunnels, or bridges connecting the non-principal dwelling space to the principal structure, are not considered as establishing an attached dwelling unit.~~ Typical uses include guesthouses, second units, granny-flats, mother-in-law quarters, etc.
~~**Accessory dwelling unit, detached.** The term "Accessory Dwelling, Detached" refers to a separate and completely independent dwelling unit on the same lot as the principal single-family dwelling or other principal building, but which is physically separated from the principal building. A detached accessory dwelling unit includes, at a minimum, a permanent kitchen and a bathroom with bathtub or shower. It may also include habitable space for living, sleeping, and eating. The accessory dwelling unit is considered detached regardless of whether it is connected to the principal single-family dwelling by trellises, decks, patios, breezeways, tunnels, or bridges. Typical uses include guesthouses, second units, granny flats, mother-in-law quarters, etc.~~
Accessory Use. The term "Accessory use" means customarily incidental and subordinate to the principal use of the land located on the same lot or parcel.
Active Permit. The term "Active Permit" means a permit issued by a federal, state, or county agency that is active, has not expired, has not been revoked or suspended, and otherwise remains in effect.
Adjacent. The term "Adjacent" for the purpose of determining setback requirements for adjacent uses means that a parcel is "adjacent" if it is contiguous with the principal parcel on any side or it is situated opposite the principal parcel across a public or private right-of-way or access easement. Where an adjacent parcel is located across a public or private right-of-way or access easement, setback requirements will be measured from the centerline of the right-of-way or access easement.
Administrative Offices. The term "Administrative Offices" refers to public or private offices, firms, or organizations that are primarily used for the provision of executive, management, or administrative services. Examples of these services include recordkeeping, secretarial service, telephone answering, photocopying and reproduction, and similar services customarily associated with the functions of administrative offices.
~~**Adult Bookstore.** The term "Adult Bookstore" means an establishment which merchandises printed material, movies, or videos depicting, describing, or otherwise featuring specific sexual activities and anatomical areas.~~
Adult Motion Picture Theatre. The term "Adult Motion Picture Theatre" means a motion picture theatre whose program, during the time of its operation, contains one or more motion pictures which are rated "X" by the Code Rating Administration of the Motion Picture Association of America, or are not rated, and whose program depicts, describes, or otherwise features specific sexual activities and anatomical areas.

Adult Retail. The term "Adult Retail" means an establishment which merchandises items and paraphernalia, *including printed material, movies, or videos*, depicting, describing, or otherwise featuring specific sexual activities and anatomical areas.

Aggregate Facility. The term "Aggregate Facility" refers to an operation involved in the exploration and mining of rock quarries, gravel pits, and sand or earth borrow pits, as well as the excavation, extraction, and processing of sand, diatomite, gravel, and rock. The term does not apply to the excavation, extraction, beneficiation, and processing of locatable metallic minerals, such as gold, silver, lead, copper, zinc, nickel, etc., nor to that of non-metallic minerals, such as fluorspar, mica, limestone and gypsum, titanium, heavy mineral placer form, and gemstones.

Agricultural, Animal Production. The term "Agricultural, Animal Production" use type refers to the raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or commercial basis, but excluding commercial slaughtering. Typical uses include grazing, ranching, dairy farming, and poultry farming, but do not include intensive agricultural uses.

Agricultural, Entertainment and Commercial. The term "Agricultural Entertainment and Commercial" use refers to agriculturally-themed visitor-oriented services, sales, and attractions "with an agricultural theme" conducted in conjunction with on-site agricultural uses. The use includes but is not limited to retail and food sales, as well as the provision of tasting rooms, reception facilities, and outdoor entertainment areas.

Agricultural, General. The term "Agricultural General" refers to the use of land for agricultural purposes, including farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry, and the accessory uses of packing, treating, and storing of produce; provided that the operation of the accessory uses is secondary to that of the principal agriculture use. The term does not include agricultural industrial uses, laboratories or testing facilities involving the use of animals, recreation, hunting clubs, fishing clubs, and other similar uses types.

Agricultural, Industrial Use. The term "Agricultural, Industrial Use" refers to the following agriculturally related uses that are classified as industrial uses related to agriculture:

A. **Agricultural, Intensive Use.** The term "Agricultural, Intensive Use" also known as "factory farms", means the process of raising large numbers of livestock and other animals in close confinement at high stocking density. Typical uses include, but are not limited to, dairies, hog farms, poultry production, slaughterhouses, shipping terminal holding pens, concentrated feeding or holding of large numbers of animals, and areas for storage or processing of manure, garbage, or spent compost materials. The term does not include animal husbandry.

B. **Agricultural Packing and Processing.** The term "Agricultural Packing and Processing" refers to the washing, storing, crating, rendering, packing and other functional operations such as drying, field crushing, or other preparation of meats and other agricultural products, but not those which are incidental to the general agricultural use, custom animal processing, or butcher shops;

C. **Slaughter House.** The term "Slaughter House" refers to any land, building, place, or establishment in which animals are slaughtered, eviscerated, or dressed and that is not incidental to general agricultural use or custom animal processing;

D. **Stockyard and Livestock Auction Facilities.** The term "Stockyard and Livestock Auction Facilities" refers to any land, building, place, or establishment in which agricultural goods or livestock are sold by auction.

Agricultural, Research. The term "Agricultural Research" use refers to establishments conducting experimental research relating to the production of agricultural commodities. The

research typically involves experimentation relating to landscaping techniques, seed choice, use of herbicides and pesticides, and other agricultural practices. Agricultural Research use does not include laboratories or testing facilities involving the use of animals for experimentation purposes.

Alley. The term "Alley" refers to a public way permanently reserved as a secondary means of access to abutting property and not intended for general traffic circulation.

Allowed Use. The term "Allowed Use" refers to a land use that is allowed under this title and does not require a special use permit.

Alter. The term "Alter" refers to change, make different, adjust, or modify in any way.

Amusement Park. The term "Amusement Park" refers to a permanent facility or park where amusement rides are available for use by the public. An amusement ride means a type of ride, including, without limitation, any mechanical or aquatic device that carries passengers over a fixed or restricted route primarily for the passengers' amusement. The term includes any ride propelled by its passengers or gravity if it is located in an amusement park. The term does not include temporary carnivals, circuses, or fairs that are transient (lasting no longer than 30 days in one year) in nature.

***Animal Boarding and Grooming Facilities**. The term "Animal Boarding and Grooming Facilities" refers to a commercial establishment for the care and maintenance of animals. Animal boarding includes the care and keeping of domestic and/or customary farm animals on a temporary basis where the main residence is elsewhere. The zoning district differentiates between indoor and outdoor facilities.*

Animal Processing, Custom. The term "Animal Processing, Custom" refers to slaughtering, eviscerating, dressing, or processing an animal or processing meat products for the owner of the animal or of the meat products, if the meat products derived from the custom operation are returned to the owner of the animal.

Animal Processor, Custom. The term "Animal Processor, Custom" refers to a person who slaughters or processes non-inspected meat (not under continuous inspections by either the Nevada Department of Agriculture or the U.S. Department of Agriculture for slaughter house activities) for the owner of the animals, and returns the majority of the meat products derived from the slaughter or processing to the owner. "Custom processor" does not include a person who slaughters animals or processes meat for the owner of the animals on a farm or premises of the owner of the animals.

Apartment Building. The term "Apartment Building" refers to a building of multi-family dwelling units devoted to monthly rental, lease arrangements, and other long-term residential use.

Archery Range. The term "Archery Range" refers to an indoor or outdoor facility in which the art, skill, or sport of shooting with a bow and arrow or similar devices are conducted.

Assessment Work. The term "Assessment Work" refers to the minimum amount of work required annually by the Bureau of Land Management to keep an unpatented mining claim active.

Attached. The term "Attached" means joined in close association.

Auction Facilities. The term "Auction Facilities" refers to any land, building, place, or establishment in which goods are sold by auction.

Automotive, Repair. The term "Automotive Repair" use refers to the use of a location principally for the repair of automobiles and light-duty motor vehicles. The use includes the sale, installation, and servicing of automobile equipment and parts. Examples of Automotive Repair use include muffler and brake shops, automobile repair garages, automobile glass shops, and similar establishments.

Automotive, Sales and Rentals. The term "Automotive Sales and Rentals" use refers to on-site sales or rentals of automobiles, motorcycles, or similar light-duty motor vehicles. It also includes incidental repair, maintenance, washing, and detailing. Examples of this use include new and used car dealerships and rental agencies.

Automotive, Service Station. The term "Automotive, Service Station" refers to a place where automobiles or similar light-duty motor vehicles are fueled or serviced, including gasoline sales and service station, retail sales of petroleum products from the premises of the establishment and incidental sales of tires, batteries, replacement items, lubricating services, and minor repair services. An automotive service station may be combined with a convenience store, a retail establishment that is principally devoted to providing the public with a convenient location to purchase consumable products quickly and in which the area open to the public is less than 5,000 square feet in area.

Automotive, Washing and Detailing. The term "Automotive, Washing and Detailing" use refers to the washing, detailing, waxing, or cleaning of automobiles or similar light-duty motor vehicles. Facilities may use manual washing methods (including coin operated) or production line conveyor mechanisms.

Auto wrecking and dismantling yard. The term "Auto Wrecking and Dismantling Yard" use refers to a facility where land is used for the salvage, dismantling or wrecking of motor vehicles and trailers required to be registered under the motor vehicle laws of the state of Nevada, including premises used in the storing, keeping, buying, selling, or dealing in salvaged, dismantled, wrecked, inoperative or disabled vehicles or integral parts of component materials thereof, and the storage, sale or dumping of dismantled, partially dismantled or wrecked inoperative vehicles and trailers, or parts thereof. Automobile dismantling does not include the incidental storage of inoperative or dismantled vehicles in connection with the legal operation of an automobile repair garage or automobile body and fender repair shop while waiting for repair. Uses must not be carried out within the required setback. A natural or artificial screen or buffer must be provided to obscure the subject use from the street and from any opposite or adjoining properties.

Banner. The term "Banner" refers to a long strip of flexible material that is suspended between two points for the purpose of decoration, advertising, or otherwise displaying a message.

Batch Plant (Concrete and Asphalt). The term "Batch Plant" refers to an industrial facility used for the production of concrete or asphalt or related products, used in building or construction, including facilities for the administration or management of the business, the stockpiling of bulk materials used in the production process of finished products manufactured on the premises, and the storage and maintenance of required equipment but not including the retail sale of finished concrete or asphalt products. A facility operating for less than 1 year is considered a temporary batch plant; a facility operating for a period of 1 year or more is considered permanent.

Bed and Breakfast Inn. The term "Bed and Breakfast Inn" refers to a facility with sleeping rooms and dining accommodations, limited to stays of less than 30 days in a one year period, designed to serve paying guests within a single-family residential dwelling, with required parking to be located off-street.

Beekeeping. *The term "beekeeping" shall refer to the keeping of bees as a commercial enterprise. The beekeeping and all associated activities and facilities shall be consistent with Chapter 552 of the Nevada Revised Statutes.*

Billboard. The term "Billboard" refers to a device, display, sign, or structure, or part thereof with a sign face measuring more than 128 square feet in area, that is a freestanding sign with a single pedestal support, that is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event, or location; or to express a point of view, by any means, including words, letters, figures, design, symbols, fixtures, colors, illuminations.
Board. The term "Board" refers to the Storey County Board of County Commissioners.
Brew Pub. The term "Brew Pub" also known as a "micro-brewery" refers to an establishment that is 10,000 square-feet or less in area that manufactures malt beverages and sells those malt beverages for on-site consumption, off-site consumption, and retail sale.
Brewery. The Term "Brewery" refers to an establishment exceeding 10,000 square-feet in area that manufactures malt beverages, but does not sell those malt beverages for on-site consumption.
Building. The term "Building" refers to any structure having a single or common roof supported by columns or walls. The following definitions also relate to buildings:
A. **Building Height.** The term "Building height" means the vertical distance from the average grade level to the highest point of the structure.
B. **Building Line.** The term "Building line" means a line between any street right-of-way, either existing or future, and any building, or parts of a building or structures which may be erected or altered on a lot, parcel or tract of land.
C. **Public Building.** The term "Public building" means a building owned and operated, or owned and intended to be operated, by a public agency of the United States of America, of the State of Nevada, the county, or any political subdivision thereof.
D. **Building Site.** The term "Building site" means the ground area of a building or buildings, together with all open spaces which are required.
Building Department. The term "Building Department" refers to the department designated by the board to administrate building codes and other county functions, and enforce and administrate the county regulations of those functions.
Building Face. The term "Building Face" refers to all window and solid wall area of a building in one place or elevation.
Building Permit. The term "Building Permit" refers to a written approval issued by the county building official pursuant to the latest edition of the adopted building code by the county that authorizes construction of any building or structure.
Butcher Shop. The term "Butcher Shop" refers to a custom retail meat cutting operation. This definition does not include slaughter houses but does include other accessory uses such as frozen food lockers.
Casino. The term "Casino" refers to any place where gaming is operated or maintained, except that "casino" may not be construed to include any place devoted to 15 or less slot machines or video gaming devices.
Cemetery. The term "Cemetery" refers to land used for burial of the dead, including columbariums, mausoleums, and mortuaries.
Changeable Copy Sign. The term "Changeable Copy Sign" refers to any sign in which the portrayed message or image can be changed without manually replacing the sign's face.
Childcare Facility. The term "Childcare Facility" refers to child daycare use and refers to the use of a building or a portion of the building for the care (day or night) of individuals less than 18 years of age. The use includes nursery schools, preschools, daycare centers, and similar uses, including those provided in a private dwelling but excluding those classified as "education

facilities." For the purposes of this title, child daycare refers to services providing non-medical care to any number of children in need of personal services or supervision on less than a 24-hour basis.

Children's Camp. The term "Children's Camp" as used in NRS 444 means any land with permanent buildings, tents or other structures established or maintained as living quarters where both food and lodging or the facilities are provided for minors, operated continuously on a 24-hour basis for a period of 5 days or more each year for religious, recreational or vacation purposes, either free of charge or for a fee, but does not mean any camps owned or leased for individual or family use, penal or correctional purposes, or places operated for the education, care or treatment of children.

Civic Holiday. The term "Civic Holiday" refers to any seasonal holiday officially recognized by the United States of America, the State of Nevada, or Storey County.

Coffee House. The term "Coffee House" (also includes "coffee shop") refers to a business establishment with the principal business of preparing and selling coffee, lattes, mochas, tea, or other non-alcoholic beverages for on-site and off-site consumption. The use may also include facilities for the purchase and consumption of light meals.

Columbarium. The term "Columbarium" refers to a room or building with niches in which funeral urns are stored.

Commercial, Convenience Store. The term "Commercial, Convenience Store" refers to a retail establishment that is principally devoted to providing the public with a convenient location to purchase consumable products quickly and in which the area open to the public is less than 5,000 square feet.

Commercial, Neighborhood Store or Shopping Center. The term "Commercial, Neighborhood Store or Shopping Center" refers to a commercial establishment or group of commercial establishments that: measures between 30,000 and 100,000 square feet in gross area; provides for the commercial sale of convenience goods (food, drugs, sundries, etc.) and personal services (laundry and personal dry cleaning, barbering, shoe repair, etc.) for the day-to-day living needs of the immediate area; and has a supermarket as the principal tenant. A typical example is a principal grocery supermarket grouped with or attached to secondary stores.

Commercial, Principal Grocery Store. The term "Commercial, Principal Grocery Store" refers to a commercial retail establishment that: measures between 5,000 and 30,000 square feet in gross area; is principally devoted to the sale of food for human consumption off the premises; and derives a substantial amount of its gross revenue from
such sales, regardless of whether the store also derives revenue from the sale of non-food items.

Commercial, Regional Store or Shopping Center. The Term "Commercial, Regional Store or Shopping Center" refers to a commercial establishment or group of commercial establishments that: measures between 100,000 and 250,000 square feet in gross area; provides for the commercial sale of convenience goods (food, drugs, sundries, etc.) and personal services (laundry and dry cleaning, barbering, shoe repair, etc.) for the day-to-day living needs of the immediate area; and has a supermarket as the principal tenant. Typical examples include department stores, warehouse shopping clubs, "Big Box" retail stores (which may be grouped with or attached to secondary stores and non-retail services such as automobile service and fueling, as permitted in the zone).

Commercial, Shopping Center. The term "Commercial, Shopping Center" refers to a building or group of buildings housing two or more commercial businesses on a unified tract as opposed to a lease lot or parcel subdivided out of the original larger shopping center parcel. Businesses

within the shopping center are typically arranged as in-line tenants, operating under one banner as a pedestrian oriented environment or having common ingress and egress points. Its occupants provide or are intended to provide for the retail sale of goods and services to the public, including postal services, etc.

Commercial, Store. The term "Commercial, Store" refers to a freestanding commercial retail establishment that is not included as part of a shopping center.

Commercial, Super Regional Store or Shopping Center. The term "Commercial, Super Regional Store or Shopping Center" refers to a commercial establishment or group of commercial establishments that measures between 250,000 and 1,000,000 or more square feet in gross area and provides an extensive variety of general merchandise. These centers typically include one or more "anchor" department stores as principal tenants that generally have individual square footage of 100,000 square feet each.

Common Area. The term "Common Area" refers to a parcel or parcels of land or area of water or a combination of land and water with the site designated for a planned unit development that is designed and intended for the general use or enjoyment of the residents of residential developments and land occupants in commercial or industrial developments. Common area may contain complementary structures and improvements (clubhouses or social halls) necessary and appropriate for the benefit and enjoyment of the residents. Perimeter setbacks may be included in common area.

Community Center. The term "Community Center" refers to a public or quasi-public building designed for and used as a social, recreational, and cultural center. As part of such recreation centers, there may be included craft rooms, music rooms, game rooms, meeting rooms, and auditoriums, swimming pools, and kitchen facilities. Kitchen facilities and dining areas may be used for special events only.

Community Garden. The term "Community Garden" refers to the growing or production of vegetables, fruit, and other produce not for profit and through collaborative community effort on private or public land. Accessory structures incidental to gardens such as protective fences, greenhouses, and other buildings below 200 square feet in area are also considered elements of community gardens.

Comstock Historic District. The term "Comstock Historic District" refers to the area within the boundaries set forth by NRS 384 and regulated pursuant to both that chapter and section 17.12.049 of the county code.

