

CHAPTER 17.04
CHANGE HISTORY

Bill No.	Ordinance No.	Adopted Date	Effective Date	Summary/Description of Change
2000-02	229	7/18/2000	9/1/2000	An Ordinance establishing Title 17 of the Nye County Code by adding Section 17.04; providing regulations concerning zoning districts, variances, special exceptions and conditional use permits within the Pahrump Regional Planning District.
2002-01	250	2/19/2002	4/1/2002	An Ordinance amending Nye County Code Title 17.04, Ordinance No. 229, the Pahrump Regional Planning District Zoning and Conditional Use Permit Ordinance, by establishing procedures for zoning ordinance text amendments and zoning district boundary changes; requiring zoning reviews; and other matters properly related thereto.
2002-13	257	8/20/2002	9/9/2002	An Ordinance amending Nye County Code Title 17.04, the Pahrump Regional Planning District Zoning and Conditional Use Permit Regulations, by redefining the term "lot", placing a limit of one dwelling unit per lot within the Open Use district, and other matters properly related thereto.
2002-11	262	11/19/2002	12/9/2002	An Ordinance amending Nye County Code Title 17.04, the Pahrump Regional Planning District Zoning and Conditional Use Permit Regulations, by placing Conditional Use Permit requirements and design standards on Recreational Vehicle Parks and other matters properly related thereto.
2003-02	264	2/18/2003	3/11/2003	An Ordinance amending Nye County Code Title 17.04, the Pahrump Regional Planning District Zoning and Conditional Use Permit Regulations, by amending Section 17.04.170.2.d related to the required Yard Dimensions in the Open Use (OU) District by adding separate yard regulations for Principal buildings and Accessory buildings, and other matters properly related thereto.
2003-04	266	4/15/2003	5/5/2003	An Ordinance amending Nye County Code Title 17.04, the Pahrump Regional Planning District Zoning and Conditional Use Permit Regulations, by adding Section 17.04.145.1.a and 17.04.145.1.b, establishing expiration date of a Zoning Review Application, and other matters properly related thereto.
2003-06	270	6/17/2003	7/7/2003	An Ordinance amending Nye County Code Title 17.04, the Pahrump Regional Planning District Zoning and Conditional Use Permit Regulations, by amending Sections 17.04.100 (Definitions); 17.04.170.8 (Highway Frontage Zoning District) and 17.04.180 (Conditions and Safeguards for Conditional Use Permits) by adding Off-Premise Advertising Signs as a use regulated by Conditional Use Permit in the Open Use and Highway Frontage zoning Districts, and other matters properly related thereto.
2003-17	276	11/18/2003	12/8/2003	An Ordinance amending Nye County Code Chapter 17.04, the Pahrump Regional Planning District Zoning and Conditional Use Permit Regulations by adding Sections 17.04.150.L and 17.04.160.AA, establishing minimum waiting periods for resubmittal of Variance, Special Exception and conditional Use Permit Applications, and other matters properly related thereto.

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Bill No.	Ordinance No.	Adopted Date	Effective Date	Summary/Description of Change
2004-07	282	4/20/2004	5/10/2004	An Ordinance amending Nye County Code Chapter 17.04, the Zoning and Conditional Use Permit Regulations Within the Pahrump Regional Planning District, by adding to Section 17.04.100 definitions related to the sale of liquor; amending Section 17.04.180 by adding specific conditions and safeguards for liquor sales establishments by requiring distance criteria from certain community uses; and other matters properly related thereto.
2004-09	285	6/16/2004	7/1/2004	An Ordinance amending Nye County Code Title 17, the regulations concerning Zoning Districts, Variances, Special Exceptions Conditional Use Permits and General Development standards within the Pahrump Regional Planning District, by adopting modifications and additions in order to comply with the Goals, Objectives and Policies of the Pahrump Regional Planning District Master Plan Update dated November 19, 2003; and other matters properly related thereto
2004-17	290	8/17/2004	9/2/2004	An Ordinance amending Nye County Code Title 17, the regulations concerning Zoning Districts, Variances, Special Exceptions Conditional Use Permits and General Development standards within the Pahrump Regional Planning District, by adopting modifications and additions in order to comply with the Goals, Objectives and Policies of the Pahrump Regional Planning District Master Plan Update dated November 19, 2003; and other matters properly related thereto
2004-22	293	12/21/2004	1/10/2005	An Ordinance adopting standards for Sexually Oriented Businesses
2004-21	294	12/21/2004	1/17/2005	An Ordinance amending Nye County Code Title 17, the Zoning Ordinance of the Pahrump Regional Planning District, by renaming and renumbering the Articles, Chapters and Sections therein; by adding procedures for amendment of the Pahrump Regional Planning District Master Plan; and other matters properly related thereto
2005-06	299	4/5/2005	4/25/2005	An Ordinance amending Nye County Code Chapter 17.04, the Zoning Ordinance of the Pahrump Regional Planning District, by amending several definitions; by amending various permissive uses and uses via Conditional Use Permit in several Zoning Districts; by establishing a limit of one (1) extension of time on a Zoning Review; by requiring Site Development Plan submittals for Conditional Use permits, and traffic impact analysis for Site Development Plans; by amending the minimum lot size for the RH, RE and SE zones; and other matters properly related thereto
2005-11	303	8/17/2005	9/1/2005	An Ordinance amending Nye County Code 17.04.770, the Signage Requirements section of the Pahrump Regional Planning District zoning regulations, by adding subsection 17.04.770.E.1.g, authorizing Master Plan Sign Programs within the boundaries of approved master planned developments; authorizing the Zoning Administrator to approve Master Plan Sign Programs; and other matters properly related thereto

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Bill No.	Ordinance No.	Adopted Date	Effective Date	Summary/Description of Change
2005-16	308	12/20/2005	1/9/2005	An Ordinance amending Nye County Code Chapter 17.04, the Pahrump Regional Planning District Zoning Regulations, by adding Subsection 17.04.740.F, adopting water conservation standards, and other matters properly related thereto
2005-21	310	1/18/2006	2/06/2006	An Ordinance amending Nye County Code Chapter 17.04, the Zoning Regulations for the Pahrump Regional Planning District, by reducing the distance requirements for all liquor sales in the General Commercial zoning district to 200 feet; amending the distance requirement for Class I liquor sales establishments to 200 feet; reducing the voting requirement from "two-thirds" to "a simple majority" of the membership by the Board of County Commissioners in order to reverse a Master Plan Amendment denied by the Planning Commission; adding waiting periods in cases of denied or withdrawn zone district boundary amendment applications; removing the requirement to approve zone district boundary amendments via Resolution of the Board; and other matters properly related thereto
Consolidated Publication Update Only	310	1/18/2006	3/21/2006	A January 25, 2006 update version of this Chapter was published to the website and circulated. This version (updated March 21, 2006) added in Subsection 17.04.920.P.5, which requires Site Development Plans for CUP's (this subsection was inadvertently removed from the January 25th update, but is in effect)
2006-01	311	4/19/2006	5/8/2006	An Ordinance amending Nye County Code 17.04 the Pahrump Regional Planning District Zoning regulations, by revising Section 7.04.110 to include Cemetery and Funeral and Interment Services; Revising Sections 17.04.210, and 215, to add Human Cemeteries as a Use Subject to a Conditional Use Permit, Revising Sections 220, 225, 230, 310, 320 to add Human Cemeteries as a Use Subject to a Conditional Use Permit and Revising Section 17.04.700 to add Conditions and Safeguards for Human Cemeteries and other matters properly related thereto
2006-17	319	8/8/2006	8/28/2006	An Ordinance amending Nye County Code 17.04, the Pahrump Regional Planning District Zoning Regulations, by amending Sections 17.04.245 and 250, the VR-10 and VR-8 Village Residential Districts and Section 17.04.260 the Multifamily Residential District related to the setbacks for Principal; Buildings for Non-Residential Uses and Accessory Buildings; and other matters properly related thereto
2006-18	324	10/18/2006	11/06/2006	An Ordinance amending Nye County Code 17.04, the Pahrump Regional Planning District zoning regulations, by amending Section 17.04.110, the Definitions by deleting penthouse from the definition of Building Height; and other matters properly related thereto
2006-21	325	10/18/2006	11/06/2006	An Ordinance amending Nye County code 17.04, the Pahrump Regional Planning District zoning regulations, by amending Section 17.04.430.D, Permissive Uses within the Light Industrial zoning district, by adding "auto repair facility" to the list of Permissive uses; and other matters properly related thereto

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Bill No.	Ordinance No.	Adopted Date	Effective Date	Summary/Description of Change
2007-07	336	04/18/2007	05/07/2007	An Ordinance amending Nye county Code 17.04, the Pahrump Regional Planning District zoning regulations, amending Section 17.04.110, the Definitions by adding definitions for Correctional Facilities or Prison, Detention Facility, Jail, Transitional Prison to Community Facility and Reformatory adding Section 17.04.510 a New Zoning District titled "CF – Community Facilities District" and establishing uses allowed within the CF District, and other matters properly related to
2007-11	338	04/18/2007	05/07/2007	An Ordinance amending Nye County Code Chapter 17.04, the Pahrump Regional Planning District zoning regulations, by amending Section 17.04.320, the General Commercial Zone, to modify certain development standards; adding additional zones to the Mixed Zoning District; removing Section 17.04.330, the Town Center overlay Zone; and adding a zone to the Special Zoning District.
2007-12	339	05/22/2007	06/18/2007	A Bill proposing to amend Nye County Code 17.04, the Pahrump Regional Planning District zoning regulations, by adding Section 17.04.330 a proposed new zoning district titled "Commercial-Manufacturing", establishing the scope, purpose, development standards, permissive uses and uses subject to a conditional use permit and other matters properly related thereto
2007-25	345	09/19/2007	10/08/2007	An Ordinance amending Nye County Code 17.04, the Pahrump Regional Planning District Zoning Regulations, by amending Sections 17.04.110 Definitions, 17.04.210 and 17.04.215, RH-9.5 and RH-4.5 the Rural Homestead Residential Districts, by adding Agricultural Commercial Uses (Indoor) to be allowed subject to a Conditional Use Permit (CUP); and other matters properly related thereto
2007-13	346	10/24/2007	11/19/2007	An Ordinance amending Nye County Code 17.04, the Pahrump Regional Planning District Zoning Regulations, by Amending the Zoning Regulations by Adding Definitions Related to Animals and Animal-Related Businesses, Amending the Permissive Uses and Uses Allowed by Conditional Use Permit in Certain Residential Zoning Districts, Nonresidential Zoning Districts and Special Zoning Districts Adding Provisions Related to Animals to the General Provisions for Residential Districts and Adding Conditions and Safeguards for Conditional Use Permits for Animal Related Uses; and other matters properly related thereto
2007-30	347	11/27/2007	12/17/2007	A Bill proposing to amend Nye County Code Chapter 17.04, the Zoning Ordinance of the Pahrump Regional Planning District, by adding Requirements for Conceptual Site Development Plans; and other matters properly related thereto

CHAPTER 17.04 - ZONING AND CONDITIONAL USE PERMITS WITHIN THE PAHRUMP REGIONAL PLANNING DISTRICT

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ARTICLE I: GENERAL PROVISIONS

17.04.010 SHORT TITLE

This Chapter shall be known, and may be cited as: The Zoning Ordinance of the Pahrump Regional Planning District.