Condominium. The term "Condominium" refers to an estate in real property consisting of an undivided interest in common in portions of a parcel of real property together with: (a) a separate interest in space in a residential, industrial, or commercial building or industrial or commercial building on such real property, such as, but not restricted to, an apartment, office or store; and (b) a separate interest in air space only, without any building or structure, to be used for a mobile home. A condominium may include in addition to a separate interest in other portions of such real property. The estate may, with respect to the duration of its enjoyment, be either an estate or inheritance or perpetual estate, and estate for life, or an estate for years.

Construction Sales and Services. The term "Construction Sales and Services" use refers to establishments or places of business primarily engaged in construction activities and incidental storage, but that are also engaged in the retail or wholesale sale from the premises of materials used in construction. This use does not include retail sales of paint, fixtures, and hardware, nor does it include other uses classified as automotive and equipment use. The use does not refer to

actual construction sites. Examples of Construction Sales and Services use include businesses that sell or rent tools and equipment, as well as building material stores.

Corrections Facility. The term "Corrections Facility" refers to a community correctional center, conservation camp, minimum security prison facility, or other place for the confinement, care, and training of persons convicted of crimes. The term does not include Corrections Institutions.

Corrections Facility, Private. The term "Corrections Facility, Private" refers to a Corrections Facility operated by a private organization.

Corrections Institution. The term "Corrections Institution" refers to a medium or maximum security prison facility designed for the confinement and care for persons convicted of crimes within a secure perimeter.

Corrections Institution, Private. The term "Corrections Institution, Private" refers to a Corrections Institution operated by a private organization.

Crematorium. The term "Crematorium" refers to a facility where a furnace is used to incinerate human or animal remains and reduce them to ashes.

Crisis Care Facility, Permanent. The term "Crisis Care Facility, Permanent" refers to a building or part of a building used principally (for more than 7 days in a 30-day period) to provide crisis intervention shelter for children and adults who are immediate victims of crime, abuse, or neglect. The term does not include homeless shelters, *halfway houses or healthcare facilities or uses defined as healthcare facilities as identified in this chapter. The facility shall be operated by a public or quasi-public agency and shall follow the Best Practices of the Nevada Coalition to End Domestic and Sexual Violence and federal guidelines associated with the Family Violence and Preventative Services Act. The public or quasi-public agency shall be recognized (either by formally receiving funds from or being endorsed) by the Nevada Attorney General's Office. The maximum occupancy for the facility shall be appropriate for the size of the structure and the agency shall maintain liability insurance for the proposed use.*

Crisis Care Use, Temporary. The term "Crisis Care Use, Temporary" refers to a building or part of a building used temporarily (7 or less days in a 30-day period) to provide crisis intervention shelter for children and adults who are immediate victims of crime, abuse, or neglect. The term does not include homeless shelters, *halfway houses or healthcare facilities or uses defined as healthcare facilities as identified in this chapter. The facility shall be operated by a public or quasi-public agency and shall follow the Best Practices of the Nevada Coalition to End Domestic and Sexual Violence and federal guidelines associated with the Family Violence and Preventative Services Act. The public or quasi-public agency shall be recognized (either by formally receiving funds from or being endorsed) by the Nevada Attorney General's Office. The maximum occupancy for the facility shall be appropriate for the size of the structure and the agency shall maintain liability insurance for the proposed use.* The use may include a private residence or other building used in accordance with this definition and the applicable zones.

Cultural and Library Services. The term "Cultural and Library Services" use refers to non-profit, museum-like preservation and exhibition of objects of permanent interest in any of the arts and sciences. Examples of such use include gallery exhibitions of artwork and library collections of books, manuscripts, etc., for study and reading.

Cupola. The term "Cupola" refers to an ornamental structure placed on the top of a larger roof or dome.

Dairy Farm. The term "Dairy Farm" refers to a type of indoor or outdoor commercial farm specializing in the raising of dairy cows for milk and dairy production.

Designee. The term "Designee" refers to a department, official, or employee of the county authorized by the Storey County Board of Commissioners to administer and enforce established certain county codes and regulations.

Development Agreement. The term "Development Agreement" refers to an agreement between a governing body and a party that has a legal or equitable interest in land largely or completely undeveloped that is entered into upon the application of the party wishing to develop the land. The purpose of such an agreement is to enable the governing body to distribute equitably the cost of developing infrastructure for the land. This cost distribution will be based on an analysis of the need for infrastructure prepared pursuant to NRS 278.

Development permits. The term "development permits" refers to permits classified as zoning permits, land division permits or building permits. A. Zoning permits include approval of any of the following types of development applications: 1. Master plan map amendment. 2. Master plan text amendment. 3. Zoning map amendment, including applications for overlay district. 4. Zoning text amendment. 5. Special use permit. 6. Variance. 7. Modification (major or minor) to an approved permit. 8. Planned unit development. 9. Temporary use permit (special event permit). B. Land division permits include approval of any of the following types of development applications: 1. Tentative or final subdivision map.
2. Tentative or final parcel map. 3. Tentative or final land division map. 4. Variances or exceptions to such maps.
5. Modifications (major and minor) to such maps. 6. Boundary line adjustment.
7. Lot consolidation. 8. Reversions to acreage. 9. Amended map filings.
10. Small operations mining permit. C. Building permits include approval of any of the following types of development applications: 1. Building permit. 2. Site improvement permit. 3. Encroachment permit.
4. Grading permit.

Directional Sign. The term "Directional Sign" refers to a directional sign which displays a type of service that is provided away from the local arterial or collector roadways and when the traveler must change direction from one public right-of-way to another to reach a business, event, or attraction. With exception of traffic regulatory devices installed by a governmental agency, directional signs may only be located where the traveler must change direction from one public right-of-way to another to reach the attraction for which the sign represents.

Director. The term "Director" refers to the director of the planning, building, or other department as designated by the Board of County Commissioners.

Docent. The term "Docent" refers to a casual teacher or lecturer who leads guided tours or shares popular knowledge and history with an open audience.

Dog Park. The term "Dog Park" refers to a public or private park where dogs may run off-leash within an area completely surrounded by a fence.

Dry Cleaning, Personal. The term "Dry Cleaning, Personal" refers to a facility of less than 5,000 square feet where customers drop off and pick up clothing or other textile articles for dry cleaning, dry dying, cleaning and spotting, and stain removing.

Dry Cleaning, Plant. The term "Dry Cleaning, Plant" refers to establishments primarily engaged in the provision of large-scale (5,000 square feet or more) dry cleaning, dry dying, and cleaning of clothing and other textile article.

Dwelling Unit. The term "Dwelling Unit" refers to any building or portion of a building used exclusively by one or more persons for permanent (thirty days or more) residential purposes. A dwelling unit must have, at a minimum, a permanent kitchen, and a bathroom with a bathtub or

shower. A dwelling unit may also include habitable space for living, sleeping, and eating. The term does not include hotels, motels, boarding or rooming houses, transient lodging, corrections facilities and institutions, or health care institutions and facilities.

Easement. The term "Easement" refers to an interest in real property that entitles the easement holder to use the land of another in a specified manner. A negative easement is an interest in real property that entitles the easement holder to prevent another from using land in a specified manner.

Equestrian Establishments. *Establishments providing for care and activities associated with horses, both wild and domesticated. Uses include riding arenas, refuge and sanctuaries (private or public) where the horses are contained, commercial boarding facilities and other facilities open to the public. This definition does not include the keeping of horses on private residential properties which is regulated by the residential zoning district.*

Exploration. The term "Exploration" means any activity which involves disturbance of the existing environment, including core drilling, construction of access roads, excavation, blasting, seismic testing or similar activities conducted while in search of mineral deposits, precious metals, gemstones, sand, gravel, stone or any other material to be mined or extracted.

Factory Built Building. The term "Dwelling, Factory Building" means a single-family dwelling built in accordance with NRS 461 and in compliance with the standards for single-family residential dwellings of the building code most recently adopted by the International Conference of Building Officials. Factory-built housing is defined at NRS 461.080 as a residential building, dwelling unit or habitable room that is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on-site in accordance with regulations adopted by the division, but does not include a mobile home or recreational vehicle park trailer.

Fairground. The term "Fairground" refers to land devoted to entertainment on a seasonal or temporary basis, including grandstands, barns, and other accessory buildings normally associated with such use.

Family. The term "Family" means a group of individuals, not necessarily related by blood, marriage, adoption, or guardianship, living together in a dwelling unit as a single housekeeping unit under a common housekeeping management plan based on an intentionally structured relationship proving organization and stability.

Farmer's Market. The term "Farmer's Market" refers to an indoor or outdoor area providing retail sales booths for numerous merchants of produce and plant life. Arts and crafts booths may be permitted as accessory to a produce or plant life booth. A flea market or open-air- market may not be considered a farmer's market.

Feed Store. The term "Feed Store" means a retail establishment that is principally devoted to the sale of food for domestic animal consumption off the premises and that derives a substantial amount of its gross revenue from such sales, regardless of whether the store is also devoted to or derives revenue from the sale of non-food items such as tack supplies.

Filming Activity. The term "Filming Activity" refers to the taking or making of any motion picture or still photograph, but not including the filming or photographing for news media purposes or filming or photography that is not for distribution or sale for commercial purposes. The term does not include filming or photography related to adult uses, adult themes, or other pornographic themes.

Final Map. The term "Final Map" refers to a map prepared in compliance with NRS 278 and the county code and placed on record in the office of the county recorder.

Flag Pole. The term "Flag Pole" refers to a pole on which a flag is raised; also called a flagstaff.
Flashing Light. The term "Flashing Light" refers to a rhythmic and arrhythmic light in which the total duration of light in each period is clearly shorter than the total duration of the dark.
Flea Market. The term "Flea Market" refers to a building or outdoor area where secondhand goods, articles, and antiques are temporarily or intermittently offered for
barter, trade, or retail sale to the general public. The term does not include garage or yard sales, or any other retail establishment otherwise defined or classified in this chapter.
Fluorescent Lighting. The term "Fluorescent Lighting" refers to a gas-charged source of light, sometimes in the form of a Compact Fluorescent Light (CFL), in which electricity is used to excite mercury vapors. The excited mercury atoms produce short-wave ultraviolet light that then causes a phosphor to fluoresce, producing visible light. Neon lighting (See definition for Neon Lighting.) will not be considered as fluorescent lighting for the purposes of the title.
Fortune Teller. The term "Fortune Teller" refers to any person who practices, teaches, or professes to practice the business of astrology, hypnotism, or the psychic arts and sciences for a fee, gift, donation, or other compensation. Psychic arts and sciences include but are not limited to palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic and necromancy.
Fossil Fuels. The term "Fossil Fuels" includes non-renewable sources of energy, such as oil, coal, natural gas, and other naturally-occurring substances created from dead carbon-based organic material that has been deposited, compressed, decomposed, and fossilized over very long periods of time.
Fraternal Organization. The term "Fraternal Organization" also known as a "fraternity" refers to a group of people formally organized for a common interest, usually one based in culture, religion, or entertainment. Such organizations typically hold regular meetings, observe rituals, and establish formal written membership requirements.
Funeral Parlor. The term "Funeral Parlor" refers to a place of business devoted exclusively to activities related to the preparing and arranging for the funeral, transportation, and burial or other disposition of human deceased remains.
~~**Game Farm.** The term "Game Farm" refers to boarding or breeding of exotic animals generally considered wild or not normally domesticated.~~
Gaming. The term "Gaming" refers to all games of chance played for money or for checks or tokens redeemable in money, including those played on electric or mechanical devices such as slot machines.
Gaming Establishment. The term "Gaming Establishment" refers to any place where gaming is operated and maintained. "Gaming" or "gambling" means all games of chance played for money or for checks or tokens redeemable in money, including those played on electric or mechanical devices such as slot machines.
Gaming, Limited. The term "Gaming, Limited" refers to an establishment that contains no more than fifteen slot or video gaming machines (and no other games or gaming devices), where the operation of the slot or video machine is incidental to the primary business of the establishment.
Gaming, Non-Restricted. The term "Gaming, Non-Restricted" refers to an establishment that is used or is intended to be used for the conducting of gaming activities for which a non-restricted gaming license is required. For example, the term includes any establishment whose gaming operations consist of 16 or more slot machines, or any number of slot machines together with any other game, gaming device, race book, or sports pool establishment.

General Improvement District (GID). The term "General Improvement District (GID)" refers to a political subdivision organized or proposed to be organized pursuant to NRS 318.
Golf Course. The term "Golf Course" refers to a tract of land laid out for playing at least 9 holes of the game of golf and improved with trees, greens, fairways, and obstacle hazards. A golf course may include a clubhouse, driving range, and necessary and incidental structures.
Golf Course, Miniature. The term "Golf Course, Miniature" known as "miniature golf" refers to an area of land or a building, structure, or premises or any part, operated for profit or gain as a commercial place of amusement in which facilities are provided to simulate the game of golf or any aspect of it on a small scale. The term does not include a golf driving range.
Government Agency: The term "Government Agency" refers to an administrative unit of federal, state, or local government.
Government Services. The term "Government Services" use refers to all types of uses by federal, state, or local governments (including municipal corporations, general improvement districts, and other political subdivisions of federal, state or local governments). Typical uses include offices, courts, jails, maintenance yards, equipment or materials storage, and legislative facilities, but not those uses that are classified as major public facilities, safety services, or utility services.
Grade. The term "Grade" (ground level) is the average of the finished ground level at the center of all walls of a building.
Groundwater Recharge. The term "Groundwater Recharge" refers to the process by which water is transmitted underground to an aquifer.
Gun Repair. The term "Gun Repair" refers to the repair of firearms.
Gun Shooting Range. The term "Gun Shooting Range" refers to a facility for the sport of shooting at stationary or moving targets, including skeet shooting, to test skill and accuracy in rifle, pistol, or shotgun shooting. These facilities may be owned or operated by corporations, associations, or individuals.
Gun Show. The term "Gun Show" refers to a temporary (less than one week) indoor event at which ammunition and firearms, ranging from small handheld pistols to large pieces of artillery, are displayed, exhibited, and sold to the general public.
Gun Store. The term "Gun Store" refers to a retail establishment where ammunition and firearms, ranging from small handheld pistols to large pieces of artillery, are displayed, exhibited, and sold to the general public.
Gunsmith. The term "Gunsmith" refers to a person who repairs or builds firearms. Gunsmith does not include industrial or large-scale manufacturing of firearms.
Guyed Tower. The term "Guyed Tower" refers to a monopole or lattice tower that is tied to the ground or other surface by diagonal cables known as guy wires.
Halfway House. The term "Halfway House" refers to a facility providing supervision or detention, or both, for residents making the transition from institutional to community living, or a facility for recovering alcohol and drug abusers as described by NRS 449.008. This classification includes pre-parole detention facilities and halfway houses for juvenile delinquents and adult offenders, and shelters for the homeless.
Hazardous Material. The term "Hazardous Material" refers to any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, or is listed in the U.S. Department of Transportation Emergency Response Guidebook, Pipeline and Hazardous Materials Safety Administration guidebook, or may be detrimental or deleterious to

the health of any person handling or otherwise coming into contact with such material or substance.

Hazardous Waste. The term "Hazardous Waste" refers to a byproduct or remnant of an operation or process that is dangerous or potentially harmful to the health of humans, animals, or the environment. Hazardous wastes can be liquids, solids, gasses, or sludge.

Health Care Facilities. The term "Health Care Facilities" refers to a use type or establishment primarily engaged in the provision of health and medical services ranging from prevention, diagnosis, and treatment. Uses are categorized as follows:

A. **Civic Convalescent and Group Care Service.** The term "Civic Convalescent and Group Care Service" refers to a use type allowing uses listed under Convalescent Services and Group Care but also allowing the in-patient and out-patient treatment and rehabilitation for alcohol, drug, and substance abuse addiction;

B. **Continuum of Care Facilities for Seniors**. The term "Continuum of Care Facilities for Seniors" refers to establishments that provide range housing, activities, and health services to allow for adults to age in pace. Facilities may include independent living, assisted living, nursing care, and hospice care as well as accessory buildings for staff, and medical facilities and services for residents;

C. **Convalescent Services.** The term "Convalescent Services" refers to a use type referring to a 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, drug, and substance addiction.

D. **Group Care Services.** The term "Group Care Services" refers to care services provided in facilities that accommodate eleven or more persons who are not defined as a family, excluding caregivers and their family, halfway-houses for recovering alcohol, drug, and substance abusers, and those uses classified under hospital services. Typical uses include intermediate care facilities or senior citizen board and care homes.

E. **Hospital Services.** The term "Hospital Services" 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, and visitors.

F. **Medical Services.** The term "Medical Services" refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis, and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis cervices. Typical uses include medical and primary care offices, dentist laboratories, health maintenance organizations, immediate care facilities, sports medicine facilities, acupuncture services, chiropractic services, and physical therapy.

Health Club. The term "Health Club" refers to a facility in which recreational athletic activities are performed, including but not limited to bodybuilding and exercise classes. A club may also provide associated facilities like saunas, solariums, and swimming pools.

Hedge. The term "Hedge" refers to a sight-obscuring fence-like boundary (of approximately 75 to 100 percent sight-obscuring density) formed by a dense row of shrubs or low growing mature trees.

Heliport. The term "Heliport" refers to areas used by helicopters or other steep-gradient aircraft for takeoff and landing, maintenance, and storage. A heliport may include passenger and cargo facilities, maintenance and overhaul facilities, fueling services, storage space, tie-down space,

hangars and other accessory buildings, and open space. This use is subject to applicable state and federal flight path and air space regulations and restrictions.

High Technology Industry. The term "High Technology Industry" use refers to research, development, and controlled production of high-technology electronic, industrial, or scientific products. Examples of this use include biotechnology firms and computer component manufacturers.

Historic, Archaeological and Cultural Sites. The term "Historic, Archaeological and Cultural Sites" refers to an area of land associated with history, tradition, archaeological findings, or the cultural heritage of the county as determined by the Nevada State Office of Historic Preservation.

Hog Farm. The term "Hog Farm" refers to a type of indoor and outdoor intensive agricultural use specializing in the raising of domestic pigs and hogs for breeding or slaughter.

Holiday: The term "Holiday" refers to official or unofficial observances of religious, national, or cultural significance, often accompanied by celebration or festivities.

Home Enterprise: The term "Home Enterprise" means a business within a principal residence or accessory structure to the principal residence that does not change the residential nature of the property or abutting residential uses. The use is incidental to the primary residential purpose, thus the residential character of the property is not changed.

Homeless. The term "Homeless" refers to an individual who lacks a fixed, regular, and adequate nighttime residence; an individual whose primary nighttime residence is a supervised publically or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill and other persons); or a public or private place not designed for, or originally used as, a regular sleeping accommodation for human beings.

Homeowners Association. The term "Homeowner's Association" refers to a corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination of both; membership is a mandatory condition of parcel ownership; and the corporation is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term does not include a general improvement district or other similar special taxing district created pursuant to NRS 318.

Hotel. The term "Hotel" refers to any transient lodging use having two or more units providing for dwelling, living, or sleeping, as well as on-site parking for each unit. These units are intended primarily for transient use and may or may not provide cooking facilities.

Human Sign. The term "Human Sign" refers to any person who holds or wears a sign for the purpose of displaying a message or attracting attention to a business or service. Human signs are also known in the advertising industry or colloquially as sign walkers or sign twirlers. Frequently, the sign holder will spin, dance, or otherwise exhibit movement with the promotional sign in order to attract attention.

Inactive Permit. The term "Inactive Permit" means a permit issued by a federal, state, or county agency that expires, is not renewed, is revoked or suspended, or otherwise becomes null and void.

Indirect Illumination. The term "Indirect Illumination" refers to lighting or illumination of a place, structure, or object that employs the use of a concealed light source that is not visible when viewed upon at a horizontal plane.

Inflatable Sign. The term "Inflatable Sign" refers to a sign that is either expanded to its full dimension or supported by gasses contained within the sign, or sign parts, at pressure greater than atmospheric pressure.

Intersection. The term "Intersection" refers to a junction where two or more roads meet or cross at-grade, i.e. at the same level. A junction may also be called a "crossroads."
Interstate Highway. The term "Interstate Highway" refers to a roadway included in the Interstate Highway System, a network of limited-access highways (also called freeways or expressways) connecting the 48 contiguous states of the United States of America.
Jail. The term "Jail" refers to a facility owned and operated by Storey County, including the county jail and branch county jails, for the detention of prisoners in accordance with NRS 211.
Junk. The term "Junk" refers to any scrap, waste, reclaimable material, or debris, whether or not stored, for sale, or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.
Kennel, Commercial. The term "Kennel, Commercial" refers to dog breeding with four or more dogs, boarding kennels and other kennel services, doggie day-care, pet motels, dog training centers, and dog shelters with four or more dogs exceeding 12 weeks in age.
Laboratories and Testing Services. The term "Laboratories and Testing Services" use refers to electronic, mechanical, biological, or other scientific or analytical testing, including the housing of animals, raising of plants, and other similar activities used in the testing process that do not fall under agricultural research use. Experimentation on any animals may only be conducted in the I-S Special Industrial Zone within adequately secured facilities.
Laundry Services. The term "Laundry Services" refers to establishments primarily engaged in the provision of large-scale (15,000 square feet or more) laundering, dry cleaning (see Dry Cleaning Plants), or dying services other than those classified as personal services. Examples of this use include laundry agencies, diaper services, and linen supply services.
Light Emitting Diode (LED). The term "Light Emitting Diode (LED)" refers to a semiconductor diode that emits light when voltage is applied.
Light Rail Infrastructure. The term "Light Rail Infrastructure" refers to facilities directly related and incidental to light rail transportation.
Lighted & Illuminated Signs. The term "Lighted & Illuminated Signs" refers to any sign that is directly or indirectly lighted by a source or sources of light.
Livestock Auction Facility. The term "Livestock Auction Facility" refers to a type of industrial agricultural use establishment primarily used for the sale of livestock by public auction, including the incidental temporary storage of livestock in conjunction with their sale.
Loading Area. The term "Loading Area" refers to a designated area or recessed driveway for delivery or pick-up of goods or people.
Lot. The term "Lot" refers to a parcel of land occupied or to be occupied by a building or group of buildings, together with yards, open spaces, lot width and lot area as required by this title, having frontage upon a street or private easement. A lot may be land recorded on a plat of record, or considered as a unit of property and described by metes and bounds, and which may include parts of or a combination of lots, when adjacent to one another, providing the grounds are used for one improvement. All lots must front or have ingress or egress by means of officially approved public right-of-way. The following definitions also apply to lots:
A. **Lot Area**. The term "Lot area" means the total horizontal area within the lot.
B. **Lot, Corner**. The term "Corner lot" means a lot abutting two intersecting streets, where the interior angle of intersection does not exceed one hundred thirty-five degrees.
C. **Lot, Interior**. The term "Interior lot" means a lot other than a corner lot.
D. **Lot, Through**. The term "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

E. **Lot Line, Front**. The term "Front lot line" means the property line dividing a lot from a street. On a corner lot only 1 street line may be considered as a front line and the shorter street frontage will be considered the front lot line.
F. **Lot Line, Rear**. The term "Rear lot line" means the property line opposite the front lot line.
G. **Lot Line, Side.** "Side lot line" means any lot boundary not a front line or a rear lot line.
H. **Lot, Width of**. The term "Width of lot" means the horizontal distance between the side lot lines measured at right angles to the depth at the front yard setback line. The street frontage of a lot may be at least 80 percent of the required width.
Lumen. The term "Lumen" refers to the lumen (symbol: lm) which is the SI unit of luminous flux, a measure of the perceived power of light. Luminous flux differs from radiant flux, the measure of the total power of light emitted, in that luminous flux is adjusted to reflect the varying sensitivity of the human eye to different wavelengths of light. The lumen is defined in relation to the candela by 1 lm = 1 cd·sr.
Manufactured/Mobile Home Park. The term "Manufactured/Mobile Home Parks" refers to areas permitted only in approved zoning for mobile home parks (MHP) and must comply with all requirements of the county code. Manufactured/mobile home parks may also be called a "land lease community."
Manufactured Home. The term "Manufactured Home" means a single-family dwelling defined by NRS 489.113 as a structure that is: built on a permanent chassis; designed to be used with or without a permanent foundation as a dwelling when connected to utilities; transportable in 1 or more sections; and is 8 feet or more in body width or 40 feet or more in body length when transported or 320 square-feet or more when erected on site. The
term includes the plumbing, heating, air-conditioning, and electrical systems of the structure. The term also includes any structure built in compliance with the requirements of NRS 461, as well as any structure built in compliance with the requirements of NRS 489.113 and certified by the manufacturer to meet the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq., as required by the Secretary of Housing and Urban Development. The term does not include a recreational vehicle or trailer.
"Marijuana" means all parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Marijuana" does not include:
(a) The mature stems of the plant, fiber produced from the stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or
(b) The weight of any other ingredient combined with marijuana to prepare topical or oral administrations, food, drink, or other products.
"Marijuana establishment": means: (1) a marijuana cultivation facility, (2) a marijuana testing facility, (3) a marijuana product manufacturing facility, (4) a marijuana distributor, (5) a retail marijuana store, and (6) a facility or organization from which a person may obtain marijuana and marijuana related products. The facility or establishments identified in subparts 1, 2, 3, 4, and 5 above are further defined in NRS 453D.030, the Regulation and Taxation of Marijuana Act, which definitions are hereby incorporated.

"Marijuana paraphernalia" means any equipment, products, and materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, preparing, testing, analyzing, packaging, repacking, storing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body.

"Medical marijuana establishment" means: (1) an independent testing laboratory to test marijuana or marijuana products, (2) a cultivation facility for marijuana, (3) a facility for the production of edible marijuana products or marijuana-infused products, (4) a medical marijuana dispensary, (5) a facility or organization otherwise from which a person may obtain medical marijuana and medical marijuana related products, or (6) a business or organization conducting any combination of the above. The facilities or establishments identified in subparts 1, 2, 3 and 4, above are further defined in NRS Chapter 453A which definitions are incorporated herein.

Massage Establishments. The term "Massage Establishments" use refers to fixed places of business where massage is administered for compensation or from which a massage business or service for compensation is operated. A Massage Establishment does not include establishments where massage is administered incidentally with any of the following:

A. The practice of a medical doctor, chiropractor, dentist, osteopath, physical therapist, or registered nurse;

B. A state-approved massage school;

C. An athletic club; or

D. A barber or beauty salon.

For the above establishments listed in "A" thru "D," the term "incidental" is defined as not being more than 15 percent of net floor space used for massage activity, and not more than 15 percent of gross revenue derived from massage activity. No adult entertainment, escort services, or adult book, materials, or video sales, rentals, or uses are allowed in a massage establishment.

Micro-Brewery. The term "Micro-Brewery" also known as a "Brew Pub" refers to an establishment that is 10,000 square-feet or less in area that manufactures malt beverages and sells those malt beverages for on-site consumption, off-site consumption, and retail sale.

Micro-Distillery. The term "Micro-Distillery" refers to an establishment that is 10,000 square-feet or less in area that manufactures distilled alcoholic spirits and sells those distilled alcoholic spirits for on-site consumption, off-site consumption, and retail sale.

Micro-Winery. The term "Micro-Winery" refers to an establishment that is 10,000 square-feet or less in area that manufactures wine and sells that wine for on-site consumption, off-site consumption, and retail sale. This term applies whether the wine is manufactured from grapes or other substances originating on-site or off-site, and whether on-site consumption is for tastings or general consumption.

Mining or Extraction Operation. The term "Mining or Extraction Operation" refers to the extraction of minerals, precious metals, whether by underground or surface methods. Materials extracted may or may not require milling or finishing on or in the proximity of the extraction site. The term does not include "aggregate facilities" as defined in this chapter.

Mixed Use. The term "Mixed Use" refers to a land use pattern in which residential uses and/or non-residential uses are intermixed or integrated. This land use pattern may be vertical by which different uses are combined in the same building, horizontal by which single-use buildings are located on distinct parcels in a range of land uses within a block or area, or fully integrated by which vertical and horizontal land uses are intermixed in an infinite number of configurations.

Mobile Home. The term "Mobile Home" refers to a vehicular structure, built before 1976, constructed on a chassis or frame, which is designed to be used with or without a permanent foundation and, in its initial configuration, is designed to be capable in whole or part of being drawn by a motor vehicle. It may be used as a dwelling when connected to utilities or may be used permanently or temporarily for the advertising, sales, display, or promotion of merchandise or services. The size is eight feet or more in body width or forty feet or more in body length when transported, or when erected on site, and contains 320 square feet in area or more. The term includes the plumbing, heating, air-conditioning and electrical systems of the structure. The term does not include a manufactured building, manufactured home, or a travel trailer.

Mobile Sign. The term "Mobile Sign" refers to advertising devices that are affixed to a frame or chassis having wheels and capable of being carried, or otherwise portable and designed to stand free from a building or other structure and fulfill the purpose of advertising. Mere removal of wheels or temporary securing of the mobile sign to the surface of real estate does not change the device to free-standing sign. Mere identification of a business or service on an associated utility vehicle will not be considered a mobile sign.

Motel. The term "Motel" refers to any transient lodging use having 2 or more units providing for dwelling, living or sleeping therein, with or without cooking facilities, primarily intended for transient use, and having individual on-site parking areas allocated to each unit.

Motor Vehicle. An automobile, automobile truck, automobile wagon, motorcycle, or any other self-propelled vehicle designed for running on land but not on rails.

Multi-Family Complex. The term "Multi-Family Complex" refers to more than one multi-family dwelling building on a parcel of land and designed or used to house multiple families living independently of each other. The term includes duplexes, triplexes, or fourplexes, but does not include row houses or town houses.

Multi-Family Dwelling. The term "Multi-Family Dwelling" refers to a building designed or used to house multiple families living independently of each other. The term includes duplexes, triplexes, or fourplexes, but does not include row houses, townhouses, or apartment hotels. Refer to Multi-Family Complex for more than one building on a parcel of land and fulfilling this purpose.

Multi-Modal Transit Hub. The term "Multi-Modal Transit Hub" refers to a centralized area or facility in which 2 or more converging modes of ground transportation, including trains, light rail, bus, taxi service, automobiles, etc., arrive and depart. Ancillary uses may include passenger and freight loading and unloading, parking areas, luggage claim and handling, passenger waiting area, and restrooms.

Multi-Tenant Shopping Center. The term "Multi-Tenant Shopping Center" refers to stores and businesses that face a system of enclosed walkways and are located on a single parcel or piece of land.

Mural. The term "Mural" refers to non-commercial images such as paintings or enlarged photographs applied directly onto walls and ceilings. They are usually but not always large in size. Murals typically exhibit few or no words and are not intended to advertise or otherwise bring attention to any attraction. Non-commercial images oftentimes are intended to enhance an area's beauty, highlight the community's social or historical character, or otherwise depict a message or theme that is common to the immediate community in which they are displayed.

Museum. The term "Museum" refers to a building that has public significance by reason of its architecture, its former use or occupancy, or its use as a repository for a collection of natural, scientific, literary, or artistic curiosities or objects of interest and that is arranged, intended, and

designed for public viewing, with or without an admission charge. A museum may also engage in, as an accessory use, the sale of museum-related goods to the public, such as in a museum gift shop.

NAC. The term "NAC" refers to the Nevada Administrative Code.

Neon Lighting. The term "Neon Lighting" refers to any sign that employs the use of a small electrical current (AC or DC) that is allowed through a tube, causing it to glow. Neon lighting also includes devices that use Argon, Helium, Krypton, Xenon, or any other substance or periodic element that produces a similar illumination effect. Florescent lighting (See definition for Florescent Lighting.) is not considered as neon lighting for the purposes of the title.

Net Metering. The term "Net Metering" as regulated by NRS 704, is a practice in which electricity generated by a customer-generator through the use of renewable energy generating systems may be fed back to a public utility in order to offset the customer's use of electricity supplied by the utility during an applicable billing period.

Nightclub. The term "Nightclub" refers to a commercial establishment dispensing alcoholic beverages for consumption on the premises, typically requiring an entrance fee or cover charge, and where dancing and musical entertainment are provided on a regular basis.

Nit. The term "nit" refers to a unit of luminance equal to one candela per square meter, measured perpendicular to the rays of the source.

Nonconforming Building or Structure. The term "Nonconforming Building or Structure" refers to a building or structure or portion thereof, lawfully existing at the time of adoption of this title and which does not conform to all the current height, area, yard, or other regulations prescribed in the zone in which it is located.

Nonconforming Use. The term "Nonconforming Use" means any use of land which was lawfully established prior to the adoption of this title or amendments thereto, or lot which was created on or after July 1, 1999 which would not be permitted under the current provisions of this title. This includes any use which was lawfully established without a discretionary review, and would require that review under the current provisions of this title.

Non-Renewable Energy. The term "Non-Renewable Energy" refers to energy that is derived from non-renewable resources such as coal, gas, petroleum, and fossil fuels.

Noxious Weeds. The term "Noxious Weeds" refers to plant species identified by NRS 555 as being "noxious" or "invasive."

NRS. The term "NRS" refers to the Nevada Revised Statutes.

Nursery Sales - Retail. The term "Nursery Sales – Retail" refers to the retail sale of plants, flowers, and related nursery items. Examples of this use include retail nurseries and home garden stores.

Nursery Sales. Wholesale. The term "Nursery Sales – Wholesale" refers to the wholesaling of plants and flowers, with incidental retail sales. A wholesale nursery is an example of this use.

Office Building. The term "Office Building" refers to a building used primarily for conducting the affairs of a business, profession, service, industry, or government and that may include ancillary services for office workers, such as restaurants, newsstands, or other minor commercial establishments.

Off-Site. The term "Off-Site" in the context of land use refers to areas or activities located at a site other than the specific site where the particular use is permitted.

On-Site. The term "On-Site" in the context of land use refers to areas or activities located at the same site where the particular use is permitted.

Open Air Market. The term "Open Air Market" use refers to an outdoor area where secondhand goods, articles, or antiques are temporarily or intermittently offered for barter, trade, or retail sale to the general public. This use includes the display or sale of merchandise from, or in connection with, a truck, trailer, or movable building of any type, but does not include garage or yards sales, or any other retail establishment otherwise defined or classified in this chapter.

Open Storage. The term "Open Storage" refers to a portion of a lot exceeding 20 percent of the lot that will be used for the long-term retention (more than 72 hours) of materials, machinery, trailers, inoperable or unregistered vehicles, or equipment outside of a permanent building, regardless of whether the items are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display; accessory and incidental parking of operable registered vehicles for residents, guests, customers, or employees in connection with a permitted principal use; or the storage of firewood not for sale and which will be used to heat the permitted principal building on the lot.

Operator. The term "Operator" refers to any person or organization responsible for and having the legal right to operate, control or supervise a mining or extraction operation.

Outdoor Advertisement. The term "Outdoor Advertisement" refers to any form of advertisement or display, whether temporary or permanent, that takes place on or within the exterior of a building or an outdoor area.

Overlay Zone. The term "Overlay Zone" refers to a zoning district that is imposed on one or more underlying base zoning districts and that provides additional requirements, limitations, or allowances beyond those of the underlying zoning district.

Paper Sign. The term "Paper Sign" refers to a sign made from any kind of paper stock including, but not limited to, construction paper and cardboard.

Permanent Cosmetics. The term "Permanent Cosmetics" means the application of pigments to or under the skin of a person, using ink or other substances that result in permanent coloration of the skin by means of the use of needles or other instruments designed to contact or puncture the skin. This term includes, but is not limited to, eyebrows, eyeliner, and lip color.

Permit. The term "Permit" refers to a legal document, certification, or license giving permission to do something (e.g., building or grading permit, or business license).

Pet Cemetery. The term "Pet Cemetery" use refers to services involving the preparation of dead animals for burial and the keeping of animal bodies on cemetery grounds.

Pharmacy. The term "Pharmacy" refers to a store or shop licensed by the Nevada State Board of Pharmacy where drugs, controlled substances, poisons, medicines, or chemicals (not including marijuana and related products) are stored, displayed, possessed, compounded, dispensed, or sold at retail. The term does not include an institutional pharmacy as defined by NRS 639. The storage, possession, dispensing, or display for sale or retail of "medicinal marijuana" or any other substance found to be illegal by the State of Nevada or United States of America is not considered a pharmaceutical use and is prohibited.

Planned Unit Development. The term "Planned Unit Development" means an area of land controlled by 1 landowner, that is developed as a single entity for 1 or more planned unit residential developments, 1 or more public, quasi-public, commercial, or industrial developments, or both.

Planned Unit Development, Commercial. The term "Planned Unit Development, Commercial" means a planned unit development in which 75 percent or more of the developable area is devoted to commercial uses.