17.04.020 AUTHORITY AND PURPOSE

- A. This Chapter is adopted pursuant to the Planning and Zoning Act of the State of Nevada (codified at NRS Chapter 278) and to any other authority provided by law or as such statutes may be amended. The provisions of this Chapter are in addition to the regulations set forth in NRS Chapter 278 and are supplemental thereto.
- B. The purpose of this Chapter is:
1. To preserve the quality of air and water resources.
 2. To promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
 3. To provide for recreational needs.
 4. To protect life and property in areas subject to floods, landslides and other natural disasters.
 5. To develop a timely, orderly and efficient arrangement of transportation and public facilities and services, including facilities and services for bicycles.
 6. To ensure that the development on land is commensurate with the character and the physical limitations of the land.
 7. To take into account the immediate and long-range financial impact of the application of particular land to particular kinds of development, and the relative suitability of the land for development.
 8. To promote health and the general welfare.
 9. To ensure the development of an adequate supply of housing for the community, including the development of affordable housing.
 10. To ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods if applicable.
 11. To be in accordance with the master plan for land use.
- C. It is the intent of the Nye County Commissioners that these regulations be applied with reasonable consideration given to the character of the Planning District and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Planning District. (Ord. 229, 2000)

17.04.030 JURISDICTION

- A. The provisions of this Chapter shall apply to all of the following activities occurring within the Pahrump Regional Planning District of Nye County, Nevada:
 - 1. Determination, establishment, enforcement and amendment of zoning districts; and
 - 2. Granting of waivers and conditional use permits and other special exceptions.
- B. When necessary to further its purposes, this Chapter shall be amended by the Nye County Board of County Commissioners. (Ord. 229, 2000)

17.04.040 FORMS AND DOCUMENTS

All forms and documents referred to in this Chapter shall be made available by, and may be obtained from, the Nye County Planning Department. (Ord. 229, 2000)

17.04.050 ZONING ADMINISTRATOR

For the purposes of this Chapter, the Nye County Planning Director is hereby appointed as the Zoning Administrator (Administrator). Upon the written permission of the Planning Director, the Assistant Planning Director is hereby authorized to act in the capacity of Zoning Administrator. (Ord. 229, 2000)

17.04.060 FEES

Reasonable fees sufficient to recover incurred costs may be charged pursuant to a Resolution adopted by the Nye County Board of County Commissioners. (Ord. 229, 2000)

17.04.070 ENFORCEMENT AND PENALTIES

- A. Any person, firm or corporation who, after 14 days of receiving written notification of violation of any of the provision(s) of this Chapter, knowingly continues to violate said provision(s) of this Chapter is guilty of a misdemeanor.
- B. Each such person is guilty of a separate offense for each and every day or portion thereof during which violation of any of the provisions of this Chapter is committed, continued or permitted.
- C. Upon conviction of any violation of this Chapter, such person(s) shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months in the Nye County jail, or by both such fine and imprisonment. (Ord. 229, 2000)
- D. Any building or structure hereafter set up, erected, built, moved or maintained or any use of property hereafter contrary to the provisions of this Chapter shall be, and the same is declared to be, unlawful and a public nuisance, and the County may immediately commence action or actions, proceeding or proceedings, for the abatement thereof in a manner provided by law and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use and restrain and enjoin any person from setting up, erecting, building, moving and maintaining any such building or structure, or using any property contrary to the provisions of this Chapter.

17.04.075 APPEALS

- A. Any decision of the Planning Commission, County Commission or any other person appointed or employed by the County who is authorized to make administrative decisions regarding the use of land, may be appealed in writing to the Nye County Commission by any person aggrieved by such a decision. Appeals shall be handled in accordance with Nye County Code 16.36.

17.04.080 INTERPRETATION, CONFLICT, SEPARABILITY AND CONSTITUTIONALITY

- A. In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements. More stringent provisions may be required if it is demonstrated that such provisions are necessary to promote the public health, safety and welfare.
- B. Where the conditions imposed by any provision of this Chapter are either more restrictive or less restrictive than comparable conditions imposed by any other provision of this Chapter or any other applicable law, ordinance, resolution, or rule of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
- C. The provisions of this Chapter are separable. If a section, sentence, clause, or phrase of this Chapter is adjudged by a court of competent jurisdiction to be invalid or unconstitutional, the decision shall not affect the remaining portions of this Chapter. (Ord. 229, 2000)

17.04.090 DEVELOPMENT UNDER PRIOR REGULATIONS (GRANDFATHERING)

- A. Uses: Existing uses may continue either in compliance with these regulations or as legal nonconforming uses subject to the requirements of 17.04.905 of this Chapter.

17.04.095 PRIVATE DEED RESTRICTIONS

- A. The provisions of the zoning ordinance are not intended to affect any deed restriction, covenant, easement or any other private agreement or restriction on the use of land; provided, that where the provisions of the zoning ordinance are more restrictive or impose higher standards than any such private restriction, the requirements of the zoning ordinance shall control. Where the provisions of any private restriction are more restrictive or impose higher standards than the provisions of the zoning ordinance, such private restrictions shall control if properly enforced by a person having the legal right to enforce such restrictions; private restrictions shall not be enforced by the county.

ARTICLE II: DEFINITIONS

17.04.100 GENERALLY

The words and terms used in this Chapter shall be defined as follows. All words used in the singular shall include the plural and the plural the singular. Each gender shall include the others; any tense shall include the other tenses. The word "shall" is mandatory and the word "may" is permissive. (Ord. 229, 2000)

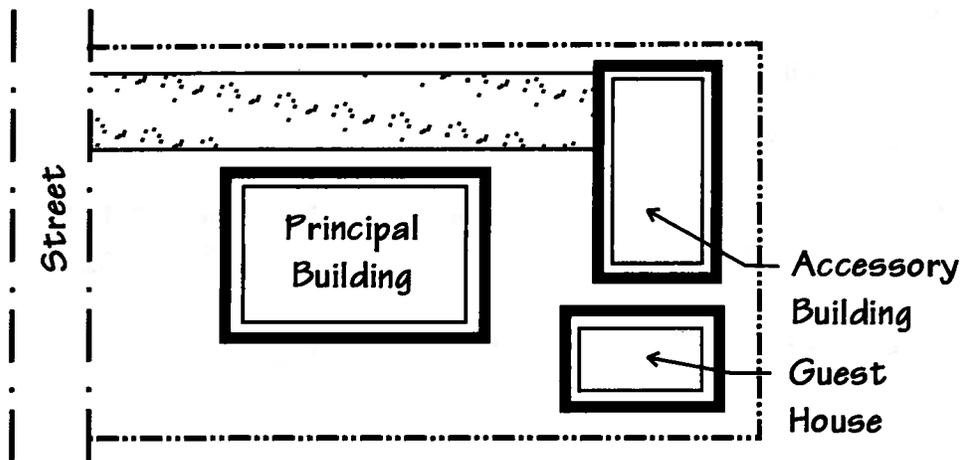
17.04.110 DEFINITIONS

Abandonment. The relinquishment of property, or a cessation of the use of the property, by the owner or lessee without any intention of transferring rights to the property to another owner or of resuming the use of the property.

Abut. To physically touch or border upon, or to share a common property line but not overlap

Access. Clear and unobstructed approach usable by motor vehicles to a legally granted access easement or dedicated public way. (Ord. 229, 2000)

Accessory Building. A subordinate building, the use of which is incidental to that of the principal building and located on the same lot as the principal building. (Ord. 264, 2003)



Building Types

Accessory Use. "Accessory Use" means a use incidental to the principal use of the property, located on the same lot or parcel of land.

Acreage, Gross. The total acreage of a lot or parcel including lands originally dedicated from the parcel for street right-of-way.

Article II: Definitions

Acreage, Net. The acreage of a lot or parcel minus any land dedicated or otherwise reserved for any adjoining street(s).

Adult Uses. (See Sexually Oriented Businesses).

Agricultural Commercial Uses (Indoor): Facilities for agricultural related industries including the growing, raising, and processing of various types of agricultural products, completely contained and operated within an enclosed principal building and/or accessory structure. For purposes of this title, agricultural uses such as, slaughterhouses, commercial meat packing plants, commercial swine operations, commercial dairies, commercial poultry, rabbit, or goat operations, concentrated animal feeding facilities, livestock auction yards, and other similar high intensity indoor agricultural uses that may be conducted within buildings or structures are excluded from this definition.(Ord. 345, 2007)

Airport Related Uses. Airport related uses include, but are not limited to, runways, taxiways, tarmacs, terminals, hangars, towers and parking areas.

Alley. A public thoroughfare or way which affords only a secondary means of access to abutting property not intended for general traffic.

Amusement Park. A facility, primarily outdoors, that may include structures and buildings, where there are various devices for entertainment, including rides, booths for the conduct of games or sale of items, buildings for shows and entertainment, and restaurants and souvenir sales.

Animal: Every wild or domesticated living creature, except members of the human race. (Ord. 346, 2007)

Animal, Agriculture Care Project: Must be sponsored and monitored by a multi-member animal husbandry society that provides the participants with direction and guidance in the raising of animals and an opportunity to exhibit the animals at the end of the project. (Ord. 346, 2007)

Animal, Exotic: Any animal not customarily confined or cultivated by humans for domestic or commercial purposes. This term includes but is not limited to: antelope, anteaters, kangaroos, wallabies, as well as exotic domestic cattle such as; Ankole, Gayal and Yak. (Ord. 346, 2007)

Animal Related Businesses: Includes but is not limited to the following uses: Animal Rescues, Animal Sanctuaries, Commercial Kennels, Commercial Stable, Grooming Facilities, Pet stores. (Ord. 346, 2007)

Animal Rescue: An establishment owned or operated by a licensed profit or non-profit organization whose primary function is to provide temporary care and comfort to animals. Animal Rescue operations existing prior to the adoption of the ordinance, shall not be required to obtain a Conditional Use Permit, under the following conditions:

- a. Must comply with all Federal, State and County Regulations.
- b. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of any applicable state law or the regulations of Nye County are being violated.
- c. Inspection of animals and their habitat shall be conducted annually by a nationally or regionally established organization or agency, as designated by the Nye County Animal

Article II: Definitions

Control Office or by the Nye County Animal Control Office. Copies of the inspection reports shall be maintained at the Nye County Animal Control Office. (Ord. 346, 2007)

Animal Sanctuary: An establishment owned or operated by a licensed profit or non-profit organization whose primary function is to provide lifetime care and comfort to animals. Animal Sanctuaries existing prior to the adoption of the ordinance, shall not be required to obtain a Conditional Use Permit, under the following conditions:

- a. Must comply with all Federal, State and County Regulations.
- b. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of any applicable state law or the regulations of Nye County are being violated.
- c. Inspection of animals and their habitat shall be conducted annually by a nationally or regionally established organization or agency, as designated by the Nye County Animal Control Office or by the Nye County Animal Control Office. Copies of the inspection reports shall be maintained at the Nye County Animal Control Office. (Ord. 346, 2007)

Animal Shelter, Government Operated: Any premises designated by the County for the purpose of impounding and caring for animals coming into the County's custody. (Ord. 346, 2007)

Animal, Special Conditions. Any animal which, because of its disposition, physical or inherent characteristics or size, behavior or propensity (without provocation) to inflict bodily harm or otherwise, demonstrate actions that would constitute a danger to any person, domestic livestock, other domestic animals or property. This term includes but is not limited to: orangutans, chimpanzees and gorillas, gibbons and siamangs, all species of Genus Macaca, Genus Papio, and Genus Theropithecus, wolves, jackals, dingos, maned wolf, all species of bears, wolverine, all species of hyenas, binturong, lions, tigers, jaguars, leopards and hybrids, cheetah, all subspecies of cougars, snow leopards, and all wild cats including but not limited to jungle cat, margay, caracal, serval, lynx, bobcat, clouded leopard, ocelot and hybrids; all species of elephants, kangaroos and Tasmanian devils.