Planned Unit Development, Industrial. The term "Planned Unit Development, Industrial" means a planned unit development in which at least 90 percent of the developable area is devoted to industrial uses.

Planned Unit Development, Residential. The term "Planned Unit Development, Residential" means a planned unit development in which 75 percent or more of the developable area is devoted to residential uses.

Planning Department. The term "Planning Department" refers to the department designated by the board to administrate this title and other land use planning codes and other county functions, and enforce and administrate the county regulations of those functions.

Political Sign. The term "Political Sign" refers to a sign, display, or device that expresses the support for or opposition to a candidate, political party, or ballot question, or otherwise relates to a political campaign or election (NRS 405.030).

Postal Services. The term "Postal Services" use refers to mailing services such as those provided by the United States Postal Service, including branch post offices and public and private facilities. The term does not include major postal service processing facilities.

Pot-Belly Pig. The term "Pot-Belly Pig" refers to a domesticated Vietnamese, Chinese, or Asian pot-bellied or pot-belly pygmy pig or mini-pig that stands no higher than 20 inches at the shoulder and weighs no more than 50 pounds.

Premises. The term "Premises" refers to the contiguous land in the same ownership or control that is not divided by a street.

Primitive Area. The term "Primitive Area" refers to an area of undisturbed natural environment which may be considered as wilderness area with limited recreational use.

Principal Building. The term "Principal Building" means the main or primary building or the main buildings on a lot, or a building or one of the main buildings housing a principal use upon a lot.

Dwelling, Principal. The term "Principal Dwelling" means the main or primary residential dwelling on the lot which is not accessory to any other use.

Principal Residence. The term "Principal Residence" means the main or primary residential use on the lot which is not accessory to any other use.

Professional Building. The term "Professional Building" refers to a structure used for rendering professional services to individuals and businesses on a fee or contract basis. Examples of this use include banks, financial institutions, stock brokerages, advertising agencies, employment services, and title companies.

Prohibited Use. The term "Prohibited Use" refers to a use that is not permitted by any means in a particular zoning district.

Project Area. The term "Project Area" refers to a single tract of land, mining claim, or group of mining claims upon which an operator is, or will be, conducting operations.

Projection Sign. The term "Projection Sign" refers to any sign that employs the use of a device (e.g., LCD Projector) that projects a lighted image or animation onto an outdoor wall or other surface. A projection that is associated with a permitted outdoor theater (i.e., drive-in movie theater) or permitted temporary outdoor theater event is not be considered a Projection Sign for the purposes of this Ordinance.

Public Place. The term "Public Place" refers to an area or place that is open and accessible to all citizens, regardless of gender, race, ethnicity, age, etc. Examples include, but are not limited to, public right-of-ways, parks, government buildings, schools, libraries, and other buildings and structures providing service to persons of the public.

Public Right-of-Way. The term "Public Right-of-Way" refers to 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.

Public Travelled Way. The term "Public Travelled Way" refers to the entire width between the boundary line of every way (measured from the curbs or edges of paved or graveled roadways) maintained by a public authority and that is open to public use for the purpose of vehicular or other mechanized transit traffic.

Public Use. The term "Public Use" refers to a publicly owned structure or parcel of land or a recognized 501(c)3 non-profit organization that is permitted to take place within a publicly owned structure or parcel of land.

Public Utility. The term "Public Utility" refers to any business or utility that the Public Utilities Commission of the State of Nevada is authorized to regulate pursuant to NRS 704.

Public Utility Right-of-Way. The term "Public Utility Right-of-Way" refers to 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, communication infrastructures, electricity transmission lines, but not including transportation related facilities applicable to the Public Right-of-Way.

Radio Controlled (RC) Vehicles. The term "Radio Controlled (RC) Vehicles" refers to an unmanned recreational hobby device controlled remotely, including radio-controlled cars and trucks, aircraft, and watercraft, but not including unmanned drones, reconnaissance craft, or other non-recreational devices.

Railroad or Railway. The term "Railroad or Railway" refers to any track on which the wheels of a vehicle may run; transport via locomotive; to convey by train.

Real-Estate For-Sale Sign. The term "Real-Estate For-Sale Sign" refers to a sign indicating that a property or any portion on which the sign is located is available for inspection, sale, lease, or rent. A commercial advertisement sign indicating the presence of a real-estate office or service is not to be considered a real estate sign.

Real-Estate Office. The term "Real-Estate Office" refers to a permanent or temporary administrative office space in which private real-estate firms or organizations conduct real-estate business.

Recreational Vehicle. The term "Recreational Vehicle" refers to a vehicular-type structure without permanent foundation that can be towed, hauled, or driven and primarily designed as a temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor homes.

Recreational Vehicle Park. The term "Recreational Vehicle Park" refers to any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes. *A watchman's dwelling shall be considered an allowed accessory use to the park as required by Chapter 8.24 of the Storey County Code. The watchman's dwelling shall be operated concurrently with the park and shall not be an independent use. Only personnel associated with management of the park shall be eligible to occupy the watchman's dwelling.*

Religious Institution. The term "Religious Institution" refers to any building used for religious worship services, religious education and fellowship activities, or programs of a religious

organization. The term includes the use of the building and premises for activities such as childcare, formal educational programs, preschool classes, and
recreational activities; provided that these activities must be ancillary to the religious use and a special use permit is required as provided in this title. The term does not include general child care facilities, general education classrooms or facilities, thrift shops, homeless shelters, or buildings used for commercial activities.

Renewable Energy. The term "Renewable Energy" refers to energy that is derived from renewable resources such as geothermal, hydrological, solar, and wind.

Resort. The term "Resort" refers to a group or groups of buildings containing more than five dwelling units or guest rooms and providing outdoor recreational activities that may include golf, horseback riding, swimming, shuffleboard, tennis, and similar activities. A resort may furnish services customarily furnished by a hotel, including a restaurant, cocktail lounge, and convention facilities. At least 15 percent of its land area must be devoted to usable open space in addition to required landscaping.

Rest Area. The term "Rest Area" refers to a designated paved or unpaved area beside a main road where cars and other vehicles can stop temporarily.

Restaurant, Fast Food. The term "Restaurant, Fast Food" refers to an establishment that offers quick food and non-alcoholic drink service, accomplished through a limited menu of items that are readymade, or quickly prepared, fried, griddled, or heated in a device such as a microwave oven. Orders are generally taken and dispensed at a counter, parking stall, or drive-through window rather than at a table.

Re-Vegetation. The term "Re-Vegetation" refers to the stabilization of disturbed or graded soils and land by replanting with indigenous or non-invasive plant species.

Right-of-Way. The term "Right-of Way" refers to areas of land legally designated and used for a road or sidewalk, including the side of the roadway or sidewalks.

Roadside Parks and Rest Areas. The term "Roadside Parks and Rest Areas" refers to a public facility located next to a large thoroughfare such as a highway, expressway, or freeway at which drivers and passengers can rest, eat, or refuel without exiting onto secondary roads.

Rodeo Arenas. The term "Rodeo Arena" refers to any activity involving the exhibition or competition of the traditional skills of cowboys, such as riding of rough stock, roping, and timed events, as well as equestrian events including training, exercise, handling, competition, and exhibition of horses.

Rowhouse. The term "Rowhouse" refers to a series of three or more dwelling units placed side-by-side, with no side yards between them. Each dwelling unit has a separate entry and is located on a separate building lot with fee-simple ownership with little or no common interest land ownership. Row houses usually have a common wall separating them (that is, a solid wall that is a shared structural part of the adjacent houses). In some instances, each dwelling unit has its own two side walls, and there may be approximately 1 inch of airspace or insulation between the dwellings.

Salvage and Reclamation. The term "Salvage and Reclamation" refers to a facility or area for storing, keeping, selling, dismantling, or salvaging scrap or discarded material or equipment that is not considered as another use under this title. Scrap or discarded material includes, but is not limited to, metal, paper, rags, tires, bottles, inoperable or wrecked motor vehicles, motor vehicle parts, machinery, structural steel, equipment, and appliances.

Sandwich Board Sign. The term "Sandwich Board Sign" refers to a portable sign typically consisting of large boards bearing placards, hinged at the top by straps or other flexible mechanisms.

Scenic Resource. The term "Scenic Resource" refers to a natural setting in combination with certain undisturbed physical qualities such as streams, rivers, rock outcroppings, vegetation, or outstanding scenic features.

Schools and Educational Uses. The term "Schools and Educational Use" includes—whether public, private, or parochial—elementary, middle, and high schools and academies (K-12), colleges and higher education institutions, technical and vocational schools, and apprentice training, including:

A. K-12 schools in which children and teenagers (usually up to 17 years of age) are provided academic education;

B. Colleges, universities, and educational institutions for higher learning, including undergraduate colleges and graduate schools in various disciplines such as medical, law, and other professional specialties;

C. Trade schools for instruction and training in trades or crafts such as auto repair, welding, bricklaying, machine operating, or other similar trade or craft that requires the use of large equipment, outdoor training activities, or both;

D. Vocational schools and institutions that specialize in teaching a specific skill, especially a practical vocation, including, but not limited to, business, dance, music, martial arts, trade, or driving. The term includes a school where student classes are relayed to a remote location, with limited student time spent at the physical location of the school or institution.

Screening. The term "Screening" refers to a permanent method of visually screening or obscuring a structure or use from the view of any abutting property, sidewalk, or roadway.

Seasonal Holiday Sales and Use. The term "Seasonal Holiday Sales and Use" (less than 60 days in a 1-year period) refers to a piece of land for activities associated with the holidays, including corn mazes, haunted houses, skating rinks, Santa Clause visits, nativity displays, caroling, etc. This use also includes the retail sale of seasonal holiday celebratory symbols such as Halloween pumpkins, Christmas trees, Hanukkah bushes, etc.

Setback. The term "Setback" refers to the required separation between a building or structure and the lot line and/or right-of-way or easement line. The following define specifically front, rear, and side setbacks:

A. **Setback, Front**. The term "Setback, Front" refers to the required setback separation distance extending between the front exterior wall, front of a bay window, or front of a covered porch, or other similar projections of the building, whichever is nearest the lot line, and the front lot line, and extending across the full width of the lot.

B. **Setback, Rear**. The term "Setback, Rear" refers to the required setback separation distance extending between the rear exterior wall, front of a bay window, or the front of a covered porch, or other similar projects of the building, and the rear lot line, and extending across the full width of the lot.

C. **Setback, Side**. The term "Setback, Side" refers to the required setback separation distance extending between the side exterior wall, front of a bay window, or the front of a covered porch, or other similar projections of the
building, whichever is nearest the lot line, and the side lot line, and extending across the full length of the lot.

Sign. The term "Sign" refers to any writing (including letter, word, or numeral); pictorial representation (including illustration or decoration); emblem (including device, symbol, or trademark); flag (including banner, streamer, or pennant); or lights or any combination that is designed, intended, or used to advertise, attract special attention, or otherwise inform when any part of the advertising or information content is visible from an outdoor area.
Searchlight. The term "Searchlight" refers to a light source with reflectors that projects a beam of light in a particular direction or many directions.
Secretary of Transportation (23 U.S.C. Section 131). The term "Secretary of Transportation" refers to the person who holds the Secretaryship of the United States Department of Transportation.
Shipping Container. The term "Shipping Container" means a fully enclosed unit, excluding semi-truck trailers, originally designed to withstand shipment, storage, and handling of goods in transport. The units range from large reusable steel boxes used for intermodal shipment to the ubiquitous corrugated boxes.
Similar Use. Where a specific use is cited, the term "Similar Use" is any use that has the same characteristics as the cited use in terms of trip generation and type of traffic, parking, and circulation, utility demands, environmental impacts, physical space needs and clientele, and other land use impacts, as determined by the board with action by the planning commission to be consistent with the allowed uses within the zone.
Single-Family Dwelling. The term "Single-Family Dwelling" refers to a building used to house not more than 1 family or a group of not more than 4 unrelated persons living together and sharing a noncommercial single dwelling unit with common housekeeping facilities. The term includes factory built homes and manufactured home in compliance with NRS 278, 461, and 489.
Single-Family Dwelling, Attached. The term "Single-Family Dwelling, Attached" refers to a single-family dwelling intended for occupancy by 1 family. This term includes "rowhouses", "townhouses", "twinhomes", and "condominiums", but does not include "duplexes", "triplexes", "fourplexes", "apartment buildings", "rooming houses", and other multi-family dwellings.
Single-Family Dwelling, Detached. The term "Single-Family Dwelling, Detached" refers to a free-standing structure intended for occupancy by 1 family, and constructed on a separate building lot, that is owned in fee simple. Each building has a front yard, a rear yard, and two side yards.
Skateboard Park. The term "Skateboard Park" refers to a park or part of a park with paths, slopes, structures, jumps, and other areas open to the public that are designated for use with a skateboard, roller skates, a bicycle, or a scooter.
Skating Rink. The term "Skating Rink" refers to an indoor or outdoor facility, open to the public, where roller skating, rollerblading, or ice skating or uses associated therewith and may be conducted. The term does not include skateboard parks or associated uses.
Solid Waste. The term "Solid Waste" refers to all putrescible and non-putrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles (not including "junkyards"), ashes, incinerator residue, street refuse, dead animals,
demolition waste, construction waste, and solid or semisolid commercial and industrial waste. The term does not include hazardous waste managed pursuant to NRS 459.
Solid Waste Collection Center. The term "Solid Waste Collection Center" refers to a facility used for the collection and temporary storage of municipal solid wastes within enclosed bins or storage containers. The term does not include solid waste transfer stations, solid waste landfills, or facilities involving infectious or hazardous wastes.

Solid Waste Landfill. The term "Solid Waste Landfill" refers to any place, including municipal and regional facilities, where solid waste is permanently dumped, abandoned, accepted, or disposed of by incineration, land filling, composting, or any other method in accordance with NRS 444.

Solid Waste Recycling Center. The term "Solid Waste Recycling Center" refers to a facility designed and operated to receive, store, process, or transfer recyclable material that has been separated at the source from other solid waste.

Solid Waste Recycling Collection Center. The term "Solid Waste Recycling Collection Center" refers to a totally enclosed structure or container where plastic, aluminum, glass, paper, clothing, or other recoverable resources are collected and stored for later pick up and recycling.

Solid Waste Transfer Stations. The term "Solid Waste Transfer Station" refers to a fixed facility where solid wastes from collection vehicles are consolidated and temporarily stored outside of containers but within an enclosed facility for subsequent transport to a permanent disposal site. This use does not include facilities involving infectious or hazardous wastes.

Special Event. The term "Special Event" refers to any activity listed in and regulated by chapter 8.28 of the county code.

Special Use Permit. The term "Special Use Permit" refers to a specific discretionary approval for a use that has been determined to have unique circumstances, be more intense, or to have a potentially greater impact than an allowed use within the same zoning district.

Stockyards. The term "Stockyards" refers to establishments primarily used for the keeping, sale, and display of livestock for public auction, including the incidental temporary storage of livestock in conjunction with livestock auction facilities.

Streamer. The term "Streamer" refers to a long narrow strip of material used for ornament, decoration, or to attract attention to a particular place, business, event, or object.

Street. The term "Street" refers to a thoroughfare that has been dedicated or abandoned to the public and accepted by proper public authority, or a thoroughfare that has been made public by right of use and that affords the principal means of access to abutting property.

Supplementary Restraint System. The term "Supplementary Restraint System" refers to an automobile safety device, also known as an "air bag," consisting of a bag designed to inflate automatically during a vehicular collision.

Surety. The term "Surety" refers to a corporation authorized to transact surety business in the State of Nevada pursuant to NRS 679 that is included in the United States Department of the Treasury's Listing of Approved Sureties and issues a surety bond pursuant to NRS 108 that does not exceed the underwriting limitations established for that surety by the United States Department of the Treasury.

Surety Bond. The term "Surety Bond" refers to a bond issued by a surety for the release of a prospective or existing lien pursuant to NRS 108.

Tattoo Facility. The term "Tattoo Facility" (also known as a "Tattoo Parlor") refers to an establishment that places permanent designs, letters, figures, symbols, or other marks upon or under the skin of any person, using ink or other substances that result in the permanent coloration of the skin, including permanent cosmetics, by means of the use of needles or other instruments designed to contact or puncture the skin.

Tavern. The term "Tavern" refers to an establishment serving alcoholic beverages for consumption on the premises.

Temporary. The term "Temporary" refers to impermanent; not permanent; not lasting.
Temporary Batch Plant. The term "Temporary Batch Plant" refers to a temporary (lasting less than 1 year) facility for mixing asphalt or concrete.
Temporary Sign or Banner. The term "Temporary Sign or Banner" refers to any sign or banner governed by the provisions of chapter 17.84 that is displayed for a period of time not exceeding 30 consecutive or non-consecutive days in a 12-month period of time.
Tentative Map. The term "Tentative Map" refers to a map made to show the design of a proposed subdivision and the existing conditions around it as pursuant to NRS 278.
Theater. The term "Theater" refers to a building or part of a building devoted to showing motion pictures or dramatic, dance, musical, or other live performances.
Theme Park. The term "Theme Park" refers to an entertainment or amusement park built around one or more themes and typically including amusement rides.
Tower. The term "Tower" refers to a structure or mast that is exceptionally high in proportion to its width and length and is free-standing, guyed, or fixed to a roof, side of a building, or a structure other than a building, and is generally intended to support devices including, but not limited to, antennas, transmitters, relay wireless communications, wind energy turbines, sensors, water tanks, sound or light emitting devices, etc.
Tower, Lattice. The term "Lattice Tower" refers to a structure, mast, or tower that consists of an open network of braces forming a support structure that is usually but not always triangular or square in cross section and is free-standing, guyed, or fixed to a roof, side of a building, or a structure other than a building.
Tower, Monopole. The term "Monopole Tower" refers to a structure, mast, or tower that consists of a vertical pole that is freestanding, guyed, or fixed to a roof, side of a building, or a structure other than a building.
Townhouse. The term "Townhouse" refers to a form of row housing that may utilize a combination of fee-simple and condominium land ownership. Unlike the "row house", the townhouse has fee-simple ownership on land in which the building is situated (i.e., the "footprint" of the building), plus a small amount of land for a private patio or yard. The remainder of the land surrounding the structures is used for attractively landscaped areas and recreational facilities. The land that surrounds the private buildings sits is jointly owned by the owners of all the buildings, usually in condominium ownership. It is maintained by a homeowners' association with funds from dues assessed to the property owners.
Trailer. The term "Trailer" refers to an individual mobile but not self-motive structure or facility so constructed and designed as to permit occupancy for dwelling or sleeping purposes for short or long periods of time. They are usually intended for more mobile use than a mobile home.
Transient Lodging. The term "Transient Lodging" refers to the use of a unit, for remuneration, as a hostel, hotel, inn, motel, resort, vacation rental, or other form of transient lodging for a term of occupancy, possession, or use of the unit or dwelling of less than 28 consecutive calendar days, except for Extended Stay Hotels as defined in this chapter.
Travel Trailer. The term "Travel Trailer" refers to a portable vehicle built on a chassis designed to be used as a temporary dwelling for travel, recreational and vacation uses. When factory equipped for the road, it must have a body width of not more than 8 feet and a body length of not more than 45 feet.
Truck and Equipment, Repair. The term "Truck and Equipment, Repair" refers to an establishment devoted principally to the repair of large trucks, recreational vehicles, tractors, and equipment together with the sale, installation, and servicing of associated equipment and parts.

Examples of this use include muffler shops, repair garages, glass shops, and similar establishments.

Truck and Equipment, Sales and Rentals. The term "Truck and Equipment, Sales and Rentals" refers to an establishment engaged in the on-site sales or rentals of large trucks, recreational vehicles, tractors, and equipment together with incidental repair, maintenance, washing, and detailing. Examples of this use include dealerships and rental agencies.

Truck and Equipment, Service Station. The term "Truck and Equipment, Service Station", also known as a "truck stop," refers to an establishment where large trucks, recreational vehicles, tractors, and equipment are fueled or serviced. Examples of this use include the sale of gasoline and petroleum products, service station work, and incidental sales of tires, batteries, replacement items, lubricating services, and minor repair services. A truck and equipment service station may be combined with a convenience store or other commercial uses permitted in the zone. A convenience store located within a truck stop may include retail area open to the public that is less than 5,000 square feet in area.

Truck and Equipment, Washing and Detailing. The term "Truck and Equipment, Washing and Detailing" refers to washing, detailing, waxing, or cleaning of large trucks, recreational vehicles, tractors, and equipment. Facilities may use manual washing methods (including coin-operated) or conveyor mechanisms.

Truck and Railroad Terminals. The term "Truck and Railroad Terminals" use refers to freight terminals for goods transported by truck or rail, with associated facilities for the loading and transfer of goods.

Truck Stop. The term "Truck Stop" refers to a place where large trucks, recreational vehicles, tractors, and equipment are fueled or serviced, including: on-site retail sales of gasoline and petroleum products; service station work such as lubrication and minor repair; washing and detailing; and incidental sales of tires, batteries, and replacement items. A truck stop is typically combined with a convenience store, restaurant, gaming uses, Laundromat, showering and personal hygiene facilities, sleeping accommodations, areas for medium-term (up to 24 hours) truck staging areas, and other commercial uses as permitted in the zone in accordance with this title.

Twinhome. The term "Twinhome" refers to two residential dwelling unites placed side-by-side with no side yards between them. Each dwelling unit has a separate entry and is located on a separate building lot. Twinhomes usually have a common wall separating them (that is, a solid shared structural part of the adjacent house). In some instances, each dwelling unit has its own side wall which abuts the neighboring side wall with nominal (e.g., one inch or less) distance, airspace, or insulation between them.

UAV. The term "UAV" (Unmanned Aerial Vehicle) or "drone" refers to powered aerial vehicles sustained in flight by aerodynamic lift over most of their flight path and guided without an onboard person or crew. They may be expendable or recoverable and can fly autonomously or piloted remotely.

Uniformity. The term "Uniformity" refers to a condition in which two or more similar things (e.g., signs) are precisely the same, regular, and unvarying.

Use. The term "Use" refers to the purpose for which land or building is arranged, designed or intended, or for which it is or may be occupied or maintained.

Use, Principal. The term "Use, Principal", means the main or primary use of a premises which is not accessory to any other use on the premises. Unless the use customarily occurs indoors, or the

definition of the use explicitly mentions that it occurs outdoors, a principal use occurs indoors. See also "principal building" definition in this chapter.

Utility Substation. The term "Utility Substation" refers to an assembly of electrical, telephone, gas, or other utility company equipment used to provide distribution of services.

Vacation Rental. The term "Vacation Rental" refers to any transient lodging providing for dwelling, living, or sleeping within a single-family or multi-family residential dwelling for a period of less than 30 days in a 1-year period.

Variable Image Sign. The term "Variable Image Sign" refers to any lighted sign on which the portrayed message or image changes periodically or continuously (i.e., reader board).

Variance. The term "Variance" excuses a particular parcel from full compliance with the provisions of a zoning ordinance where requiring full compliance would result in hardship to the interested party. Variances, however, may not be granted for failure to comply with use restrictions. The grant of a variance does not change the zoning ordinance or underlying zoning of the parcel and may only be granted upon demonstration of hardship based on the peculiarity of the property in relation to other properties in the same zoning district. The hardship may be demonstrated where, due to special circumstances applicable to the property, strict application of the development code's standards or requirements would deprive the property of privileges enjoyed by others in the vicinity. A self-imposed hardship is not a legitimate ground or reason for a variance approval.

Vending Machine. The term "Vending Machine" refers to a mechanical device that dispenses merchandise.

~~**Veterinary Services, Large Animals.** The term "Veterinary Services, Large Animals" specializes in the care and medical treatment of large animals or livestock. Veterinary services for small animals including pet clinics and small animal hospitals may be included to provide full veterinary services. An example of this use is a large animal hospital providing veterinary services for livestock, including stables and pens associated with care and feeding.~~

~~**Veterinary Services, Small Animals.** The term "Veterinary Services, Small Animals" specializes in the care and medical treatment of small animals and pets. Examples of this use include pet clinics and small animal hospitals.~~

Veterinary Services. *The term "Veterinary Services" specializes in the care and medical treatment of animals, including boarding of animals associated with medical treatment, pet clinics and animal hospitals. The definition includes both indoor and outdoor facilities, however the zoning district may differentiate between allowed and special uses for outdoor facilities.*

Video Sales and Rental. The term "Video Sales and Rental" refers to an establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMs, laser disks, electronic games, cassettes, or other electronic media.

Vision Clearance Triangle. The term "Vision Clearance Triangle" is formed by establishing a set distance from the point of intersection of a street or driveway in both directions and by a straight line connecting those two points.

Visitor. The term "Visitor" refers to a guest or tourist who pays a visit or otherwise stays locally for a short period of time.

Wall. The term "Wall" refers to an architectural partition with a height and length greater than its thickness which is used to divide or enclose an area or to support another structure.

Warehousing, Storage and Distribution. The term "Warehousing, Storage, and Distribution" refers to establishments or places of business primarily engaged in warehousing, storage, and wholesale distribution, including, but not limited to, handling of material, goods and equipment.
Wastewater Treatment Facility. The term "Wastewater Treatment Facility" refers to a facility or group of units used for the treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from these wastes.
Watchman's Dwelling. The term "Watchman's Dwelling" also called "watchman's quarters" refers to a single-family dwelling unit that is accessory to a permitted principal use and for the occupancy by the owner, operator, or an employee of the permitted principal use acting as caretaker, custodian, or security personnel, together with his or her immediate family, if applicable. The use may not be rented or leased.
Water Storage Facility. The term "Water Storage Facility" refers to a system for collecting, storing, and distributing potable water from a source of supply to users.
Water Towers. The term "Water Towers" refers to an elevated storage container and support structure intended to hold a water supply at a height sufficient to pressurize a water distribution system.
Watershed. The term "Watershed" refers to an area of land separated from other land by a ridge or high land and serving as a drainage area by a stream or river.
Wild Animal *Keeping*. The term "Wild Animal" refers to any animal wild by nature and not customarily domesticated, including but not limited to mammals, fowl, fish or reptiles. *"Wild Animal Keeping" includes boarding and/or breeding of wild animals, refuge and sanctuaries where wild animals are contained, facilities open to the public for viewing of wild animals and zoos. Horses, whether wild or domesticated, are not considered "wild animals" and are addressed in "Equestrian Establishments". Domesticated animals such as dogs and cats, and customary farm animals, are not considered wild animals. This definition does not include laboratory or experimental animal research.*
Wind Energy Turbine. The term "Wind Energy Turbine" refers to a system consisting of a wind turbine, support tower, and associated control or conversion electronics that generates electrical power for a lawful principal use.
Winery. The term "Winery" refers to a facility engaged in the production of wine, including storage, bottling, distribution, and related administrative functions such as office management and on-site tasting. Incidental production of olive oils, non-alcoholic grape juices, and similar products is also permitted.
Wireless Communications Facilities. The term "Wireless Communications Facilities" refers to all equipment, buildings, and structures that receive and broadcast communication services over radio-frequency waves. The term includes any of the following:
A. **Amateur Radio Communication Facility.** The term "Amateur Radio Communication Facility" refers to a non-commercial radio service involving amateur radio operators communicating locally and worldwide using store-bought or homemade radios, computers, satellites, and the internet, and including above-ground antenna support structures.
B. **Antenna.** The term "Antenna" refers to a whip (omni-directional antenna), panel (directional antenna), disk (parabolic antenna), or similar device used for transmission or reception of radio or electromagnetic waves and signals.
C. **Antenna Array.** The term "Antenna Array" refers to more than one whip, panel, disk, or similar device used on the same antenna support structure.

D. **Antenna Support Structure.** The term "Antenna Support Structure" refers to a structure, mast, tower, framework, or monopole that is designed to support devices including, but not limited to, antennas, transmitters, relay wireless communications, and related devices. These structures include free-standing, guyed, or mounted to a roof, side of a building, ground, or a structure other than a building. The overall height, regardless of its mounting position, is measured from ground grade level to the uppermost portion of the antenna support structure.
E. **Commercial Communication Facility.** The term "Commercial Communication Facility" refers to a communication system that uses a network of short-range transmitters in overlapping zones and a central station to connect to telephone lines and oftentimes including antenna support structures.
F. **Repeater.** The term "Repeater" refers to a receiver or relay transmitter designed to provide service to areas that are not able to receive adequate coverage from the primary sending and receiving site in a wireless communications network;
G. **Satellite Dish Antenna.** The term "Satellite Dish Antenna" refers to any parabolic or dish-shaped (and related equipment) designed to receive communications from orbiting satellites or other communication source.
H. **Wireless Communication Services.** The term "Wireless Communication Services" refers to commercial mobile radio services, unlicensed wireless services, and common carrier wireless exchange access services as defined in the Telecommunications Act.
I. **Wireless Communication Service Provider**. The term "Wireless Communication Service Provider" refers to an entity licensed by the Federal Communication Commission (FCC) to provide wireless communication services to individuals, businesses or institutions.
Whiteboard. The term "Whiteboard" refers to a smooth, hard, light-colored panel or surface for writing on with an erasable marker or pen.
Window. The term "Window" refers to any opening within the exterior of a building or structure that is intended to provide natural light into the building, or any framework that contains a glass or glasslike windowpane and is built into a wall or roof to admit light or air.
Yard, Rummage, Estate, or Garage Sale. The term "Yard, Rummage, Estate, or Garage Sale" refers to a sale of used household belongings typically held outdoors at the primary residence of the seller limited to 2 days in a 12-month period.
Youth Recreation Facility. The term "Youth Recreation Facility" refers to an indoor or outdoor facility designed and equipped for the performance of sports activities, leisure activities, and other customary and usual youth recreation activities. The operators of these facilities often design arts, sports, fitness, and recreation programs for the youth, as well as other more specialized programs on topics such as leadership, education and career guidance, and health and life skills.
~~**Zoo.** The term "Zoo" refers to a park where wild animals are kept in enclosures for public viewing, and where they may be bred and observed for research. The term does not include laboratory or experimental animal research.~~

Proposed on _____, 2020.

by Commissioner _____

Passed on _____, 2020.

Vote: Ayes: Commissioners _____

_____

_____

Nays: Commissioners _____

_____

Absent Commissioners _____

_____
Marshall McBride, Chair
Storey County Board of County Commissioners

Attest:

_____
Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2020.

Staff Report
Bill 116, Ordinance 20-305
Amendments to Storey County Code Title 17.10, Definitions

Title 17.10, Definitions, is proposed to be amended to include the following modifications:

- Clarified Accessory Dwelling Unit definition, combined attached and detached definition.
- Removed Adult Bookstore and added definition into Adult Retail.
- Added Animal Boarding and Grooming definition.
- Added Beekeeping definition.
- Added clarifying language to Crisis Care Facility.
- Added Equestrian Establishment definition.
- Added language to Wild Animal Keeping definition.
- Removed Game Farm definition – included in Wild Animal Keeping definition.
- Removed Zoo definition – included in Wild Animal Keeping definition.
- Added language to Recreational Vehicle Park to include a watchman's dwelling as part of the overall definition of the use.
- Clarified Veterinary Services, combined large and small animal definitions.
- Other minor and clarifying language, typographical errors and numbering modifications.

The revised language can be found online at http://storeycounty.org/517/Updates and also within proposed Bill 116.

Staff and the Planning Commission initiated public workshops and discussions on Title 17 as a whole starting in October 2018. In total, the Planning Commission held 13 public meetings, including locations at the Storey County Courthouse, the Virginia City Senior Center, the Mark Twain Community Center, the Highlands Fire Station and the Lockwood Senior Center.

The Planning Commission at their March 19, 2020 meeting discussed the final recommendation for the proposed modifications. There was no further discussion by the Planning Commissioners or the public. The Planning Commission recommended approval of the proposed modifications to Title 17.10 with a unanimous vote of 7 ayes, 0 nays.

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: April 7, 2020 **Estimate of time required:** 10 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/For Possible Action:** First Reading of Bill 117, Ordinance 20-306 Text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

2. **Recommended motion:** In accordance with the recommendation by staff and the planning commission, I [county commissioner] motion to approve the First Reading of Bill 117, Ordinance No. 20-306, text amendments to Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** First Reading of an ordinance amending Storey County Code Title 17, Chapter 17.12 General Provisions. Please see attached staff summary.

6. **Supporting materials:** The attached staff summary and attached Bill 117. Additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:**

   ✓ District Attorney

9. **Reviewed by:**

   KC Department Head Department Name: Planning

   ____ County Manager Other agency review: _____

10. **Board action:**

   [ ] Approved [ ] Approved with Modifications

   [ ] Denied [ ] Continued **Agenda Item No.** 11

Bill No. 117

Ordinance No. 20-306

Summary

An Ordinance amending Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

Title

An Ordinance amending Storey County Code Title 17 Zoning Chapter 17.12 General Provisions adding, modifying and clarifying provisions within the chapter including home enterprises, height of buildings and structures, accessory buildings and shipping containers, accessory dwellings, Comstock Historic District standards, setback encroachments, perimeter fencing, public utility uses, minimum lot area, off-street parking, open storage, general provisions for all zones including crisis care and wireless communications facilities, and property located within mapped FEMA floodplain.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

SECTION I: Chapter 17.12 is amended as follows:

Chapter 17.12
General Provisions

Sections:

17.12.010 Purpose and intent
17.12.014 Uses allowed
17.12.018 Uses permitted subject to a special use permit
17.12.022 Uses prohibited
17.12.023 Home enterprises
17.12.024 Nonconforming buildings and uses
17.12.040 Modernization
17.12.041 Net metering
17.12.044 Height of buildings and structures
17.12.045 Accessory buildings, location and placement
17.12.046 Accessory dwellings, location and placement
17.12.048 Accessory buildings
17.12.049 Comstock Historic District standards
17.12.050 Visibility at intersections
17.12.052 Through lots
17.12.056 Yard encroachments
17.12.060 ~~F~~*Perimeter f*ences, walls and hedges
17.12.064 Public utility uses
17 12.068 Minimum lot area
17.12.070 Off-street parking
17.12.080 Open storage prohibited
17.12.090 Access and right-of-ways
17.12.100 General provisions for all zones
17.12.110 Manufactured homes authorized
17.12.120 Converting manufactured and existing mobile homes to real property
17.12.130 Property within FEMA mapped floodplain

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. This section applies to any home enterprise.

B. ~~In zones where a home enterprise is allowed,~~ *Home enterprises may occur in the R1, R2, CR, E, SPR, A and F and are associated with and subservient to the lot's principal residential use.* ~~t~~*T*he home enterprise must comply with the provisions of Title 5 Business Licenses, and a special use permit may be required pursuant to subsection (D) below.

C. In-home child care is allowed for a maximum of 6 children, up to the age of 18, in any zoning district where a primary residential use exists and is a permitted use. Childcare of more than 6 children up to a maximum of 15 children, may be permitted with a special use permit in zoning districts that a primary residential use exists and is permitted. An outdoor play element may be associated with the child care use as required by state regulations. In-home child care is not subject to the requirements in Section 17.12.023.D, below.

D. A special use permit approved by the board with action by the planning commission is required if the home enterprise may:

1. Involve entry into the residential building or accessory building by customers, patrons, or other such persons not permanently residing on the property *exceeding two vehicle visits per day*;
2. Involve seven or more motor vehicle visits per week, or ~~two~~ three or more on any given day, to the subject property;
3. Involve the storage or use of flammable or hazardous substances, storage of products being sold that would increase fire loading to a level over the above standard for residential properties, or involve activities that may be potentially harmful or hazardous (e.g., welding, automotive painting, etc.) to surrounding residences and uses;
4. ~~Involve outdoor storage~~ *Involve storage of materials associated with the home enterprise outside of an enclosed building;*
5. *Involve an accessory component to the home enterprise which includes an outdoor activity, or*

~~5.~~*6.* Produce noise, odor, dust, smoke, light, vehicular traffic, or other disturbances that ~~would~~ *could potentially* ~~adversely~~ affect the health, safety, or general welfare of surrounding residences, or the residential character of the surrounding area, without proper mitigation.

~~D.~~*E.*. The following minimum standards apply to any home enterprise, regardless if a special use permit is or is not required:

~~1. The home enterprise must be operated entirely within the interior portions of the principal residential building or accessory building on the lot by a person or persons residing in the principal dwelling unit;~~

~~2.~~ *1.* The home enterprise ~~use~~ must be clearly a subservient use~~s~~ to the *primary residential use existing on the property*. ~~dwelling for residential purposes~~. The home enterprise must not change the residential character of the dwelling unit or the residential property;

~~3.~~ *2.* No more than one vehicle with commercial advertising displayed may be parked on the premises except within an entirely enclosed building. Such vehicle stored outside of the enclosed building must not exceed 10,000 pounds gross vehicle weight rating (GVWR).