Properties maintaining Special Conditions Animal(s) that are existing prior to the adoption of the ordinance, shall not be required to obtain a Conditional Use Permit, under the following conditions:

- a. Must comply with all Federal, State and County Regulations.
- b. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of the Conditional Use Permit or any applicable state law or the regulations of Nye County are being violated.
- c. All special conditions animals shall be registered with the Nye County Animal Control Office,
- d. All permits issued through Nevada Wildlife Dept. or the USDA or any other agency shall be current and kept on file in the Nye County Animal Control Office,
- e. Inspection of animals and their habitat shall be conducted annually by a nationally or regionally established organization or agency, as designated by the Nye County Animal Control Office or by the Nye County Animal Control Office. Copies of the inspections reports shall be maintained at the Nye County Animal Control Office. (Ord. 346, 2007)

Animal, Wild: Any animal that is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States. For example, this term includes but is not limited to: deer,

Article II: Definitions

elk, skunk, opossum, raccoon, mink, armadillo, coyote, squirrel, fox, wolf, cougar, bobcat and lynx. This term does not include mustangs or burros. (Ord. 346, 2007)

Apiary: Bees and beekeeping (Ord. 346, 2007)

Approved Plans. On- and off-site improvement plans that have been reviewed and approved by the Department of Public Works or its representative, or any required State agency. Approved Plans include street, water, sewer, drainage, grading, lighting, parking, and any and all other plans as may be required.

Arterial Street. A higher order street than all residential streets (see Streets and Highways Plan). Conveys traffic between population and business centers.

Arterial, Collector. Streets designed to collect traffic from residential and commercial developments, where direct lot access is limited.

Arterial, Major. Streets that move high volumes of traffic quickly and efficiently, with limited access, where direct lot access is prohibited.

Arterial, Minor. Designed for mobility and access, where direct lot access is prohibited, however intersecting spacing is allowed more frequently than on major arterials.

Arterial, Local. Roadways designed to provide direct lot access to abutting properties as well as on-street parking.

Automobile Service Station. An establishment retailing motor fuels and lubricants directly to the public on the premises; including incidental sale of minor auto accessories, services, and maintenance, but not repair work.

Automobile Repair Facility. A building, or portion thereof, held out or used for the housing, servicing repairing, performing body work and painting of motor vehicles, but not including the storage of dismantled or wrecked motor vehicles, parts thereof, or junk. (Ord. 299, 2005)

Automobile Wrecker/Salvage Yard. An establishment that cuts up, compresses, or otherwise disposes of motor vehicles. Should the establishment also store and sell salvaged auto parts, it functions as a junkyard.

BOCC. (See Board of County Commissioners).

Bed and Breakfast Inns. A house with a permanent resident and a subordinate use of up to eight guestrooms which may be rented for short-term overnight lodging with breakfast served to overnight guests only; some or all guest rooms may be in accessory living quarters.

Bar. Premises used primarily for the sale or dispensing of liquor by the drink for on-site consumption and where food may be available for consumption on the premises as accessory to the principal use. "Bar" also includes an area within a restaurant, casino, theater or any other area where liquor is sold accessory to the principal use. (Also see Liquor Sales Establishment)

Billboard. (See Section 17.04.770 for Sign Regulations) (Ord. 299, 2005).

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Block. A tract of land within a subdivision entirely bounded by streets, highways or ways, except alleys; and the exterior boundary or boundaries of the subdivision.

Board of County Commission. The governing board of Nye County.

Boarding and Rooming House. A dwelling unit, or part thereof in which, for compensation, lodging and meals are provided.

Body Art. The practice of physical body adornment by permitted establishments and practitioners using, but not limited to the following: body piercing, tattooing, cosmetic tattooing, branding, and scarification. This definition shall not include the piercing of ear lobes.

Brothel. Any establishment having a source of income or compensation derived from the practice of "prostitution" as defined in this section.

Buffer. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view of and/or sound from the site to adjacent sites or properties.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing, or enclosure of any individual, animal, process, equipment, goods, or materials of any kind.

Building, Accessory. (See Accessory Building).

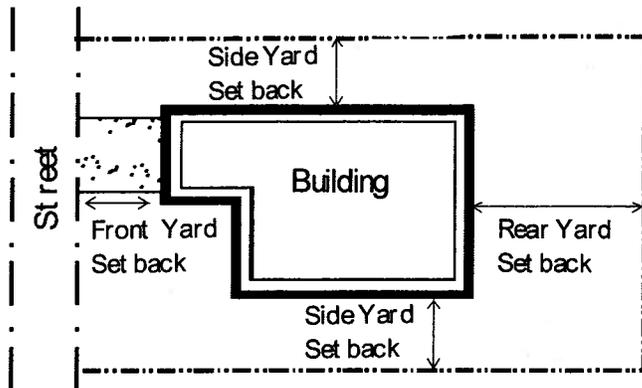
Building Department. The officer, department or agency who is charged with the enforcement of the provisions of all ordinances and regulations pertaining to the erection, construction, reconstruction, alteration, conversion, movement, arrangement, or use of buildings or structures within the District.

Building, Guest. (See Guest Building).

Building Height. The vertical distance from the finished grade to the top of the highest roof beams on a flat or shed roof, the deck level on a mansard roof, and the average distance between the eaves and the ridge level for gable, hip, and gambrel roofs. Mechanical equipment, chimneys, air conditioners, antennas, elevators church spires and steeples, water towers, and similar appurtenances that are usually located on top of buildings are excluded from height restrictions. No excluded element can exceed a building height restriction by more than twenty-five (25) feet. (Ord. 324, 2006)

Building, Principal. A building in which is conducted the principal use of the lot upon which it is located.

Building Setback. The distance between the property line and the nearest portion of a building on the property. (Also see Yard.)



Buffer. An area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, and/or berms, designed to limit the view of and/or sound from the site to adjacent sites or properties.

Bulk Fuel Station. A place where petroleum products and related materials are stored for subsequent resale to distributors or retail dealers or outlets.

Bulk Regulations. Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ration, and yard requirements.

CC&Rs. (See Protective Covenants).

Camping Trailer. (See Recreational Vehicle).

Carport. An accessory building having one or more open sides, intended for vehicle parking.

Cemetery. Land designated and used for the interment of the dead, including columbariums, crematoriums, mausoleums, and mortuaries when operated in conjunction with and within the boundary of such cemetery. (Ord. 311, 2006)

Chemical Manufacturing. Establishments engaged in the transformation of materials or substances into new products using, in whole or in part, chemical processes. Chemical Manufacturing includes the assembling of component parts, the creation of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

Child Care Facility. An establishment operated and maintained for the purposes of furnishing care on a temporary or permanent basis, during the day or overnight, to five (5) or more children under 18 years of age, if compensation is received for the care of any of those children. Child Care Facility does not include:

- A. The home of a natural parent or guardian, foster home or maternity home;
- B. A home in which the only children received, cared for and maintained are related within the third degree of consanguinity or affinity by blood, adoption or marriage to the person operating the facility; or
- C. A home in which a person provides care for the children of a friend or neighbor for not more than four (4) weeks, or longer in cases of medical hardship, if the person who provides the care does not regularly engage in that activity.

Classic Car. (See Vehicle, Classic).

Cluster Development. A development approach in which building lots may be reduced in size and buildings sited closer together, usually in groups or clusters, provided that the total development density does not exceed that which could be constructed on the site under conventional zoning and subdivision regulations. The additional land that remains undeveloped is then preserved as open space and recreational land.

Commercial Coach. A structure without motive power, which is designed and equipped for human occupancy for industrial, professional, or commercial purposes.

Common Interest Community. Real estate with respect to which a person, by virtue of his ownership of a unit within the community, is obligated to pay for real estate other than that unit. "Ownership of a unit" does not include holding a leasehold interest of less than twenty years in a unit, including options to renew.

Common Open Space. Land within or related to a common interest community or planned unit development, not dedicated for public use, and not individually owned, which is designed and intended for the common use or enjoyment of the residents and/or owners of the community or development. Common open space may include complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of the residents or owners of the community or development.

Conditional Use. A use that has the potential to have adverse effects on adjacent, or local, properties. Conditional uses are permitted in a particular zoning district upon showing that such use in a specified location will comply with all the conditions and safeguards for the location or operation of the use as specified in the zoning ordinance and if it is authorized by the Planning Commission.

Conditional Use Permit. A permit issued by the Planning Commission stating that the conditional use meets all conditions set forth in all applicable ordinances and has met with the approval of the Planning Commission after a public hearing has been held.

Condominium. A unit of real estate in a common interest community, which is designated for separate ownership.

Congregate Living Facility. Apartments and dwellings with communal dining facilities and services such as housekeeping, organized social and recreational activities, transportation services and other services appropriate for the residents.

Conventional Development. Development other than planned unit, cluster or common interest community development.

Correctional Facility, Prison. A facility for the confinement of persons convicted of a felony and sentenced to incarceration in excess of one (1) year. (Ord. 336, 2007)

Cul-de-sac. A local street with only one outlet that provides for an adequate turning area for vehicular traffic at its terminus.

Deed Restrictions. (See Protective Covenants).

Density. The permitted number of dwelling units per gross acre of land to be developed.

Department of Planning. The Nye County Department of Planning, or as renamed.

Design Standards. The standards that set forth specific design requirements that deal with the arrangement and engineering of site details such as lot size and configuration, buildings, streets, utilities and plantings that must be adhered to.

Detention Facility (Private). A facility where persons are detained awaiting trial or sentence, or refugees or illegal immigrants are confined together temporarily pending administrative proceedings. (Ord. 336, 2007)

Developer. The legal or beneficial owner or owners of a lot or of any land included in a proposed development. Also, the holder of an option or contract to purchase, or any other person having enforceable proprietary interest in such land.

Development. A planning or construction project involving substantial property improvement and, usually, a change of land-use character within the site. Development includes the division of land.

Development Regulation. Zoning, land division, subdivision, site plan, official map, flood plain regulation, or other governmental regulation of the use and development of land.

Driveway. A paved or unpaved area used for ingress or egress of vehicles, and allowing access from a street to a building or other structure or facility.

Duplex. A building containing two single-family dwelling units totally separated from each other by an unpierced wall extending from ground to roof.

Dust Control Plan. A Plan to formalize a project-specific fugitive dust control program.

Dwelling, or dwelling unit. "Dwelling" or "dwelling unit" means a structure or the part of a structure that is occupied as, or designed or intended for occupancy as, a residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household. (NRS 118A.080).

Dwelling, Attached. A one-family dwelling attached to two or more one-family dwellings by common vertical walls.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling Unit. One or more rooms, designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family.

Easement. A right-of-way granted, but not dedicated, for limited use of private land for a public or quasi-public purpose and within which the owner of the property shall not erect any permanent structures.

Factory Built Housing. A residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in substantial part manufactured at an off-site location to be wholly or partially assembled on site, but does not include a mobile home. (NRS 461.080)

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Family. 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 providing organization and stability.