~~4.~~ *3.* There may be no manufacturing, processing, or similar activities on the premises which generate noise, odor, dust, vibration, fumes, smoke, electrical interference, vehicle traffic exceeding the number stated in this section *unless approved by a Special Use Permit*, storage of items which increase fire load, or other adverse impacts to adjacent properties.

~~5.~~ *4.* The home enterprise may not be operated by a resident-tenant without the written consent of the owner of the real property.

~~6. No employees of the business may report for duty at or near the residence.~~

~~7.~~ *5.* The home enterprise must comply with the provisions of Title 5 Business Licenses of the county code.

~~8.~~ *6.* ~~One non-lighted advertising sign of four square-feet may be allowed on the property. The sign must comply with chapter 17.84 Signs and Billboards.~~ *Any sign must comply with chapter 17.84 Signs and Billboards.*

~~9.~~ *7.* Home pet and plant sales. In any ~~CR, R, E, or SPR~~ zone *with a residential primary use*, a person may keep or cultivate pets or raise fowl, bushes, trees, berries, or crops, or sell pets, fowl, eggs, or crops from the premises, providing that no stores or stands are constructed for the purpose *unless specifically permitted by the zoning district*, the operation is not conducted as a regular commercial enterprise, and the activity is not in violation of this chapter or any other ordinance. *The number of animals permitted at the site shall comply with the zoning district requirements and Section 17.12.100 of this chapter.*

~~10.~~ *8. Any open storage must be consistent with Section 17.12.080.*

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~~ *Industrial (I) and Public (P) zoning districts;*

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 limitation 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 *all zoning districts with the exception of IC, I2 and I3 which may extend up to 75 feet above grade level.* ~~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, *and pursuant to other requirements of the Federal Communications Commission (FCC)*.

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 upermit.

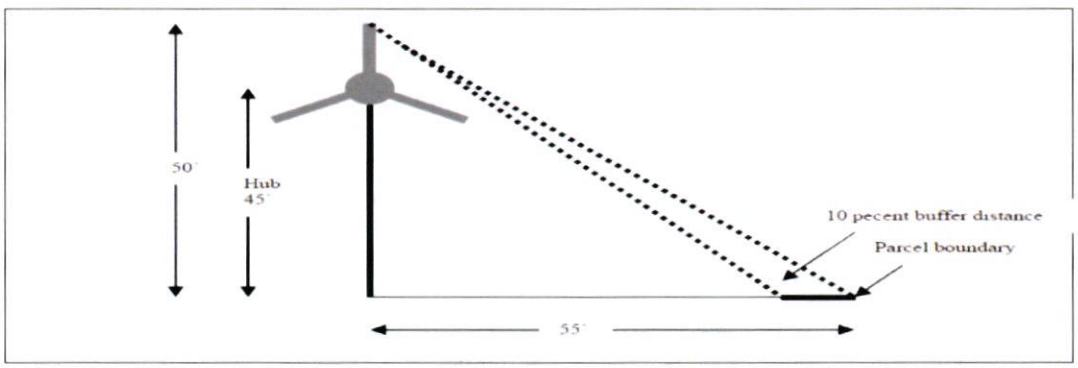


Figure 12.1: Total fall-down setback for a 10 kWh or less capacity wind turbine is the sum of its total height and ten percent thereof.

17.12.045 Accessory buildings and shipping containers, Location and Placement (non-*accessory* 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 *regardless if a building permit is required*. Regular setback distances apply to accessory buildings with exception of the following.

~~A.~~ *A.* **Accessory buildings *and shipping containers* in *CR,* R, *E* and SPR zone *with the primary land use as residential*.**

1. Accessory buildings *and shipping containers* up to ~~500~~ *200* square feet *in size* ~~or 20 feet in height~~ may be located ~~up to 3 feet~~ *no closer than* 3 feet ~~of~~ *from* 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 special use permit 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.~~ *2.* Accessory building(s) *and shipping containers* may cover no more than 50 percent of the *required* rear yard *setback* area.

3. A special use permit may be granted by the board with action by the planning commission to exceed these limitations.

~~**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 *and shipping containers* 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.~~

4. Accessory structures *and shipping containers* must also be no closer than 20 feet from the easement line in which the public or private access road is located (see section 17.12.090). This only applies to parcels having ~~this~~ *an* encroaching *roadway access* easement.

~~**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, F, and NR zones.**~~

~~*E.*~~ *B.* ~~The location, placement, and area of accessory buildings in the A, F, and NR zones are regulated by chapters 17.24 Agriculture zone, 17.32 Forestry zone, and 17.76 Natural Resources zone, respectively. *Regular setback distances apply to accessory buildings.*~~ **Area limitations *for Accessory Buildings and Shipping Containers*.** The following limitations apply to allowable cumulative square footage for *all* accessory building(s) *and shipping containers*. *Buildings and shipping containers are measured separately. A special use permit may be granted to exceed these limitations.*

Zone	Maximum *cumulative* square footage for accessory building	*Maximum cumulative square footage for shipping containers*
~~C and~~ CR	No limitation	*320 square feet*
C ~~R~~	*No limitation*	*640 square feet*
R1 and R2	1,500 square feet	*640 square feet*
SPR	1,500 square feet	*640 square feet*
E and E1VCH (1 to 5 acres)	~~4,000~~ *5,000* 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.~~	*1,280 square feet*
E, E10HR, and E40VR (more than 5 acres, up to 40 acres)	5,000 square feet	*2,560 square feet*
F	5,000 square feet	*2,560 square feet*
~~IC, I1, I2, and I3~~ *I1*	No limitation	*2,560 square feet*
IC, I2, I3	*No limitation*	*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.~~ *No Limitation*	~~*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.*~~ *5000 square feet*

~~**F. Deed restriction.** Any detached accessory building *(not including shipping containers)* 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.~~ *C.* **Temporary accessory structure *and shipping containers* – during construction.** It is unlawful to construct, erect, or locate ~~private garages or other~~ accessory buildings *or shipping containers* and uses in the E, R, or SPR zone without an existing principal building, *unless allowed by the zoning district*. A temporary building may be constructed *or shipping container may be placed,*

during ~~pending~~ the construction of the principal building *provided* ~~providing that a building permit will not be issued for the temporary building unless a~~ *an active construction* permit ~~is~~ *has been* ~~also~~ issued ~~at the same time~~ for the principal building. *A separate permit shall be obtained for the temporary accessory structure or shipping container concurrent with or after obtaining a construction permit for the principal building on the property.* Temporary accessory dwelling units are regulated under section 17.12.046 *of this chapter*. ~~Accessory dwellings, location, and placement~~. . *A certificate of occupancy for the principal building shall not be granted until the temporary accessory structure is either removed from the property or it is demonstrated it conforms to permanent accessory structure requirements in this chapter.*

~~H.~~ *D.* **Shipping containers** ***general provisions*****:** ~~Shipping containers may be used as a detached accessory building for the sole purpose of storage with the following restrictions~~ *In addition to the requirements in this chapter, shipping containers must conform to the following:*

~~1. Must be listed in the respective zone as an allowed use after review and approval by the director of planning.~~

~~2. Only one shipping container is allowed on a parcel of land having less than 3 acres in area and must not exceed a maximum size of 10 feet wide, 10 feet high, and 40 feet long.~~

~~3.~~ *1.* In the C, CR, E, P, R and SPR zones, *except when placed for 180 days or less (or with a temporary permit associated with a construction permit as described in this chapter),* the container must *be painted one solid color that reasonably blends with the surrounding vegetation or ground surface (earth-tone), or adjacent building. A second and third color may be used for trim and/or accent. Requirements imposed by the Comstock Historic District Commission and/or any local homeowners association will prevail over this subsection.*

~~a. Be fully surrounded by a solid fence at least 6 feet high, or located within an area screened by existing solid evergreen vegetation that is at least 6 feet high; or located toward the center of a property where existing dense vegetation meets the purpose of this section; and~~

~~b. Be painted one, solid, muted color (i.e., earth tone colors) that blends with the surrounding vegetation or topography, or adjacent building.~~

~~4.~~ *2.* All shipping containers ~~used for these purposes must~~ *must* be free from *substantial* visible damage, must not be structurally altered, must be free from ~~visible rust~~ ~~*and*~~ *graffiti*, and must not have exposed bare metal.

~~5.~~ *3.* Must not include plumbing fixtures.

~~6. Must not be stacked, except in I zones, but must not be stacked above 2 high in the I1 and IP zones.~~

~~7.~~ *4. May be stacked except in the CR, E, P and R zones. In the I1 zone may be stacked up to 2 high maximum.*

~~8. Must conform to chapter 17.84 Signs and Billboards.~~

~~9.~~ *5.* Must not occupy any required off-street parking spaces for the site *except when in use for less than 180 days or as part of a temporary permit described in this chapter*.

~~10.~~ *6.* Must not be located within any right-of-way or access easement.

~~11. Must not be placed between a residence and the adjoining street or road right-of-way that provides primary access to the residence.~~

~~12. When placed on a parcel fronted by two or more street or road right-of-ways, it must be placed at least 60 feet from all street or road right-of-way, except as provided for in (9) above. In the E-1-VCH, E-10-HR, and E-40-VR zones, the unit must also be no closer than 20 feet from the easement line in which the access road is located (see section 17.12.090 and 17.40.050). This only applies to parcels having this easement area.~~

~~a. The director of planning has the authority to allow a minor deviation in setbacks up to 10 percent of the required setback distance when the director is presented with sufficient evidence that the proposed shipping container will be aesthetically enhanced to blend with the surrounding principal structures;~~

~~b. Aesthetic enhancements, as required in (a) above, consists of one or more of the following: siding and/or painting to match the adjacent principal structure; landscaping to obscure the shipping container from view from off-site; placement of the shipping container to obscure view from off-site; other techniques as proposed by the applicant and acceptable by the director.~~

~~13. Must be separated from any other structure, storage shed, or other shipping container by a minimum of 10 feet when located within 60 feet of any property line.~~

~~14. Must apply for a building permit if the shipping container meets the minimum square footage requiring a building permit. The building official may require foundations, tie-downs, or other safety apparatus to assure compliance with wind load and other safety standards.~~

~~15.~~ *7.* Comstock Historic District Commission standards, including prohibitions or other regulation exceeding this title, supersede these regulations *for shipping containers*.

17.12.046 Accessory Dwelling~~s~~ *Units*, 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 *units* in the A *and* CR F, and R2 zones**~~

~~1. Dwelling *Accessory dwelling* units are regulated by chapter 17.24 Agriculture zone *and* 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.~~

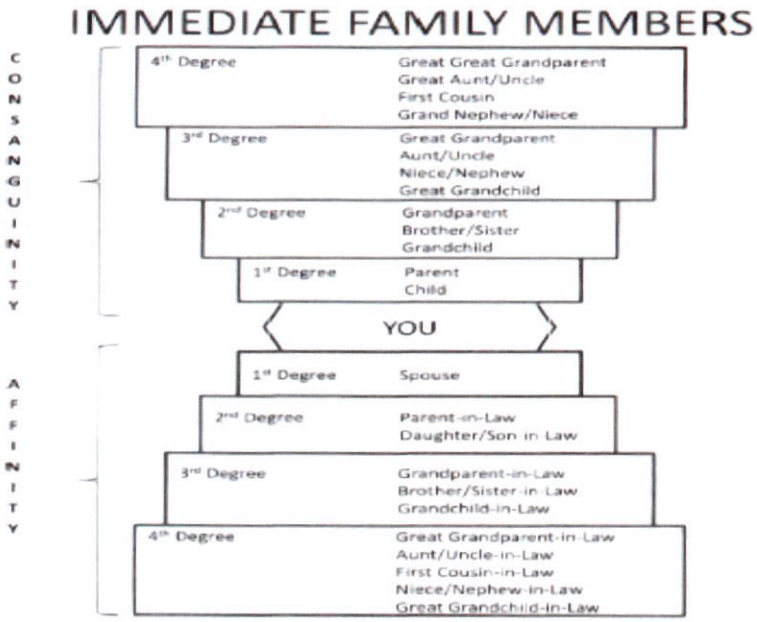
~~3. **Occupancy.** The dwelling shall be limited to 1 person or 1 family. There shall be no payment of rent or lease, or payment toward purchase by the occupant of the dwelling.~~

~~C.~~ ***A.*** **Accessory dwellings~~s~~** ***units*** ~~**in the E, R1 *SFR, MFR*, NR, *F*, 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.~~ *1.* **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.~~ *2*. **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. *The occupants of the remaining unit must be related within four degrees of consanguinity of the owner-occupants of the property as demonstrated in the chart below.*



Note: Step relationships (step-brother, step-father, etc.) are considered to be the same as blood relationships.

~~4.~~ *3*. **Building area**. ~~Attached and detached accessory dwellings may be no less than 500 square feet. A detached accessory dwelling may be no more than 1,000 square feet.~~ *The dwelling unit must meet building code requirements.*

~~5.~~ *4*. **Parking**. At least 1 off-street parking space shall be provided in addition to the required parking requirements for the principal use.

~~6.~~ *5*. **One allowed**. Only 1 accessory dwelling unit is allowed per parcel.

~~7. **Affidavit of family**. If the accessory dwelling is occupied, an *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 *dwelling* and accessory dwellings, and describe the family lineage between the property owners(s) and the person occupying the accessory dwelling.~~

~~7.~~ ***6. Utilities.*** *The use must conform to local water, sewer, and utility connection requirements. If the property is not served by a water and/or sewer utility provider, the owner must provide written documentation from the State of Nevada that a domestic well and/or septic system serving the principal dwelling and accessory dwelling unit meets State of Nevada requirements and whether the State of Nevada will require metering of the domestic well. The well must be consistent with withdrawal regulations of the State of Nevada.*

~~8.~~ ***7. Building, fire, and health codes.*** *The use must conform to all county and state building and fire codes, and health and safety codes, including septic system requirements.*

~~C.~~ ***B.*** **Deed restriction**. A deed restriction shall be filed with the county recorder's office *prior to commencement of construction* stating that the accessory dwelling unit is a ~~temporary~~ use for ~~immediate~~ family members~~.~~ *related within four degrees of consanguinity*. It shall stipulate that the *accessory dwelling* unit will be vacated *by any person other than the owners of the principal dwelling* ~~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 *unit* 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. *In addition, if any construction has the ability to be converted to a locked-off accessory dwelling unit, a deed restriction limiting the property to the accessory dwelling restrictions identified in this chapter may be required.*

~~D.~~ ***C.*** **Temporary accessory dwelling *unit* – during construction**. It is unlawful to construct, erect, or locate an accessory dwelling unit ~~in the E, R, or SPR zone~~ without an existing *occupied* 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~~ *prior to or concurrently with a permit* 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, *or the accessory dwelling unit conforms to the requirements of this chapter.*

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 *between Flowery Street and Sutton Street* must have wooden porches over the top of the sidewalks/boardwalks extending from the building front to the street. ~~and~~ *Commercial buildings along "C" Street* must have a front sidewalk constructed of wood, ~~*or a wood-like appearance*~~, from the building front to the street *as approved by the Comstock Historic District*. A special use permit may be granted by the board with action by the planning commission *for use of other boardwalk and porch materials and design* when good cause is shown by the applicant.

B. **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, which are prohibited.
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.

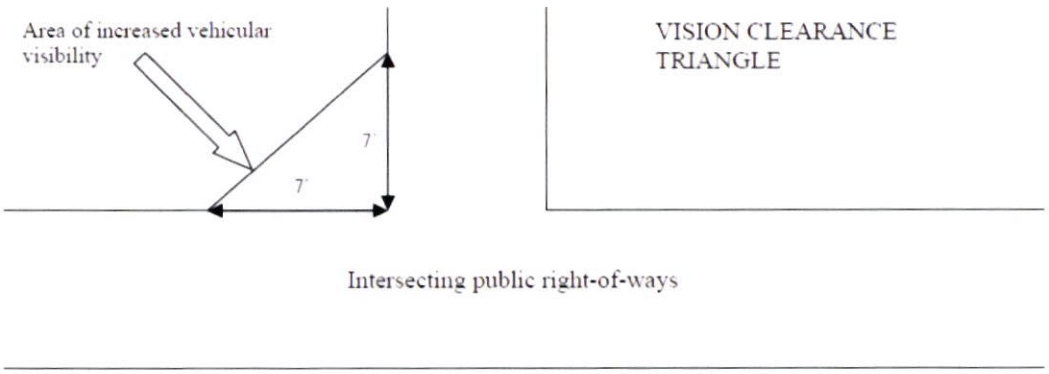


Figure 12.2: Setback requirements for devices placed within the vision-clearance-triangle maintain clear visibility for vehicular and pedestrian traffic. In some instances more restrictive requirements may be necessary to maintain a safe travel environment.