Family Burial Plot. A plot of land used for interments of family members without charge. (Ord. 311, 2006)

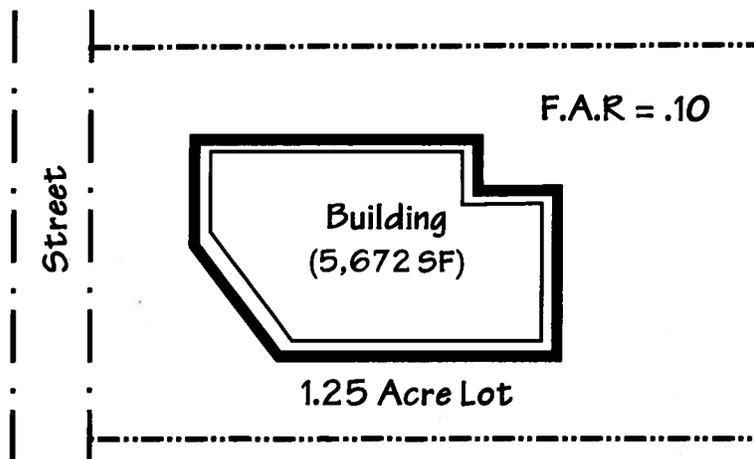
Family Ranch: Family Ranch is a property containing a single-family residence that may include, but is not limited to, a riding school, private arena, breeding, schooling, training, grooming and therapeutic riding for personal use, remuneration or exchange for not more than thirty (30) students or clients per month and typically not more than three (3) students or clients at any one time. (Ord. 346, 2007)

Farrowing Pen. A pen or pens used for the birthing of a litter of pigs.

Feedlot. A confined area or structure, pen or corral, used to fatten livestock prior to final shipment.

Flea Market. An occasional or periodic market held in an open area or structure where groups of individual sellers offer goods, including commodities, wares, and portable personal property for sale to the public.

Floor Area Ratio. The gross floor area of all buildings or structures on a lot divided by the total lot area.



Floor Area Ratio (F.A.R.)

$$\text{F.A.R.} = \frac{5,672 \text{ SF (Total Building Floor Area)}}{54,450 \text{ SF (Total Lot Area)}}$$

Footlambert. One footlambert is the luminance of a surface uniformly emitting, transmitting, or reflecting one lumen, a means of measuring the amount of illumination generated by light fixtures.

Foundry. An establishment in which metal is melted and poured into molds.

Fuel Dispensing Facility. An establishment retailing motor fuels and lubricants directly to the public on the premises. See also Automobile Service Station.

Funeral and Interment Services. Establishments primarily engaged in the provision of services involving the care, preparation or disposition of human dead other than in cemeteries. Typical uses include crematories, columbariums, mausoleums or mortuaries. The term mortuary shall include preparation and temporary storage of the dead while awaiting interment. A place where only mourning and verbalizations of respect are performed, but where no preparation of the dead occurs shall be considered Religious Assembly. (Ord. 311, 2006)

Gambling Establishment, Gaming. Any place where gaming is operated and maintained. "Gaming" means and includes all games of chance or devices and any slot machines played for money or for checks or tokens redeemable in money, except, for the purposes of these regulations only, "gaming" shall not be construed to include slot machines when such slot machines are operated incidental or accessory to the conduct of a business permitted under the provisions of these regulations.

Garbage. Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking, and serving of foods.

Garage, Private or Parking. A structure intended for the non-commercial storage of motor vehicles.

Garage, Public. A building for the storage of motor vehicles or boats as a commercial venture.

Garage Sale. The sales of household goods on ones property for a fixed amount of time. (Ord. 299, 2005)

Graffiti. Any unauthorized inscription, word, figure or design that is marked, etched, scratched, drawn, painted on or affixed to the public or private property, real or personal, of another, which defaces the property. (NRS 206.005)

Grandfathering. A lawful non-conforming use.

Gravel Pit. An open land area where sand, gravel, and rock fragments are mined or excavated for sale or off-tract use.

Grooming Facility: A place where animals are cleaned and groomed. (Ord. 346, 2007)

Gross Floor Area: The total enclosed area of all floors in a building with a clear height of more than six feet (6'), measured to the outside surface of the exterior walls. Parking facilities, driveways and airspace above the atria ground floor are excluded from gross floor area calculations.

Group Home (Building). Group home means any facility in which the licensee regularly provides care for no less than seven and no more than twelve children. (NAC 432A.110)

Guest Residence. An accessory building on a residential lot with a principal residence, which is used for residential purposes. Guest buildings must be affixed to real property, no more than 1,500 square feet and do not include recreational vehicles.

Halfway House for recovering alcoholics and drug abusers. A residence that provides housing and a living environment for alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide any treatment for alcohol or drug abuse. (NRS 449.008)

Home for individual residential care. A home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged,

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infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. The term does not include a halfway house for recovering alcohol and drug abusers. (NRS 449.0105)

Home Occupation. Any activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit. Home occupations are subject to Article VI of this Chapter.

Hospital. A building used for the accommodation of the sick, injured, or infirm, including clinics, sanitariums, convalescent and rest homes, boarding hospitals, and homes for children or the aged.

Hotel or Resort Hotel. "Hotel" means every building or structure kept as, used as, maintained as, or held out to the public to be, a place where sleeping or rooming accommodations are furnished to the transient public, whether with or without meals, including, without limitation, a lodging house or rooming house where transient trade is solicited. (NRS 447.010)

Intermediate Care Facility. A residential facility usually occupied by persons not requiring hospitalization or a skilled nursing facility, but who require rooms, meals, personal care, and health monitoring services under the supervision of a professional nurse. Intermediate Care Facilities may provide other services such as recreation, social, and cultural activities, financial services, and transportation.

Jail. A city, town or county facility for the confinement of persons convicted of a misdemeanor or gross misdemeanor and sentenced to incarceration for a period of one (1) year or less. Also, a facility where persons are detained awaiting trial or sentence. (Ord. 336, 2007)

Junk. "Junk" means old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber debris, waste or junked, dismantled or wrecked or abandoned motor vehicles, or parts thereof, iron, steel, and other old or scrap ferrous or nonferrous material, and all other secondhand used or castoff articles or material of any kind. (NRS 410.070)

Junkyard. "Junkyard" means an establishment or place of business which is maintained, operated, or used for storing, keeping, processing, buying, or selling junk, or for the maintenance or operation of an automobile graveyard or scrap metal processing facility, and the terms shall include garbage dumps and sanitary fills. (NRS 410.080)

Kennel, Breeders. Any enclosure, premises, building, structure, lot, or area where more than three (3) dogs of a recognized, registered breed over six (6) months of age are kept, harbored, or maintained as follows:

- A. For showing in recognized dog shows, field or obedience trials.
- B. For working or hunting.
- C. For improving the variety or breed in temperament or conformation with a view to exhibition in shows or trials or for use as working dogs in hunting.

Kennel, Commercial: A place where any number of dogs or cats are boarded and kept for commercial purposes, including breeding, boarding, and/or training. This term does not include state inspected veterinary hospitals, or the county animal control shelter. Commercial Kennels existing prior to the adoption of the ordinance, shall not be required to obtain a Conditional Use Permit, under the following conditions:

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- a. Must comply with all Federal, State and County Regulations.
- b. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of any applicable state law or the regulations of Nye County are being violated.
- c. Inspection of animals and their habitat shall be conducted annually by the Nye County Animal Control Office or by a nationally or regionally established organization or agency approved by the Nye County Animal Control Office. Copies of the inspection reports shall be maintained at the Nye County Animal Control Office. (Ord. 346, 2007)

Kennel, Residential: A place where six (6) to ten (10) dogs or cats are kept by the owner for personal pleasure, animals are not kept primarily for remuneration or breeding purposes. Dogs trained for search and rescue or service animals shall not be counted toward the number of dogs or cats for the purposes of residential kennel.-(Ord. 346, 2007)

Kitchen. A room used for cooking and for the preparation of food.

Landfill. A disposal site in which refuse and earth, or other suitable cover material, are deposited and compacted in accordance with an approved plan.

Liquor. Alcoholic or spirituous fluid, either distilled or fermented, such as brandy, wine, whisky, beer, etc.

Liquor Sales Establishment. Liquor Sales Establishments shall be organized into the following classes:

- Class I: Packaged Liquor Sales Establishment. This class of establishment means any establishment selling liquor to individuals in its original corked or unopened package for consumption off premises, and includes convenience- liquor- grocery- stores and other similar types of stores.
- Class II: Retail Liquor Sales Establishment - Bar. This class of establishment means any establishment selling at retail liquor by the drink for consumption on premises, and in a bar setting, which may or may not include a restaurant as an accessory use.
- Class III: Special Club Liquor Sales Establishment. This class of establishment means any establishment dispensing liquor by the drink for consumption on premises only, and which is restricted in use to members and guest(s) accompanied by a member.

Livestock: All manner of farm or agricultural animal, including but not limited to, horses, mules, mustangs, burros, cattle, buffalo, swine, goats, sheep, chickens, turkeys, and other farm fowl. (Ord. 346, 2007)

Live/Work. A residential occupancy, by a single housekeeping unit, of one or more rooms or floors in a building which includes: 1) cooking space and sanitary facilities in conformance with County building standards; and 2) adequate working space accessible from the living area, reserved for, and regularly use by, one or more persons residing therein.

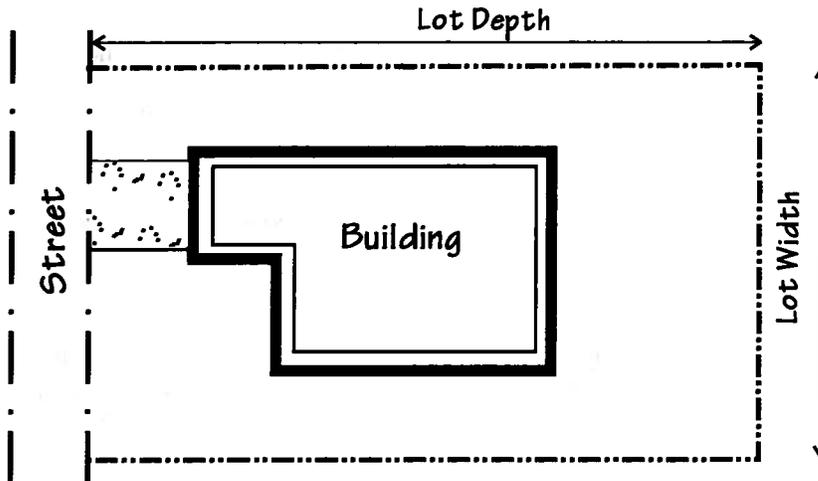
Loading Space. An off-street space or berth of not less than ten (10) feet by forty five (45) feet on the same lot or contiguous to a building or group of buildings for temporary parking of vehicles while handling merchandise or materials.

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Lot. A lot with fixed legal boundaries and a legal means of access; or a space within an approved manufactured home park or recreational vehicle park. (Ord. 257, 2002).

Lot Depth. The average distance between the front and rear lines.

Lot Width. The average width of a lot.



Master Plan. A comprehensive long-range plan intended to guide the growth and development of a community or region. A Master Plan includes analysis, recommendations, and proposals for the community's population, economy, housing, transportation, community facilities, land use and other subject matter as may be appropriate to the community.

Manufactured Building. Manufactured building includes any modular building or any building constructed using one or more modular components, but does not include a recreational park trailer.

Manufactured Home.

D. Means a structure which is:

1. Built on a permanent chassis;
2. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities;
3. Transportable in one or more sections; and
4. Eight feet or more in body width or 40 feet or more in body length when transported, or, when erected on site, contains 320 square feet or more.

E. The term includes:

1. The plumbing, heating, air-conditioning and electrical systems of the structure.
2. Any structure:
 - a. Which meets the requirements of paragraphs 1 to 3, inclusive, of subsection A, and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §§ 5401 et seq.; or
 - b. Built in compliance with the requirements of Chapter 461 of NRS.

F. The term does not include a recreational park trailer. (NRS 489.113)

Mining. The acts and processes involved in extracting ore from a mineral deposit and shall be deemed generally to include hauling, blasting, milling, and refining.

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Mixed Use. "Mixed-Use" or "Mixed-Use Development" means the combination of commercial office, or residential uses on a single lot or within a single integrated development on multiple lots. A mixed use is a commercial development for the purpose of determining development standards.

Mobile Home.

- G. Means a structure which is:
1. Built on a permanent chassis;
 2. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities; and
 3. Transportable in one or more sections.
- H. The term includes the design of the body and frame and the plumbing, heating, air-conditioning and electrical systems of the mobile home.
- I. The term does not include a recreational park trailer, travel trailer, commercial coach or manufactured home or any structure built in compliance with the requirements Chapter 461 of NRS. (NRS 489.120)

Mobile Home Park. An area, parcel, or tract of land having a minimum of 5 acres gross, and as its principal use the rental, leasing, or occupancy of space by three (3) or more mobile homes on a permanent or semi permanent basis, including accessory buildings, structures, or uses customarily incidental thereto.

Mobile Home Space. A portion of land within a mobile home park used or intended to be used for parking of one mobile home, including the land covered by the mobile home, required yards, building setbacks, and parking area and attached and/or detached accessory buildings and structures and open space.

Modular Home. See Manufactured Home.

Motel. A building containing two (2) or more accommodations for sleeping used mainly by travelers with an individual, private on site parking area attached or accessible to each unit.

Motor Home. See Recreational Vehicle

Multifamily Dwelling. A building containing two or more dwelling units, including units that are located one over the other. (Ord. 299, 2005)

Net Lot Area. The area of a lot excluding easements.

Nonconforming Building or Structure. A structure or portion thereof which was lawfully erected or altered, but which does not comply with the regulations applicable to new structures in the zoning district in which it is located.

Nonconforming Use, Lawful. A use which was lawfully established and maintained, but which does not comply with the use regulations applicable to new uses in the zoning district in which it is located; the use of any land, building or structure which does not conform with currently applicable use regulations, but which complied with use regulation in effect at the time the use was established.

Non-Commercial Agriculture. The raising of livestock, small animals, poultry, and the farming of agriculture and horticulture for the use and enjoyment of the family residing on a lot or parcel,

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provided the use is not for commercial purposes. 4-H, FFA and other such organizations' project animals are non-commercial.

NRS. Nevada Revised Statutes.

Nuisance. A nuisance shall be deemed to consist of permitting filth heaps, garbage, unprotected sewage or drainage pipes or boxes, cesspools, obstructions to the safe and convenient passage of vehicles and pedestrians through and over the public highways, streets and alleys (NRS 269.210), anything that is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life and property.

Off-Street Parking Space. A parking space provided in a parking lot, parking structure, or a private driveway.

Open Burning. Any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use or enjoyment of owners and occupants of land adjoining or neighboring such open space.

Operator: A person responsible for the operation of any Animal Related Business. (Ord. 346, 2007)

Ore. A mineral or an aggregate of minerals from which a valuable constituent can be profitably mined or extracted.

Outdoor Advertising Structure. (See Section 17.04.770 for Sign Regulations). (Ord. 299, 2005)

Outdoor Sales Display Area. A paved area for the display and sales of goods, including vehicles, manufactured and mobile homes and other small and large scale items.

Owner: Any person owning, keeping, possessing, harboring, or having the care, custody or control of any animal. (Ord. 346, 2007)

Parcel of Land. Any unit of land.

Parking Space. A permanently maintained space on a lot or parcel, suitable for the parking of one automobile; and sized in accordance with the Standard Details and Specifications.

Pet Store: An establishment where live animals are kept for wholesale or retail sale, barter or hire. (Ord. 346, 2007)

Planned Community. Planned community means a common-interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

Planned Unit Development. An area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond to lot size, bulk or type of dwelling, density or lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any zoning ordinance enacted pursuant to law.

Prostitution. Engaging in sexual conduct for a fee.

Protective Covenants (Deed Restrictions). A list of restrictions and covenants of proper record in the County Recorder's Office, that runs with the land and is binding on all property owners in the protected area, for a stipulated period of time with extension provisions therefore, and which shall be enforced by the property owners in said protected area by appropriate civil action. The covenants may include, but are not limited to, the following: the establishment of minimum front, side, and rear yards; minimum dwelling sizes and types; the prohibition of multifamily dwellings, trailers, trade or business, and other activities obnoxious or offensive; the provision of street planting or water courses; and the exclusion of signs and/or other matters related to or restricted in the protected area. Deed restrictions are not enforced by public agencies such as the County.

Quarry, Stone. A place where rock, ore, stone, and similar materials are excavated for sale or for off-tract use.

RPC. See Regional Planning Commission.

Recreational Vehicle. A vehicular structure primarily designed as living quarters for travel, recreational, or camping use, which may be self propelled, mounted upon, or drawn by a motor vehicle.

Recreational Vehicle Park. A parcel or tract of land having as its principal use the transient rental of two (2) or more spaces for recreational vehicles including accessory buildings, structures, or uses.

Reformatory. Facilities that work to rehabilitate young or first time offenders and help them learn a trade before their release. (Ord. 336, 2007)

Regional Planning Commission. The governing body of the Pahrump Regional Planning District as appointed by the Board of County Commissioners.

Required Area. The minimum area of a lot or parcel necessary to permit its use under the provisions of this Chapter.

Required Width. The average width of a lot or parcel of land necessary to permit its use under the provisions of this Chapter.

Residential Industry. The creation, construction, fabrication, or assembly of artwork or craftwork within a dwelling, store or shop; or within an accessory building thereto.

- J. Specific uses permitted: pottery work, jewelry making, metal work, woodworking, sign painting, homemade clothing, leather work, lapidary, painting, sculpture, and similar uses.
- K. When allowed in a residential district, no public display of stock in trade for sale shall be allowed outside the dwelling or accessory buildings, nor shall the use change the residential character of the dwelling.
- L. When allowed in a commercial district, the use shall not change the retail nature of the store or shop.
- M. The use shall not cause any sustained, unpleasant or unusual noises, vibrations, noxious fumes or odors, nor cause any parking or traffic congestion within the immediate area thereof.

Restaurant. An establishment where food and drink are prepared, served, and consumed primarily within the principal building. A restaurant shall be allowed to serve liquor to its guests without

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complying with the Conditional Use Permit provisions of this Chapter. A restaurant shall not be allowed a bar area without a Conditional Use Permit.

Roadway. The actual road surface area from curblines to curblines, which may include travel lanes, parking lanes, and deceleration and acceleration lanes. Where there are no curbs, the roadway is that portion between the edges of the paved or hard surface width.

Room. A divided portion of the interior of a dwelling, excluding bathrooms, kitchen, closets, hallways, and porches.

Salvage. The utilization of materials saved from destruction or waste.

Sand Pit. (See Gravel Pit).

Sanitary Station. A facility used for removing and disposing of wastes from recreational vehicle holding tanks.

School. An educational institution, which offers the kind of instruction, required to be taught in the public schools of the State.

Service, Search and Rescue Animal: An animal that is trained to alert a person with a variety of disabilities and medical conditions or an animal that is trained for search and rescue operations .
(Ord. 346, 2007)

Service Station. (See Automobile Service Station).

Sexually Oriented Businesses. Sexually Oriented Businesses shall have the meanings ascribed to them pursuant to Nye County Ordinance No. 293 as follows:

- A. ADULT ARCADE means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of "specified sexual activities" or "specified anatomical areas."
- B. ADULT BOOKSTORE, ADULT NOVELTY STORE OR ADULT VIDEO STORE means a commercial establishment which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:
1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; or
 2. Instruments, devices, or paraphernalia, which are designed for use in connection with "specified sexual activities."

A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an ADULT BOOKSTORE, ADULT NOVELTY STORE, or ADULT VIDEO STORE so long as one of its principal business purposes is the offering for sale or rental for consideration the specified

Article II: Definitions

- materials which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- C. ADULT CABARET means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
1. Persons who appear in a state of nudity or semi-nude; or
 2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
 3. Films, motion pictures, videocassettes, slides or other photographic reproductions, which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- D. ADULT MOTEL means a hotel, motel or similar commercial establishment which:
1. Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 2. Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or
 3. Allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours.
- E. ADULT MOTION PICTURE THEATER means a commercial establishment where, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
- F. ADULT THEATER means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or semi-nude, or live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities."
- G. EMPLOYEE means a person who performs any service on the premises of a sexually oriented business on a full-time, part-time or contract basis, whether or not the person is denominated an employee, independent contractor, agent or otherwise and whether or not said person is paid a salary, wage or other compensation by the operator of said business. Employee does not include a person exclusively on the premises for repair or maintenance of the premises or equipment on the premises, or for the delivery of goods to the premises.
- H. ESCORT means a person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.
- I. ESCORT AGENCY means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.
- J. ESTABLISHMENT means and includes any of the following:
1. The opening or commencement of any sexually oriented business as a new business;
 2. The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
 3. The additions of any sexually oriented business to any other existing sexually oriented business; or
 4. The relocation of any sexually oriented business.
- K. LICENSEE means a person in whose name a license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a license; and in the case of an employee, a person in whose name a license has been issued authorizing employment in a sexually oriented business.

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- L. NUDE MODEL STUDIO means any place where a person who appears semi-nude, in a state of nudity, or who displays "specified anatomical areas" and is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. Nude Model Studio shall not include a proprietary school licensed by the State of Nevada or a college, junior college or university supported entirely or in part by public taxation; a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or in a structure:
1. That has no sign visible from the exterior of the structure and no other advertising that indicates a nude or semi-nude person is available for viewing; and
 2. Where in order to participate in a class a student must enroll at least three days in advance of the class; and
 3. Where no more than one nude or semi-nude model is on the premises at any one time.
- M. NUDITY or a STATE OF NUDITY means the showing of the human male or female genitals, penis, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.
- N. PERSON means an individual, proprietorship, partnership, corporation, association, or other legal entity.
- O. SEMI-NUDE or in a SEMI-NUDE CONDITION means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel provided the areola is not exposed in whole or in part.
- P. SEXUAL ENCOUNTER CENTER means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:
1. Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 2. Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
- Q. SEXUALLY ORIENTED BUSINESS means an adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
- R. SPECIFIED ANATOMICAL AREAS means:
1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
 2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.
- S. SPECIFIED CRIMINAL ACTIVITY means any of the following offenses:
1. Illegal prostitution or promotion of illegal prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography; public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; illegal gambling; or distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries; for which:
 - a. Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

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- b. Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or
- c. Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any 24-month period.
- 2. The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.
- T. SPECIFIED SEXUAL ACTIVITIES means any of the following:
 - 1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - 2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
 - 3. Excretory functions as part of or in connection with any of the activities set forth in "1" through "2" above.
- U. SUBSTANTIAL ENLARGEMENT of a sexually oriented business means the increase in floor areas occupied by the business by more than twenty-five percent (25%), as the floor areas exist on the date this ordinance takes effect.
- V. TRANSFER OF OWNERSHIP OR CONTROL of a sexually oriented business means and includes any of the following:
 - 1. The sale, lease, or sublease of the business;
 - 2. The transfer of securities which constitute a controlling interest in the business, whether by sale, exchange, or similar means; or
 - 3. The establishment of a trust, gift, or other similar legal device which transfers the ownership or control of the business, except for transfer by bequest or other operation of law upon the death of the person possessing the ownership or control.