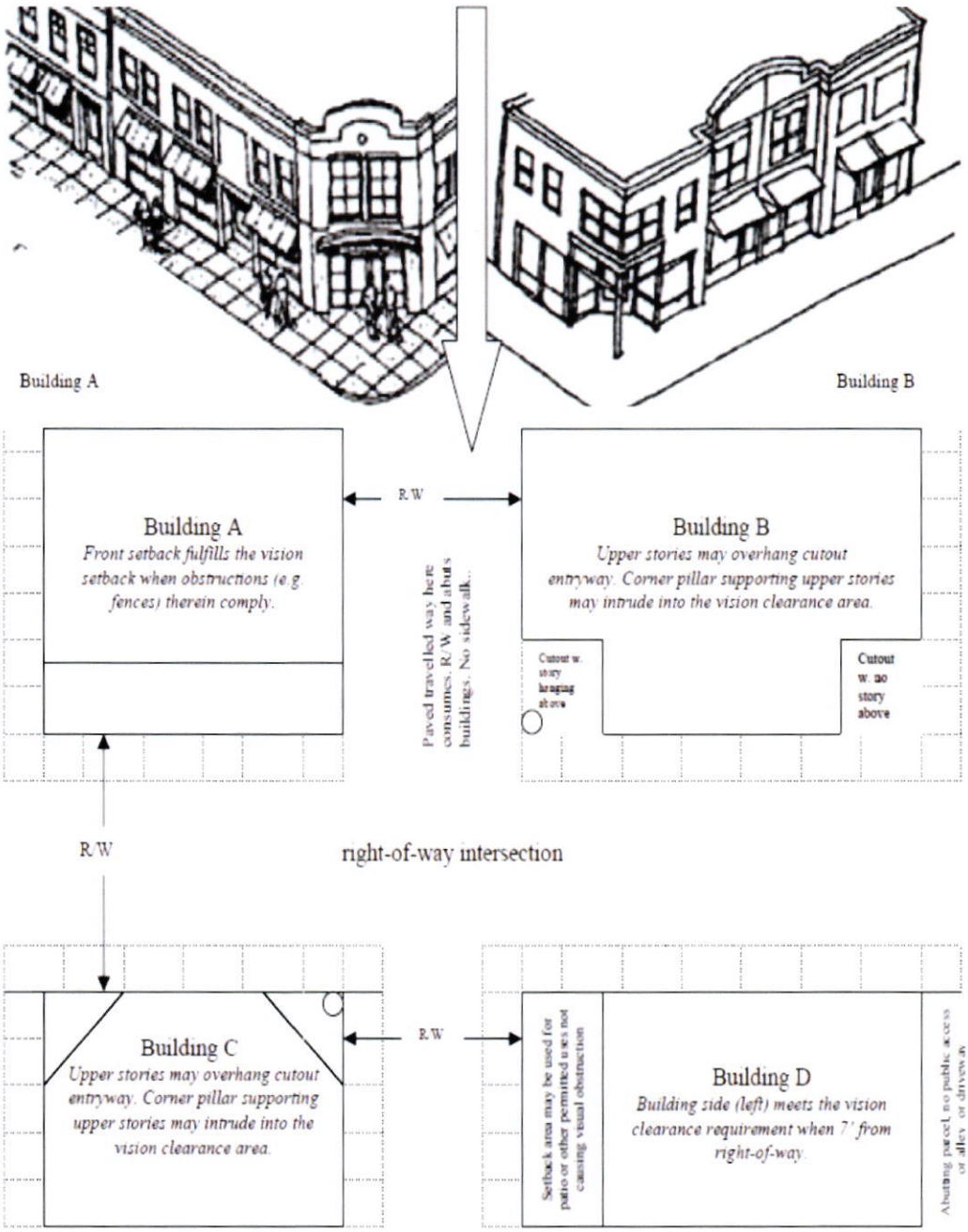


Figure 12.3: The image illustrates examples of building design and placement that meet the purpose and intent of the vision-clearance-triangle. The configurations above are not exhaustive as buildings and improvements may take many forms that meet said requirements. It is hereby recognized that many 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.~~ *closer than 3 feet to the property line.*

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. A special use permit may be granted for a roof or 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.~~ *Open, unenclosed ramps, porches, platforms, or landings, not covered by a roof, but containing a railing, may extend no closer than 3 feet to the property line*~~*up to 6 feet into the required front and rear setback area*~~*, provided that it does not extend above the first level and is not more than 6 feet above grade at any point. Decks which are less than 18 inches in height from the parcel's finished grade are not counted as a structure for front and rear setback purposes. A special use permit may be granted for a roof, or a deck, landing, stairs, or platform with railing to be placed above the first floor porch, platform, or landing in this encroachment case.*

C. Cantilevered windows (bay windows, window boxes, etc…) may project into the setback area no closer than 3 feet to the property line.

D. Private garage accessory to a principal use may be located in the front yard setback of a sloping lot if the lot has more than a 10-foot difference in elevation from midpoint of the front lot line to a point 50 feet away midway between the side lot lines.

~~C. Detached accessory buildings may occupy side and rear setback areas in accordance with the provisions of this chapter.~~

E. Encroachments into the rear yard setback for accessory structures, beyond that allowed by Section 17.12.045, may be permitted with a Special Use Permit.

17.12.060 *Perimeter* Fences, Walls and Hedges

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

A. Height limitation and visibility *for solid fences or solid portion of fences is unlimited except where identified below*:

Height Limitations for Fences or Solid Portion of Fences** *(The following apply to the solid portion of fences)*				
Zone	***Front***	***Side***	***Rear***	***Other***
CR	*6*	*6*	*6*	
E, SPR	*8*	*8*	*8*	
R	*4**	*8*	*8***	

**Front yard fences in the R zones may be 6 feet in height so long as the solid portion is no higher than 4 feet.*

See through fences must meet the following:

1. *They must consist of at least 75 percent of open space uniformly distributed along their surface.*
2. *Vision through the fence must not be 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.*
3. *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 director of planning 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.*

~~***Rear yard fences within Virginia City must be setback at least 4 feet from the edge of the public travelled way*~~.

~~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, 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.

B. Other requirements:

2. Rear yard fences in R zones within Virginia City must be setback at least 4 feet from the edge of the public travelled way.

B. Exemptions:

1. Hedges, trees, and other flora are exempt from these regulations except that a vision clearance triangles must be maintained pursuant to section 17.12.050.

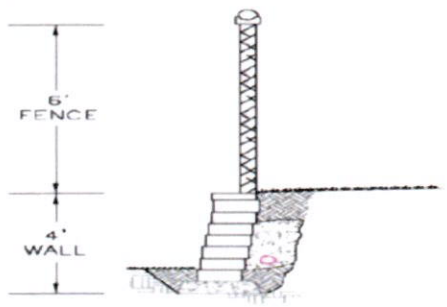
7.*2.* One additional foot of *Additional* height is allowed for fence or wall columns which are a maximum of 2 *3* feet in width and spaced at least 6 feet apart measured *from outer edge to outer edge.* center to center (see figure 12.5).

8.*3.* Two additional feet of *Additional* height is allowed for decorative open arched *a* 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 *4.* Four additional feet of height is allowed to accommodate solid arch *Arches and other such* structures over gates and other passageways for pedestrians

and vehicles (see figure 12.5) *may be the same height as that allowed for the principal use in the zone*.

~~10.~~*5.* A fence height ~~must be~~ *is* measured from grade to the top of the fence. When a fence is located on top~~,~~ and within 12" of *the top edge of* a retaining wall, the height of the retaining wall is not be included in the height measurement of the fence (see illustration below).



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

~~11.~~*6.* ~~Two additional~~ *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.~~*7.* Maximum height may vary up to ~~6 inches~~ *10 percent or 6 inches, whichever is greater,* 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.~~*8.* 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;

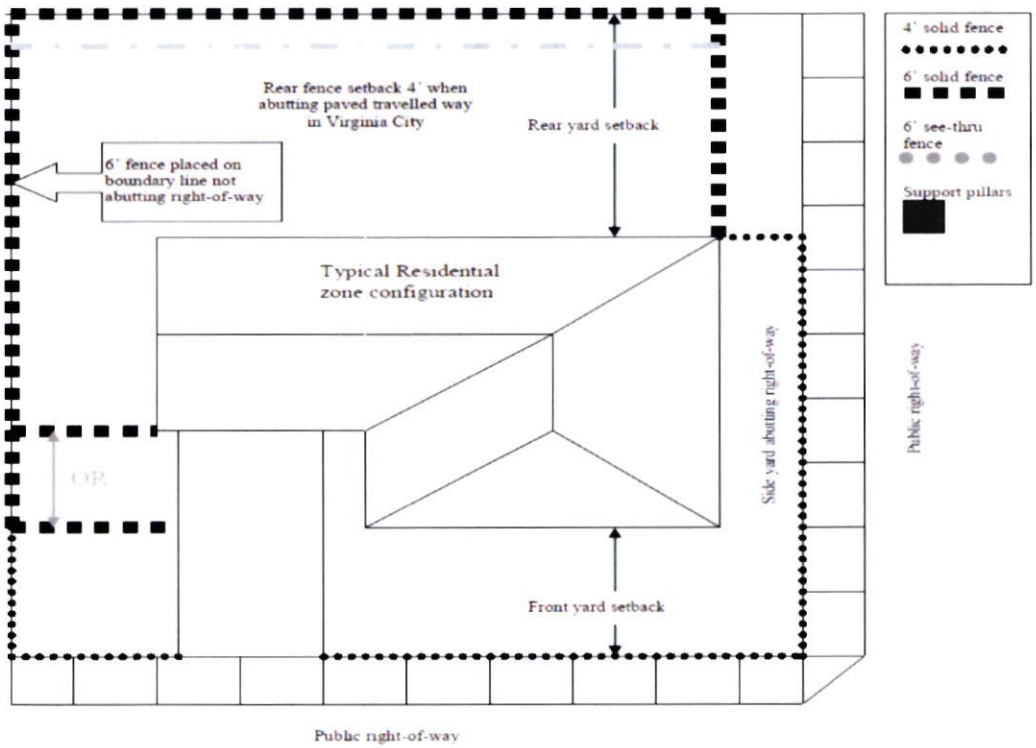
b. A requirement of a *local,* state or federal agency, when needed for safety or security. ~~such as those for jails and other high security facilities.~~

~~B.~~*C.* Barbed or razor wire. Fences incorporating barbed wire or razor wire are not permitted in C, CR, E, 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 security or safety use. ~~utility *substation*, building, substation, or public use~~.

~~C.~~*D.* 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.~~*E.* 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.



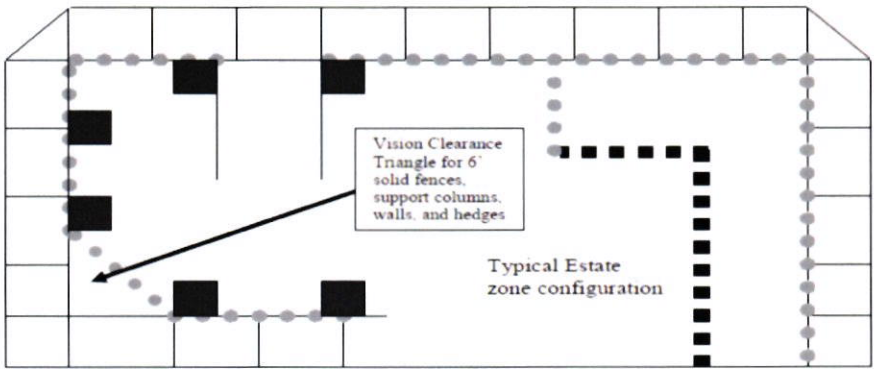


Figure 12.4: The diagram illustrates typical situations that are applicable to residential and estate zones. It is recognized that many rear yards of historic parcels in Virginia City abut the public (paved) travelled way and, in some instances, overlap the dedicated right-of-way. This situation leaves 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.

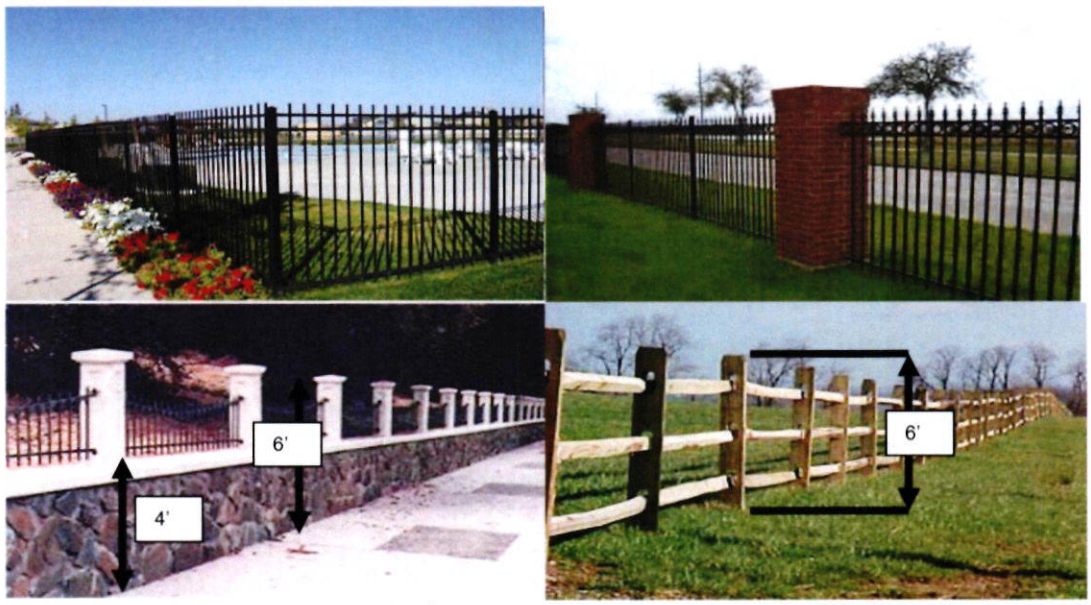


Figure 12.5: The wrought iron fences (top) are easily seen through by adjacent vehicular and pedestrian traffic *and are considered see-through fences for the purpose of this section*. The top left fence, with no large supporting columns, may be located within the vision-clearance-triangle; the top right fence, with vision obstructing columns, may not. The 6 foot fences (bottom) may abut the front lot line of the E, and R zones because the solid portion ~~meets the~~ *is at or less than the* maximum height limitation ~~for fences and walls in the front yard~~ *even though the entire fence is over the listed height limit*. ~~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.~~

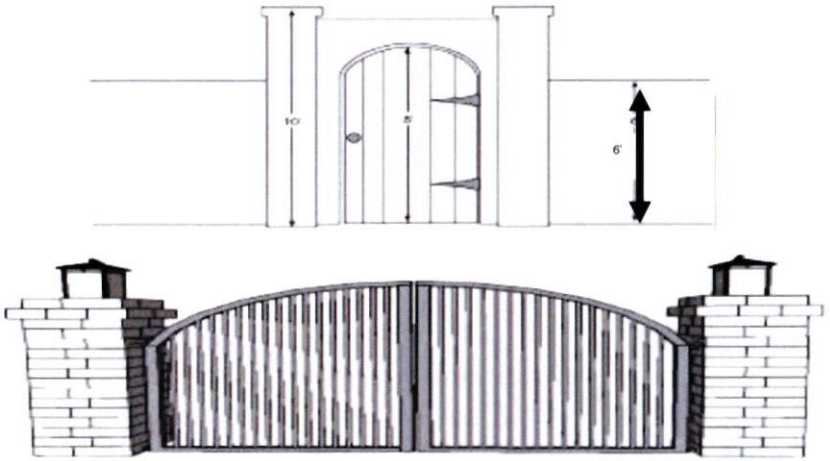


Figure 12.6: The gate designs are examples where maximum height limitations for fences may be exceeded in accordance with this chapter. ~~They include structural archways over gates, arched gates, support pillars, and their lamps.~~

17.12.064 Public Utility Uses

The provisions of this title do not apply to the construction, installation, operation and maintenance of *above-ground and below-ground* public utility distribution and transmission *facilities located on public property, public rights-of-way or within utility and/or access easements or identified transmission corridors* *including* lines, towers and poles, and underground facilities for providing- gas, water, *sewer*, *stormwater collection*, electricity, telephone, telegraph, *video,* or communication services by *public agencies or 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 *which are discussed in Section 17.12.100. Construction/grading permits may be required if there are no prior agreements between the public utility company and Storey County and/or if the applicable zoning district identifies such a use as requiring a special use permit.*

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. *The minimum lot area is identified in each zoning district. A parcel in any zone may be less than the minimum required area when the parcel is created for a public or quasi-public use. Development on the parcel shall be limited to the public or quasi-public use.* 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. *Residential properties that contain an accessory dwelling unit shall provide one additional off-street parking space.*

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. *The parking spaces required must be provided on the same lot as the use or where the exclusive use of such is provided on another lot no more than 500 feet radially from the subject lot within the same or less restrictive zoning district (i.e., C, CR, P, I zones).*

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 *with the exception cited in Section* B~~, above~~.

E. *A Special Use Permit, approved by* the *board, with action by the* planning commission, may establish any other ratio not set forth in this section. ~~*for an individual project*~~. ~~and all parking spaces referred to in this section must be of a sufficient size to accommodate any size of passenger automobiles~~

F. All parking spaces referred to in this section must meet County parking lot standards. ~~*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. See also section 17.12.100 for screening and setback requirements.~~ *No storage of any kind is allowed on any unimproved lot, unless stated as an allowed or special use by the applicable zoning district. Building materials and construction equipment may be located on a lot that has an active building permit, subject to the building permit requirements. No vehicles may be stored on the lot until a certificate of occupancy or safety seal has been issued for the principal use.*

Open storage, where allowed by the zoning district, must be screened from view of public places and abutting private properties by a suitable structure or planting strip (e.g., solid evergreen hedge or densely placed evergreen trees) not less than 6 feet high. Storage of lumber, coal, and other combustible materials must be setback from the lot line a distance that meets fire/building code requirements. Temporary storage of materials associated with a public service use may be exempt from this requirement.

17.12.090 Access, Right-of-Ways, and Easements

This section is intended to provide sufficient right-of-way and easements which serve individual lots, uses, and communities in the county. It is recognized that sufficient right-of-way and/or easement area is needed to facilitate vehicle access ways including, but not limited to, travel lanes, shoulder lanes, center turn lanes, and street side vehicle parking, as applicable; pedestrian ways; and above-ground and below-ground public utilities which may be placed within the right-of-way and/or easement.

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.

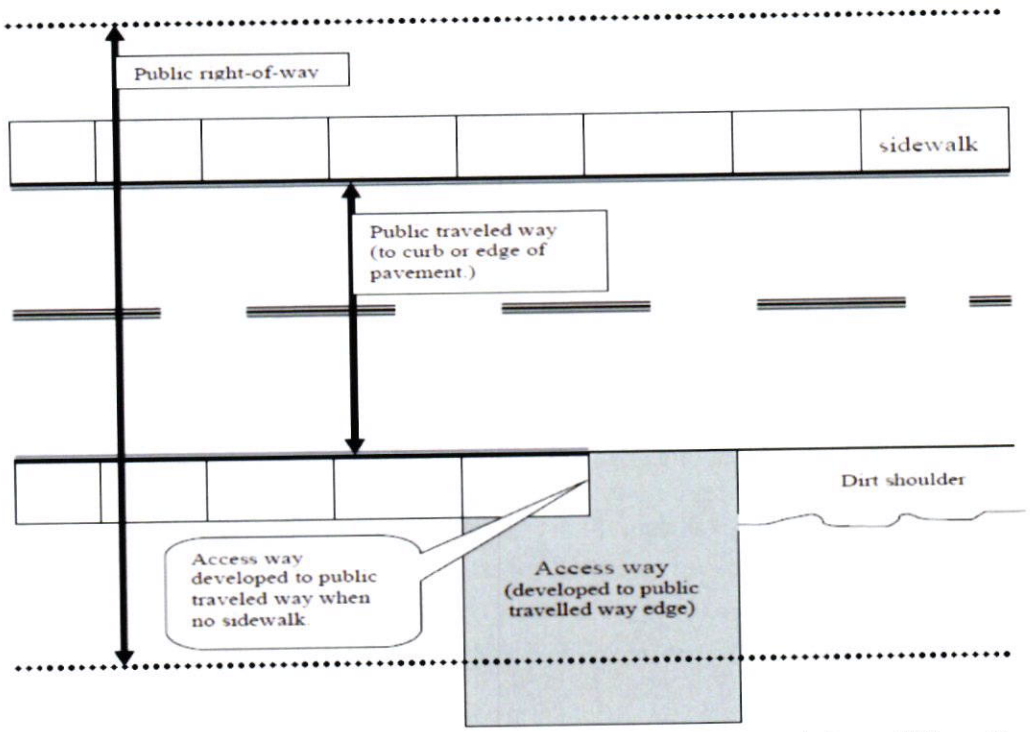


Figure 12.7: The public right-of-way encompasses much more land than the traveled way. While public utilities such as power, sanitary sewer, and water may be located above or below the traveled way, they are oftentimes located within the outer edges of the public right-of-way.