Sight Triangle Easement. A triangular-shaped easement over a portion of land established at street intersections, in which nothing, with the exception of street hardware, is erected, placed, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign. (See Section 17.04.770 for Sign Regulations). (Ord. 299, 2005)

Single Family Residence. A dwelling unit, including factory-built housing, manufactured homes, residential facilities for groups with ten or fewer unrelated persons with disabilities, halfway houses and homes for residential care, and residential establishments that have been built in compliance with the standards for single-family residential dwellings of the Uniform Building Code most recently adopted by the International Conference of Building Officials, or the National Manufactured Home Construction and Safety Standards Act (commonly known as the HUD Code), designed, occupied, or intended for occupancy as a separate living quarter, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family.

Slaughterhouse. A place where animals are butchered.

Special Exception. Permission to depart from design and/or improvement standards such as parking areas, street standards, etc. Special exceptions must be based on specific criteria such as hardship, special reasons, change of circumstances, etc., and the Planning Commission must make findings before granting exceptions.

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Special Use. (See Conditional Use).

Special Use Permit. (See Conditional Use Permit).

Stable, Commercial: A facility where livestock are kept for commercial purposes such as auctions, riding academies, rental, roping and rodeo arenas. Breeding, schooling, training and grooming for remuneration or exchange. The term shall not include a facility where the practice of veterinary medicine is performed. Commercial Stables existing prior to the adoption of the ordinance, shall not be required to obtain a Conditional Use Permit, under the following conditions:

- a. Must comply with all Federal, State and County Regulations.
- b. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of any applicable state law or the regulations of Nye County are being violated.
- c. Inspection of animals and their habitat shall be conducted annually by the Nye County Animal Control Office or by a nationally or regionally established organization or agency approved by the Nye County Animal Control Office. Copies of the inspection reports shall be maintained at the Nye County Animal Control Office. (Ord. 346, 2007)

Standard Details and Specifications. The document entitled "Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District," as adopted by the Nye County Board of County Commissioners.

Street. (See Roadway).

Structure. Any construction except a fence, tent, trailer, or vehicle, including signs, but not fences or walls used as fences.

Structure, Permanent. A structure intended and installed to exceed one year's duration.

Structure, Temporary. A structure intended and installed not to exceed one year's duration and to be removed entirely at the expiration thereof.

Subdivision. The division of any land or portion thereof, vacant or improved, shown on the last preceding tax roll as a unit or contiguous units, which is divided or proposed to be divided, either immediately or in the future, into five or more lots, parcels, sites, units, or plots of land for the purpose of any transfer, development, or proposed transfer or development unless exempted pursuant to NRS 278.320.

Temporary Living Facility. Any structure including a recreational vehicle, travel trailer, mobile or manufactured home, or any such structure designed to be used as a dwelling unit, and that is not permanently affixed to a parcel.

Temporary Use Permit. A permit issued by the Zoning Administrator stating that the temporary use meets all conditions set forth in all applicable ordinances and has met with the approval of the Zoning Administrator.

Townhouse. A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire-resistant walls.

Article II: Definitions

Travel Trailer. (See Recreational Vehicle).

Transitional Prison to Community Facility. A supervised residential center where individuals who are completing a sentence, including pre-release programs, reside for a defined period of time for counseling, job placement assistance, and similar services to assist in transitioning from institutional to community living. (Ord. 336, 2007)

Waiver, Hardship. A departure from the bulk regulations of the zoning ordinance that, if such requirements were applied to a specific lot, would significantly interfere with the use of the property. The Planning Commission must make findings before granting hardship waivers, and waiver conditions must be met.

Waiver, Planning. A waiver granted for relief from bulk regulations that would result in an opportunity for improved zoning and planning that would benefit the community. The Planning Commission must make findings before granting planning waivers and waiver conditions must be met. (Ord. 229, 2000)

Vehicle. Except as otherwise provided in NRS 482.36348, "vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway. (NRS 482.135)

Vehicle, Abandoned. As used in NRS 487.220 to 487.300, inclusive, unless the context otherwise requires, "Abandoned vehicle" means a vehicle:

- A. That the owner has discarded; or
- B. Which has not been reclaimed by the registered owner or a person having a security interest in the vehicle within 15 days after notification pursuant to NRS 487.250. (added to NRS by 1967, 1600; A 1973, 106).

Vehicle, Classic. A motor vehicle manufactured at least 25 years before the current date, or because of its limited production or exceptional workmanship is a rarity or of historic interest and has been, or is in the process of being restored, maintained, or preserved by automobile enthusiasts.

Vehicle, Historic. A motor vehicle that is 25 or more years old or has unique technology, styling, or marketing significance such that it is sought after by automobile enthusiasts and collectors.

Vehicle, Inoperable. Any motor vehicle that cannot be moved under its own power, or cannot be operated lawfully on a public street or highway due to removal of, damage to, or inoperative condition of, any component or part necessary for movement or lawful operation.

Vehicle, Junk. Any motor vehicle that is totally unusable as an operable vehicle or a source of parts for restoration of a classic or historic vehicle.

Vehicle, Unregistered. Any motor vehicle that is not registered with the State of Nevada.

Veterinary Facility (small animal): Any establishment operated by a veterinarian to provide dental, medical or surgical treatment, boarding, care and grooming for small animals may be provided. A veterinary clinic may have adjacent to it or in conjunction with it, or as an integral part of it, indoor pens, cages, or kennels for quarantine or observation, in a completely enclosed building. (Ord. 346, 2007)

Article II: Definitions

Veterinary Facility (large and small animal). Any establishment operated by a veterinarian to provide dental, medical or surgical treatment, boarding, care and grooming for large and small animals. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, indoor and outdoor pens, stalls, cages, or kennels for quarantine or observation. (Ord. 346, 2007)

Yard. An open space that lies between the principal or accessory building or buildings and the nearest lot line. The minimum required yard as set forth in the Ordinance is unoccupied and unobstructed from the ground upward except as otherwise allowed in this Chapter. (Ord. 299, 2005)

Yard, Front. A yard lying between the foundation of the building and the front lot line and extending across the full width of the lot or parcel.

Yard, Rear. A yard between the foundation of building and the rear lot line and extending across the full width of the lot or parcel.

Yard Sale. (See Garage Sale).

Yard, Side. A yard lying between the side lot line and the foundation of building and extending from the front yard line to the rear yard line.

Zoning Administrator. The planning director, consultant, or other agent as duly appointed and acting in the capacity of zoning administrator. (Ord. 229, 2000)

Zoning Enforcement Officer. Empowered to perform advanced code enforcement work to ensure compliance with ordinances and codes governing zoning violations.

ARTICLE III: ZONING DISTRICTS - ESTABLISHMENT AND GENERAL PROVISIONS

17.04.120 ZONING DISTRICTS

A. Zoning Districts Established. In order to classify, regulate, restrict, and segregate the use of lands; the location, use, bulk and heights of structures; and to carry out the purposes of this Chapter, zoning districts are hereby established by this Section as follows:

1. Residential Districts:

RH-9.5	Rural Homestead Residential
RH-4.5	Rural Homestead Residential
RE-2	Rural Estates Residential
RE-1	Rural Estates Residential
SE	Suburban Estates
VR-20	Village Residential
VR-10	Village Residential
VR-8	Village Residential
MF	Multifamily Residential
MH	Mobile Home Park

2. Nonresidential Districts:

NC	Neighborhood Commercial
GC	General Commercial
CM	Commercial Manufacturing
TC	Town Center
CC	Calvada Commercial
M	Medical/Medical Support
VC	Visitor Commercial
BO	Business Opportunity Overlay
MU	Mixed Use
LI	Light Industrial
HI	Heavy Industrial

3. Special Districts:

OS	Open Space, Parks and Recreation
BR	Brothel
R	Reserve
OU	Open Use
HF	Highway Frontage
CF	Community Facilities
PUD	Planned Unit Development

B. Zoning District Regulations. Each of the zoning districts contains general provisions, purpose, scope, height, lot, and setback requirements, permissive and conditional uses, and in some cases design standards.

17.04.200 RESIDENTIAL DISTRICTS

A. General Provisions for Residential Districts.

1. **Zone Map Amendment Required:** All new developments in Residential Zoning Districts shall be subject to the zone map amendment procedure as set forth in Article VIII of this Chapter.
 - a. **Development Agreement Required:** All approved subdivision developments in residential zoning districts greater than 4 dwelling units shall, as part of the subdivision approval process, and at the Board's sole discretion, enter into a Development Agreement pursuant to Nye County Code 16.32 as a condition of zone map amendment approval.
2. **Site Development Plan Required:** All developments in the Residential Zoning Districts greater than four (4) dwelling units shall comply with the Site Development Plan submittal requirements in Article IX of this Chapter. Such site plan may be submitted as part of an application for a Tentative Map.
3. **Building Separation:** All buildings located on a single parcel within a Residential Zoning Districts must be separated by a minimum of 10 feet unless a greater separation is required within a specific residential district.
4. **Off street parking in multi-family residential zones** shall meet the requirements of Article VI of this Chapter. All off street parking shall be in compliance with the Americans with Disabilities Act.
5. **Landscaping requirements in residential and multi-family residential zones** shall meet the requirements of Article VI of this Chapter. (Ord. 308)
6. **Lighting requirements in residential zones** shall meet the requirements of Article VI of this Chapter.
7. **Screening, Walls and Fences in residential zones** shall meet the requirements of Article VI of this Chapter.
8. **Signage in residential zones** shall be shall meet the requirements of Article VI of this Chapter.
9. **Manufactured Homes:** Notwithstanding any other provisions in this Code, manufactured homes are hereby recognized as a "permissive use" in all zoning districts which recognize single-family dwellings as a "permissive use", provided that all manufactured homes outside of Mobile Home Parks must be permanently affixed to a foundation and converted to real property, except when located within an RH Zone. In addition, manufactured homes located within a VR Zone must be in conformance with the following:
 - a. The manufactured home shall be placed on a foundation permanently affixed to the residential lot and qualify and constitute real property, as established by Chapter 361 of the Nevada Revised Statutes.
 - b. Any elevated foundations shall be masked architecturally in a manner to blend and harmonize with exterior siding materials utilized on the manufactured home.

- c. As provided in the Nevada Revised Statutes, the provisions of this Section do not abrogate recorded restrictive covenants prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to Nevada Revised Statutes 384.005 or 384.100.
10. Home Occupations are permissive in residential districts and must comply with Article VI of this Chapter.
 11. Garage Sales: All garage sales are limited to twelve (12) during any twelve (12) consecutive month period, and may not operate for more than three (3) consecutive days during each occurrence.
 12. Temporary Living Facilities: Temporary living facilities may be permitted under certain conditions subject to the approval of a Temporary Use Permit.
 13. Lot Size Calculations: All lot size calculations shall be measured as net lot area, unless otherwise noted. (Ord. 299, 2005)
 14. Prohibited Uses: Any use not listed within a specific zoning district shall not be permitted within such zoning district until such time as a Zoning Ordinance text amendment has been approved in conformance with Article VIII of this Chapter.
 15. Projections Into Required Yards, Residential Districts:
 - a. Awnings, open fire balconies, fire-escape stairs, window-type refrigeration units not exceeding one and one-half (1 1/2) tons or one and one-half (1 1/2) horsepower rating, suspended or roof evaporative coolers, and forced air furnaces, may project not more than five feet (5') over any required yard, provided that they shall be no closer than two feet (2') to any lot line.
 - b. Cornices and eaves may project over any required yard, provided that they shall be no closer than two feet (2') to any lot line.
 - c. Sills, belt courses and similar ornamental features may project not more than six inches (6") over or into any required yard.
 - d. Unroofed terraces, patios, steps or similar features may project into any required yard, provided that projections into required front yards shall not exceed ten feet (10'). Roofed or covered terraces, patios, steps or similar features may project into the required rear yard no closer than ten feet (10') to the rear lot line, provided two (2) sides of the covered feature remain open.
 - e. Fireplaces may be allowed to encroach into required yards no closer than two feet (2') to any lot line.
 - f. Carports may be allowed to encroach into required side yards, provided that two (2) sides of the carport remain open, that no portion of the carport structure is closer than three feet (3') to any side lot line, and all drainage from the roof of the structure shall be onto the property itself.

- g. Ground-mounted heating and cooling systems may protrude no more than three feet into required side and rear yards. (Ord. 299, 2005)
 - h. Swimming pools may protrude into required side and rear yards, but must be no less than five feet from the wall of the pool to the property line. (Ord. 299, 2005)
16. Agriculture Animal Care Project - On parcels that are less than 1-acre (gross) in size the following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must be accessory to a residential principal use.
 - b. The animal care project must be sponsored and monitored by a multi-member animal husbandry society that provides the participants with direction and guidance in the raising of animals and an opportunity to exhibit the animals at the end of the project.
 - c. No animal shall be kept for a period of more than 6 months.
 - d. Adjacent property owners must sign a statement of agreement.
 - e. No project animal shall exceed forty-five (45) lbs.

17.04.210 RH-9.5 - RURAL HOMESTEAD RESIDENTIAL

- A. Scope. The following regulations shall apply to the RH-9.5 Rural Homestead Residential Zones. No new building or structure shall be erected, or parcel developed in an RH-9.5 Zone unless in conformance with the provisions identified herein.
- B. Purpose. The RH-9.5 Rural Homestead Residential Zones are intended to provide low density uses with a minimum lot size of nine and one-half (9.5) gross acres, where animals may be kept as well as accessory buildings in a quiet, rural setting without maintaining a large agricultural operation. The RH-9.5 Rural Homestead Residential Zone is appropriate in rural areas where urban services will not be provided for an extended period of time.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	9.5 gross acres
Minimum Lot Width	300'
Minimum Lot Depth	300'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	50'	25'	100'	50'
Principal Buildings for Non-Residential Uses*	50'	50'	50'	50'
Accessory Buildings	50'	10'	10'	50'

* Principal buildings include institutional uses, quasi-public, churches, etc.

D. Permissive Uses.

One Single Family Residence per lot

One guest residence not to exceed 1,500 square feet

Home Occupations (subject to Article VI of this Chapter)

Accessory buildings not to be used for residential purposes provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 100,000 square feet.

Buildings for the sale and display of products grown/raised on the premise

Churches, Temples, Mosques and related facilities and accessory uses

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use

Family Ranch (Ord. 346, 2007)

Keeping of livestock or other large animals for commercial or household use, not including commercial slaughtering

Kennel, Residential (Ord. 346, 2007)

Recreational Vehicles or Mobile Homes as temporary residences subject to the issuance of a temporary use permit in Article VIII of this Chapter.

Public, quasi-public and institutional uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Agricultural Commercial uses (Indoor) (Ord. 345, 2007)

Animal Rescue (See definitions) (Ord. 346, 2007)

Animal Sanctuary (See definitions) (Ord. 346, 2007)

Animal, Special Conditions (See definitions) (Ord. 346, 2007)

Apiary (Ord. 346, 2007)

Bed and Breakfast Inns

Cemeteries (Ord. 311, 2006)

Childcare Facilities

Family burial plots (Ord. 311, 2006)

Farrowing Pens

Feed lots

Intermediate care facilities

Kennel, Commercial (See definitions) (Ord. 346, 2007)

Public or private recreation areas, including campgrounds

Stable, commercial (See definitions) (Ord. 346, 2007)

Temporary living facilities

- F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the Planning Commission. (Ord. 345, 2007)

17.04.215 RH-4.5 - RURAL HOMESTEAD RESIDENTIAL

- A. Scope. The following regulations shall apply to the RH-4.5 Rural Homestead Residential Zones. No new building or structure shall be erected, or parcel developed in an RH-4.5 Zone unless in conformance with the provisions identified herein.
- B. Purpose. The RH-4.5 Rural Homestead Residential Zones are intended to provide low density uses with a minimum lot size of four and one-half (4.5) gross acres, where animals may be kept as well as accessory buildings in a quiet, rural setting without maintaining a large agricultural operation. The RH-4.5 Rural Homestead Residential Zone is appropriate in rural areas where urban services will not be provided for an extended period of time.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	4.5 gross acres
Minimum Lot Width	250'
Minimum Lot Depth	250'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	40'	25'	100'	40'
Principal Buildings for Non-Residential Uses*	40'	40'	40'	40'
Accessory buildings	40'	10'	10'	40'

* Principal buildings include institutional uses, quasi-public, churches, etc.

D. Permissive Uses.

One Single Family Residence per lot

One guest residence not to exceed 1,500 square feet

Home Occupations (subject to Article VI of this Chapter)

Accessory buildings not to be used for residential purposes provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 50,000 square feet.

Buildings for the sale and display of products grown/raised on the premise

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use

Family Ranch (Ord. 346, 2007)

Keeping of livestock or other large animals for commercial or household use, not including commercial slaughtering. (Ord. 346, 2007)

Kennel, Residential (Ord. 346, 2007)

Recreational Vehicles or Mobile homes as temporary residences subject to the issuance of a temporary use permit in Article VIII of this Chapter.

Churches, Temples, Mosques and related facilities and accessory uses

Public, quasi-public and institutional uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Agricultural Commercial Uses (Indoor) (Ord. 345, 2007)

Animal Rescue (See definitions) (Ord. 346, 2007)

Animal Sanctuary (See definitions) (Ord. 346, 2007)

Animal, Special Conditions (See definitions) (Ord. 346, 2007)

Apiary (Ord. 346, 2007)

Bed and Breakfast Inns

Cemeteries (Ord. 311, 2006)

Childcare Facilities

Farrowing Pens

Feed lots

Intermediate care facilities

Kennels

Kennel, Commercial (See definitions) (Ord. 346, 2007)

Public or private recreation areas

Public or private schools

Stable, Commercial (See definitions) (Ord. 346, 2007)

Temporary living facilities

F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the Planning Commission. (Ord. 345, 2007)

17.04.220 RE-2 - RURAL ESTATES RESIDENTIAL

- A. Scope. The following regulations shall apply to the RE-2 Rural Estates Residential Zones. No new building or structure shall be erected, or parcel developed in an RE-2 Zone unless in conformance with the provisions identified herein.
- B. Purpose. RE-2 Rural Estates Residential Zones are intended to provide and preserve low density single-family residential living areas with minimum lot sizes of two (2) gross acres, where livestock or other large animals may be kept as well as accessory buildings in a semi-rural setting. The RE-2 Rural Estates Residential Zone is transitional in relationship to more urbanized residential areas of higher density.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	2 gross acres
Minimum Lot Width	150'
Minimum Lot Depth	150'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	25'	10'	40'	25'
Principal Buildings for Non-Residential Uses*	25'	25'	40'	25'
Accessory Buildings	25'	5'	5'	25'

* Principal buildings include institutional uses, quasi-public, churches, etc.

D. Permissive Uses.

One Single Family Residence per lot

One guest residence not to exceed 1,500 square feet

Home Occupations (subject to General Provisions for Residential Zones section)

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 20,000 square feet

Family Ranch (Ord. 346, 2007)

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use

Recreational Vehicles or Mobile homes as temporary residences subject to the issuance of a temporary use permit

Keeping of livestock or other large animals for commercial or household use. (Ord. 346, 2007)

Kennel Residential (Ord. 346, 2007)

Churches, Temples, Mosques and related facilities and accessory uses

Public, quasi-public and institutional uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Animal Rescue (See definitions) (Ord. 346, 2007)

Animal Sanctuary (See definitions) (Ord. 346, 2007)

Animal, Special Conditions (See definitions) (Ord. 346, 2007)

Bed and Breakfast Inns

Cemeteries (Ord. 311, 2006)

Childcare Facilities

Intermediate care facilities

Kennels

Kennel, Commercial (See definitions) (Ord. 346, 2007)

Public or private recreation areas

Public or private schools

Stable, Commercial (See definitions)

Temporary living facilities

17.04.225 RE-1 - RURAL ESTATES RESIDENTIAL

- A. Scope. The following regulations shall apply to the RE-1 Rural Estates Residential Zones. No new building or structure shall be erected, or parcel developed in an RE-1 Zone unless in conformance with the provisions identified herein.
- B. Purpose. RE-1 Rural Estates Residential Zones are intended to provide and preserve low density single-family residential living areas with minimum lot sizes of one (1) gross acre, where livestock or other large animals may be kept as well as accessory buildings in a semi-rural setting. The RE-1 Rural Estates Residential Zone is transitional in relationship to more urbanized residential areas of higher density.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	1 gross acre**
Minimum Lot Width	100'
Minimum Lot Depth	100'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	25'	10'	40'	25'
Principal Buildings for Non-Residential Uses*	25'	25'	40'	25'
Accessory buildings	25'	5'	5'	25'

* Principal buildings include institutional uses, quasi-public, churches, etc.

** Application for a Planned Unit Development Overlay can allow for minimum lot size to be reduced to 8,000 square feet (net) subject to conditions.

D. Permissive Uses.

One Single Family Residence per lot

One Guest Residence not to exceed 1,500 square feet

Home Occupations (subject to General Provisions for Residential Zones section)

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 10,000 square feet

Family Ranch (Ord. 346, 2007)

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use

Recreational Vehicles or Mobile homes as temporary residences subject to the issuance of a temporary use permit

Keeping of livestock or other large animals for commercial or household use. (Ord. 346, 2007)

Kennel, Residential (Ord. 346, 2007)

Churches, Temples, Mosques and related facilities and accessory uses

Public, quasi-public and institutional uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Bed and Breakfast Inns

Cemeteries (Ord. 311, 2006)

Childcare Facilities

Intermediate care facilities

Kennels

Kennel, Commercial (See definitions)

Public or private recreation areas

Public or private schools

Stable, Commercial (See definitions)

Temporary living facilities

17.04.230 SE - SUBURBAN ESTATES RESIDENTIAL

- A. Scope. The following regulations shall apply to the SE Suburban Estates Residential Zones. No new building or structure shall be erected, or parcel developed in an SE Zone unless in conformance with the provisions identified herein.
- B. Purpose. SE Rural Estates Residential Zones are intended to provide and preserve areas of low-density single-family residential living where keeping of large animals is prohibited. The minimum lot size in the SE zone is one (1) gross acre, however an SE zone designation may only be applied for upon request of property owner(s) of sites of 40 acres or more to ensure homogeneity of adjacent land uses in the preclusion of large animals.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	1 gross acre**
Minimum Lot Width	100'
Minimum Lot Depth	100'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	25'	10'	40'	25'
Principal Buildings for Non-Residential Uses*	25'	25'	40'	25'
Accessory buildings	25'	5'	5'	25'

* Principal buildings include institutional uses, quasi-public, churches, etc.