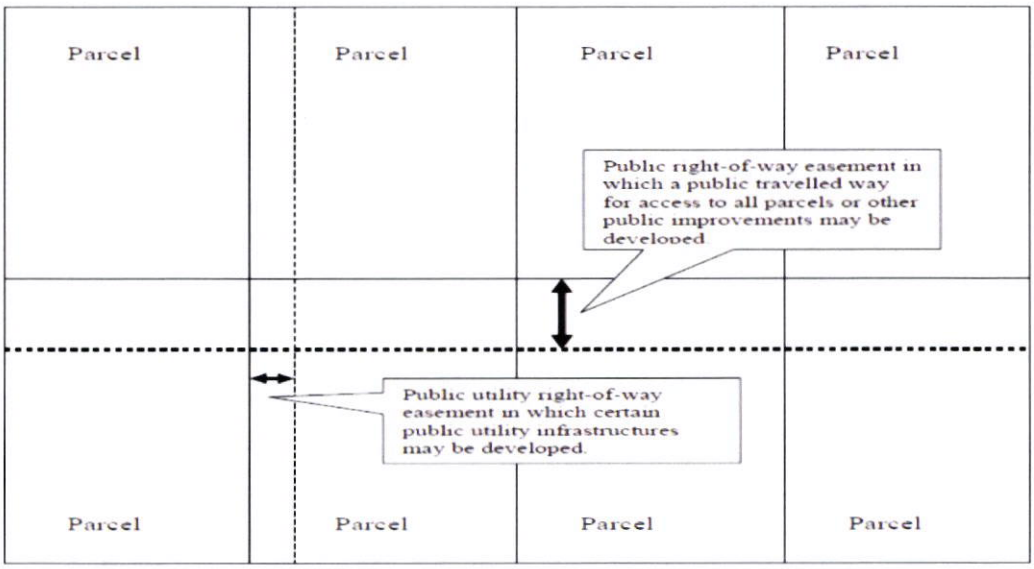


Figure 12.8: In the case illustrated above, only the lower parcels include easements for public right-of-way development. Required building and accessory building setbacks must be from that easement line. Public utilities, but not transportation improvements, may be developed in the public utility right-of-way.

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 with the minimum required parcel area per zoning, within 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 *vehicular access* 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. Marijuana

1. Uses involving the sale, display, dispensing, or cultivation of marijuana, regardless of whether the marijuana is for medicinal, recreational or any other purpose is prohibited and also is recognized by this ordinance as prohibited by federal regulation.
2. The sale of items intended for use as marijuana paraphernalia to persons under the age of 21 years is also a prohibited use.
3. Medical marijuana, as defined in SCC Section 17.10.030 and by Nevada Revised Statute Chapter 453A Medical Use of Marijuana, is a prohibited use. Medical marijuana establishments uses are unlawful and are prohibited as an allowed use, special use, accessory use, or temporary use within all zoning districts.

4. Marijuana establishments, as defined in SCC Section 17.10.030 and by NRS Chapter 453D, the Regulation and Taxation of Marijuana Act, including any subsequent amendments or regulations is a prohibited use. Marijuana establishment uses are unlawful and are prohibited as an allowed use, special use, accessory use or temporary use within all zoning districts.

C. In zones where a commercial business is allowed, a special use permit is required for the display, sale, barter, or trade of items 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, such as on the boardwalk/sidewalk. Business, including dining, customer seating, and other uses, but not the display of merchandise and other items for sale, barter, or trade, may occur in the front, side, and rear yards of the business where such area exists. Recessed door openings and thresholds may be used to display items for sale, barter, or trade and to otherwise conduct business.

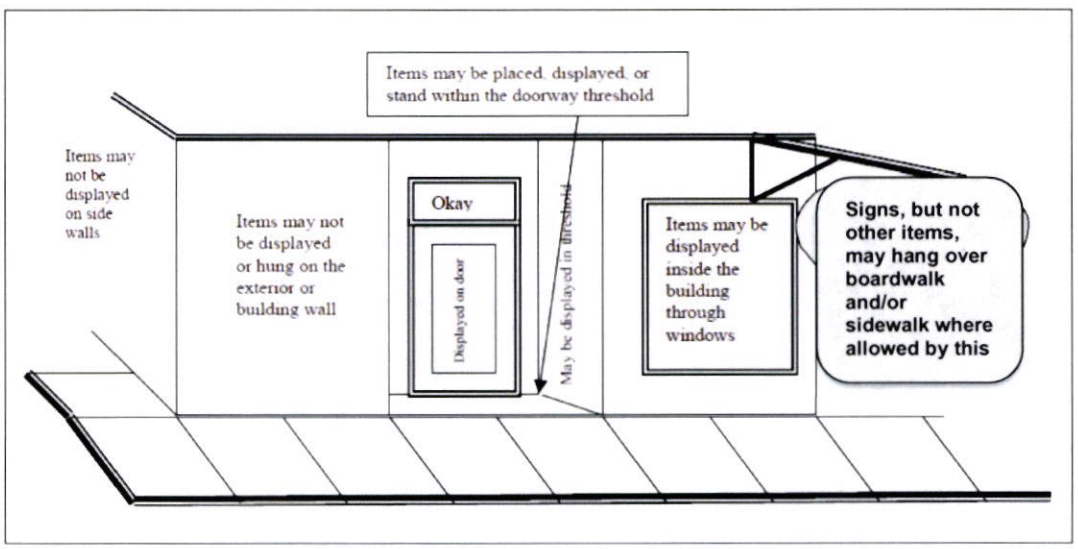


Figure 12.9: The diagram shows where merchandise and other items may and may not be displayed. The diagram does not apply to signs and advertising devices which are regulated pursuant to chapter 17.84 Signs and billboards.

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 *Outdoor Lighting (*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 *natural* waterway restoration *and realignment*, wetland creation, and water restoration and recycling.

H. Up to 4 dogs and 3 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.

~~I. Open storage, where allowable, must be screened from view of public places and abutting private properties by a suitable structure or planting strip (e.g., solid evergreen hedge or densely placed evergreen trees) not less than 6 feet high. Storage of lumber, coal, and other combustible materials must be setback a minimum of 50 feet from the lot line.~~

I. Crisis Care Facility, Temporary and Permanent (as defined in Chapter 17.10, definitions) is allowed in any zone where residential uses are permitted. The facility shall appear as a residential structure and be similar in use, density and appearance to the surrounding residential uses. This use does not include group care facilities or other group home type uses which are defined as Health Care Facilities, or Halfway Houses as defined in Chapter 17.10. The Crisis Care Facility operator shall follow all State of Nevada requirements.

J. Wireless Communications Facilities. Wireless communication facilities are allowed in all zoning districts, subject to the height requirements of Section 17.12.044.B, and the other provisions as applicable identified in this chapter and the zoning code.

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 Property within FEMA mapped Floodplain.

Any project located within a mapped FEMA (Federal Emergency Management Agency) floodplain shall require review for consistency with Chapter 15.20 of the Storey County Code and FEMA regulations.

Proposed on _____, 2020.

by Commissioner _____

Passed on _____, 2020.

Vote: Ayes: Commissioners _____

_____

_____

Nays: Commissioners _____

_____

Absent Commissioners _____

_____
Marshall McBride, Chair
Storey County Board of County Commissioners

Attest:

_____
Vanessa Stephens
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2020.

Staff Report
Bill 117, Ordinance 20-306
Amendments to Storey County Code Title 17.12, General Provisions

Title 17.12, General Provisions, is proposed to be amended to include the following modifications:

- Amended Home enterprises. Clarified in-home child care regulations and modified minimum standards.
- Clarified communication facility height in IC, I2 and I3 industrial zones is 75-feet.
- Modified accessory buildings and shipping containers. Revised setback language, increased area size for accessory buildings and shipping containers, removed deed restriction requirement and revised shipping containers general provisions to remove some regulations and provide clarification.
- Revised accessory dwellings unit language to allow for accessory dwelling units without a special use permit if listed criteria is met, added a chart which references who qualifies as a family member and removed the requirement for the affidavit of family submittal, added language about conforming to utility requirements, eliminated the size requirement and revised deed restriction language.
- Clarified Comstock Historic District language regarding location for when wooden porch over sidewalks is required and allowance for a wood-like appearance for front sidewalk if approved by Comstock Historic District. *Note: Comstock Historic District staff has reviewed these changes and has no concern with proposed changes.*
- Revised setback encroachment language.
- Revised fence language by added a chart to document fence requirements and removed language.
- Clarified public utility uses by adding above and below ground description along with adding sewer, stormwater and video to list of public utilities, and clarifying when construction permits may be required.
- Amended minimum lot area to allow for a smaller sized parcel when created or utilized for a public or quasi-public utility use.
- Off-street parking revised to include language to allow for commercial uses to have off-site parking on an adjacent parcel and to state parking spaces must meet minimum sizing requirements.
- Revised Open Storage to remove prohibited language. Added no open storage on parcels without a primary use, except for during active construction activities, and when open storage is allowed, must be screened, and combustible materials must meet fire/building code setbacks.
- Revised General Provisions for all zoning districts to allow for Crisis Care Facilities in any zone where a residence is permissible. The definition of Crisis Care Facility is modified in Chapter 17.10 to make clear these facilities are not half-way homes, rehabilitation centers or health care facilities (which are defined separately in Chapter 17.10), but are residences overseen by a public or quasi-public agency, following specific regulations and guidelines and used for crisis intervention for victims of crime, abuse or neglect. The purpose of these homes is to not stand out and not be advertised as such a facility. Staff have proposed this to be an allowed use, as requiring a special use permit for such a use would then advertise the location of such a facility, potentially putting victims in danger and defeating the purpose of the facility.
- Added Wireless Communication Facilities to all zoning districts, subject to height requirements. This is also consistent with FCC requirements.

- Added a section stating all properties within a mapped FEMA floodplain require review for conformance with Chapter 15.20 of the Storey County Code.
- Other minor and clarifying language, typographical errors and numbering modifications.

Staff has added some minor language clarifications to Sections 17.12.045.D, 17.12.049.A, 17.12.056.B, 17.12.070 and 17.12.100.I since the Planning Commission meeting. *This language is shown in green italics and underlined.* The revised language can be found online at http://storeycounty.org/517/Updates and also within proposed Bill 117.

Staff and the Planning Commission initiated public workshops and discussions on Title 17 as a whole starting in October 2018. In total, the Planning Commission held 13 public meetings, including locations at the Storey County Courthouse, the Virginia City Senior Center, the Mark Twain Community Center, the Highlands Fire Station and the Lockwood Senior Center.

The Planning Commission at their March 19, 2020 meeting discussed the final recommendation for the proposed modifications. A member of the public brought up the topic of not requiring the accessory dwelling units to be occupied by family members, but that these units could be rented to the public. Although the language regarding family members is revised (the affidavit of family requirement removed, the chart documenting who constitutes a family member is added and a deed restriction required documenting the unit being occupied by family members only is required), the overall regulation on the family use of the accessory dwelling unit is not proposed for amendment.

The Planning Commission had a brief discussion of the topic and agreed this was a much larger discussion item for a future date. Concerns on what constitutes multi-family versus an accessory dwelling were raised and impacts to neighborhoods and potential impacts to utility systems were identified as needing further analysis.

The same member of the public posed the question on if a shipping container can be used as an office or other accessory building on the site. Staff clarified that a shipping container can not contain plumbing fixtures, as is stated currently and is not proposed to be changed. No other language regarding the use of a shipping container is proposed to be modified. The shipping container would be considered similar to any other accessory building on the site and be required to meet any applicable fire/building code requirements.

The Planning Commission recommended approval of the proposed modifications to Title 17.12 with a unanimous vote of 7 ayes, 0 nays.

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: April 7, 2020 **Estimate of time required:** 5 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title: Discussion/For Possible Action:** First Reading of Bill 118, Ordinance 20-307, text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

2. **Recommended motion:** I [county commissioner] motion to continue to the next Board of County Commissioner's meeting, the First Reading of Bill 118, Ordinance No. 20-307 , text amendments to Storey County Code Title 17 Zoning Districts CR Commercial-Residential; C Commercial; R1 Single-Family; R2 Multi-Family Residential; E Estate; F Forestry; A Agriculture; I1 Light Industrial and I2 Heavy Industrial; NR Natural Resources and SPR Special Planning Review zones. Additions, modifications, elimination and clarifications including the listed land uses minimum floor area, setbacks, minimum parcel area, distance between buildings and home enterprises are proposed.

3. **Prepared by:** Kathy Canfield

4. **Department:** Planning **Telephone:** 775.847.1144

5. **Staff summary:** This item was continued at the March 19, 2019, Planning Commission meeting. A concern relevant to the proposed changes (residence minimum floor area) was recently identified by interested parties and the Planning Commission has not had a discussion of the topic. The Planning Commission voted (7 ayes, 0 nays) to continue the item to the April 16, 2020, or next available Planning Commission meeting.

6. **Supporting materials**. Additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at http://storeycounty.org/517/Updates. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:** ✓ District Attorney

9. **Reviewed by**:
   KC Department Head Department Name: Planning

   County Manager Other agency review: _____

10. **Board action:**
    [ ] Approved [ ] Approved with Modifications
    [ ] Denied [ ] Continued

Agenda Item No. 12

Storey County Board of County Commissioners
Agenda Action Report

Meeting date: 04/07/20 **Estimate of time required:** 15 min.

Agenda: Consent [ ] Regular agenda [x] Public hearing required [x]

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1. **Title:** Discussion/Possible Action: Resolution No. 20-568 to reduce on a day-to-day prorated basis the total rent/lease of all "non-essential" commercial tenants of properties owned by Storey County effective the day of Governor Sisolak's Directive 003 (March 20, 2020) to remain closed, and for the rent reduction to remain effective until "non-essential" businesses may reopen to the public per the Governor, but not to exceed 60 calendar days from Directive 003.

2. **Recommended motion:** I [county commissioner] motion to approve Resolution No. 20-568 to reduce on a day-to-day prorated basis the total rent/lease of all "non-essential" commercial tenants of properties owned by Storey County effective the day of Governor Sisolak's Directive 003 (March 20, 2020) to remain closed, and for the rent reduction to remain effective until "non-essential" business may reopen to the public per the Governor, but not to exceed 60 calendar days from March 20, 2020. This action is exclusive to the Old Corner Bar and Divide Fitness commercial tenants of Storey County.

3. **Prepared by:** Austin Osborne

4. **Department:** County Manager **Telephone:** 775.847.0968

5. **Staff summary:** On March 12, 2020 Governor Sisolak made a Declaration of Emergency related to COVID-19, and on March 20, 2020 he issued Directive 003 mandating the closure of all non-essential businesses in Nevada. Gyms, fitness establishments, and businesses involving the sale of alcohol were defined as non-essential and ordered to close to the public. The Governor during the COVID-19 emergency advised commercial landlords within their means to reduce rent, forgive rent, or to take other available action to lessen the adverse impact of the Governor's directive on small and non-essential businesses. The Old Corner Bar and Divide Fitness are the only two commercial tenants of Storey County subject to this action and both are non-essential businesses per Directive 003.

6. **Supporting materials:**

7. **Fiscal impact:** None on local government.

   Funds Available: Fund: ____ Comptroller

8. **Legal review required:** __Yes__ District Attorney

9. **Reviewed by:**
   _____ Department Head Department Name:
   __@'_ County Manager Other agency review: _____

10. **Board action:**
    [ ] Approved [ ] Approved with Modifications
    [ ] Denied [ ] Continued Agenda Item No. 13

RESOLUTION NO. 20 - 568

Resolution: Declaring Reduction in Rent for Nonessential Businesses operating on County Owned Properties

WHEREAS: On March 12, 2020, Governor Sisolak issued a Declaration of Emergency for the State of Nevada to address the COVID – 19 pandemic; and

WHEREAS: On March 20, 2020, Governor Sisolak issued Emergency Directive 003 ordering all non-essential businesses to close down; and

WHEREAS: On March 20, 2020, the Department of Public Safety, Division of Emergency Management followed up the Governor's directive 003 by issuing an emergency regulation further defining nonessential businesses which nonessential businesses included fitness facilities and bars; and,

WHEREAS: On March 29, 2020, Governor Sisolak issued Directive 008 addressing evictions and stated: "[T]his is not the time to come down hard on small businesses who have been forced to shut down and have been hit hard by the economic fallout of this pandemic; and,

WHEREAS: The Divide Fitness Center and the Old Corner Bar; are two small businesses which rent properties from Storey County that have been deemed non-essential businesses and which are currently shut down.

NOW THEREFORE, IN LINE WITH THE DIRECTIVES OF GOVERNOR SISOLAK, IT IS HEREBY RESOLVED AS FOLLOWS:

The small businesses identified above will not be required to pay rent or incur late fees for non-payment of rent or accrue any obligation to later pay rent for the period beginning on March 20, 2020, during the time they are closed, and ending on the date

non-essential businesses are allowed to reopen or for 60 days, whichever occurs first. All other obligations of the tenants under their leases will remain effective.

DATED THIS _____ DAY OF APRIL, 2020.

BOARD OF COUNTY COMMISSIONERS OF STOREY COUNTY

BY:_____
Marshall McBride, Chairman

ATTEST

_____
Vanessa Stephens
Storey County Clerk/Treasurer