** Application for a Planned Unit Development Overlay can allow for minimum lot size to be reduced to 8,000 square feet (net) subject to conditions.

D. Permissive Uses.

One Single Family Residence per lot

One guest residence not to exceed 1,500 square feet

Home Occupations (subject to General Provisions for Residential Zones section)

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 10,000 square feet

Animal, Agricultural Care Project (Ord. 346, 2007)

Churches, Temples, Mosques and related facilities and accessory uses

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use

Kennel, Residential (Ord. 346, 2007)

Recreational Vehicles or Mobile homes as temporary residences subject to the issuance of a temporary use permit

Public, quasi-public and institutional uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Bed and Breakfast Inns

Cemeteries (Ord. 311, 2006)

Childcare Facilities

Intermediate care facilities

Public or private schools

Temporary living facilities

17.04.240 VR-20 - VILLAGE RESIDENTIAL

- A. Scope. The following regulations shall apply to the VR Village Residential Zones. No new building or structure shall be erected, or parcel developed in a VR-20 Zone unless in conformance with the provisions identified herein.
- B. Purpose. The VR-20 Village Residential Zone is intended as an area for lower density residential uses in a suburban environment, the principal purpose is for single-family residential development, and to preclude incompatible uses. The minimum lot size in the VR-20 Zone is 20,000 ft². The VR-20 Zone is appropriate where suburban characteristics are desired and full public services are available.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	20,000 ft ² *
Minimum Lot Width (interior lot)	70'
Minimum Lot Depth	100'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	25'	10'	35'	25'
Principal Buildings for Non-Residential Uses**	25'	25'	35'	25'
Accessory buildings	25'	5'	5'	25'

* Application for a Planned Unit Development Overlay can allow for minimum lot size to be reduced to 8,000 square feet (net) subject to conditions.

** Principal buildings include institutional uses, quasi-public, churches, etc.

D. Permissive Uses.

One Single Family Residence per lot

Home Occupations (subject to General Provisions for Residential Zones section)

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 3,000 square feet

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Churches, Temples, Mosques and related facilities and accessory uses

Childcare Facilities

Intermediate care facilities

Public or private recreation areas

Public, quasi-public and institutional uses

Public or private schools

Temporary living facilities

17.04.245 VR-10 - VILLAGE RESIDENTIAL

- A. Scope. The following regulations shall apply to the VR-10 Village Residential Zones. No new building or structure shall be erected, or parcel developed in a VR-10 Zone unless in conformance with the provisions identified herein.
- B. Purpose. The VR-10 Village Residential Zone is intended as an area for moderate density residential uses in a suburban environment, the principal purpose is for single-family residential development, and to preclude incompatible uses. The minimum lot size in the VR-10 Zone is 10,000 ft². The VR-10 Zone is appropriate where suburban characteristics are desired and full public services are available.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	10,000 ft ² **
Minimum Lot Width (interior lot)	70'
Minimum Lot Width (corner lot)	80'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	20' **	10'/5'****	20'	20'
Principal Buildings for Non-Residential Uses***	20'	15'	15'	20'
Accessory buildings	20'	5'	5'	20'

* Application for a Planned Unit Development Overlay can allow for minimum lot size to be reduced to 8,000 square feet (net) subject to conditions.

** Front loading garages must be setback 25'

***Minimum separation between buildings on adjacent lots shall be 15'

**** Principal buildings include institutional uses, quasi-public, churches, etc. (Ord. 319, 2006)

D. Permissive Uses.

One Single Family Residence per lot

Home Occupations (subject to General Provisions for Residential Zones section)

Animal, Agricultural Care Project (Ord. 346, 2007)

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 1,500 square feet

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Churches, Temples, Mosques and related facilities and accessory uses

Childcare Facilities

Intermediate care facilities

Public or private recreation areas

Public, quasi-public and institutional uses

Public or private schools

Temporary living facilities

17.04.250 VR-8 - VILLAGE RESIDENTIAL

- A. Scope. The following regulations shall apply to the VR-8 Village Residential Zones. No new building or structure shall be erected, or parcel developed in a VR-8 Zone unless in conformance with the provisions identified herein.
- B. Purpose. The VR-8 Village Residential Zone is intended as an area for moderate density residential uses in a suburban environment, the principal purpose is for single-family residential development, and to preclude incompatible uses. The minimum lot size in the VR-8 Zone is 8,000 ft². The VR-8 Village Residential Zone is appropriate where suburban characteristics are desired and full public services are available. The minimum district size is 40 acres net.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	8,000 ft ² **
Minimum Lot Width (interior lot)	60'
Minimum Lot Width (corner lot)	70'
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Residential Buildings	20'	10'/5'***	15'	10'
Principal Buildings for Non-Residential Uses*	20'	15'	15'	20'
Accessory buildings	15'**/ 20'	10'	10'	15'

* Application for a Planned Unit Development Overlay can allow for minimum lot size to be reduced to 8,000 square feet (net) subject to conditions.

**Front loading garages must be setback 20'

***Minimum separation between buildings on adjacent lots shall be 15'

**** Principal buildings include institutional uses, quasi-public, churches, etc.

D. Permissive Uses.

One Single Family Residence per lot

Home Occupations (subject to General Provisions for Residential Zones section)

Animal, Agricultural Care Project (Ord. 346, 2007)

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 1,000 square feet

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Adult Day Care Facilities

Churches, Temples, Mosques and related facilities and accessory uses

Childcare Facilities

Intermediate care facilities

Public or private recreation areas

Public, quasi-public and institutional uses

Public or private schools

Temporary living facilities

17.04.260 MF - MULTIFAMILY RESIDENTIAL

- A. Scope. The following regulations shall apply to the MF Multifamily Residential Zones. No new building or structure shall be erected, or parcel developed in an MF Multifamily Residential Zone unless in conformance with the provisions identified herein.
- B. Purpose. The MF Multifamily Residential Zone is intended as an area for moderate and high density residential uses in a more urban environment, the principal purpose is for single-family attached and multifamily residential development, and to preclude incompatible uses. The MF Multifamily Residential Zone is appropriate where more urban living characteristics are desired and full public services and infrastructure are available.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	15,000 ft ²
Minimum Lot Area per DU	3,000 ft ²
Lot Width (interior lot)	80'
Lot Width (corner lot)	85'
Maximum Building Height	35' *
	36' **
Minimum Building Separation	10'

Minimum Building Setbacks					
Use	Front	Side	Rear	Street Side	Minimum Building Separation
Principal Attached-Residential Buildings	15' ***	5'/10'	15'	15'	10'
Principal Non-Residential Buildings*****	20'	3'	3'	20'	20'
Residential & Non-Residential Accessory Buildings	15'***/20'	10'	10'	25'	10'

(Ord. 319, 2006)

*Duplex, triplex and fourplex townhomes

** Apartments

*** Front loading garages must be setback 20'

**** 15' when abutting to any VR, RE, SE or RH Zone

***** Principal buildings include institutional uses, quasi-public, churches, etc.

- D. Permissive Uses.

Apartments

Duplex, Triplex and Fourplex, Townhome residence

Home Occupations (subject to General Regulations for Residential Zones section)

Accessory buildings not in excess of 400 square feet per unit

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Churches, Temples, Mosques and related facilities and accessory uses

Childcare Facilities

Congregate Living Facilities

Intermediate care facilities

Public or private recreation areas

Public, quasi-public and institutional uses

Public or private schools

17.04.270 MH - MOBILE HOME PARK

- A. Scope. The following regulations shall apply to the MH Mobile Home Park Residential Zones. No new building or structure shall be erected, or parcel developed in an MH Mobile Home Park Zone unless in conformance with the provisions identified herein.
- B. Purpose. MH Mobile Home Park Zone is intended for development, placement and occupancy of mobile homes or manufactured homes for residential purposes on rented or leased sites in mobile home parks, and to preclude incompatible uses and maintain standards of public health, safety and welfare. The minimum lot area that may be utilized for a mobile home park is 5 net acres.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	5 acres
Minimum Area of a Mobile Home Space	4,000 ft ² * 2,880 ft ² **
Minimum Width of a Mobile Home Space	40'*
	28'**
Maximum Building Height	25'
Minimum Mobile Home Separation	10'

* For Mobile Homes Greater than 14' in width

**For Mobile Homes 14' in width or less

Minimum Building Setbacks			
Use	Public ROW	Park Boundary	Internal Street
Mobile Homes	25'	20'	10'
Site Built Principal and Accessory Buildings	25'	5'	10'

D. Permissive Uses.

Mobile Home Parks and accessory uses including:

Community recreation buildings and facilities, for use by residents' only, including but not limited to the following and provided that all buildings and structures are architecturally compatible:

1. Parks
2. Carwashes
3. Laundromats
4. Storage Facilities

5. Tennis Courts
6. Swimming Pools

Caretaker's residence

Management offices

Accessory buildings not in excess of 1,500 square feet for park purposes, or 200 square feet for accessory buildings serving individual mobile homes.

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Churches, Temples, Mosques and related facilities and accessory uses

Childcare Facilities

Home Occupations (subject to General Regulations for Residential Zones section)

Public or private recreation areas

Public, quasi-public and institutional uses

Public or private schools

17.04.300 COMMERCIAL DISTRICTS

A. General Regulations for Commercial Districts

1. All uses shall be conducted wholly within a building except parking lots and similar uses which are conducted in the open or other permitted outdoor storage areas as listed within the General and Commercial Manufacturing Districts.
2. Warehousing or the indoor storage of goods or material shall be allowed.
3. **Zone Map Amendment Required:** All developments in Commercial Zoning Districts shall be subject to the zone map amendment procedure as set forth in Article VIII of this Chapter.
4. **Site Development Plan Required:** All development in the Commercial Zoning District shall comply with the Site Development Plan submittal requirements in Article IX of this Chapter.
5. Off street parking for all Commercial uses shall meet the requirements of Article VI of this Chapter. All off street parking shall be in compliance with the Americans with Disabilities Act.
6. Landscaping for all Commercial uses shall meet the requirements of Article VI of this Chapter.
7. Lighting for all Commercial uses shall meet the requirements of Article VI of this Chapter.
8. Screening, walls and buffering for all Commercial uses shall meet the requirements of Article VI of this Chapter.
9. Signage in commercial zones shall meet the requirements of Article VI of this Chapter.
10. Lot Size Calculations: All lot size calculations shall be measured as net lot area.
11. All accessory uses shall be located to the rear of the principal use. (Ord. 339, 2007)
12. Principal Uses shall be established on property prior to accessory uses. (Ord. 339, 2007)

17.04.310 NC - NEIGHBORHOOD COMMERCIAL

- A. Scope. The following regulations shall apply to the NC Neighborhood Commercial Zones. No new building or structure shall be erected, or parcel developed in an NC Zone unless in conformance with the provisions identified herein.
- B. Purpose. The NC Neighborhood Commercial Zones are intended to provide small and medium scale commercial development, where the floor area occupied by any one use, or combined floor area of principal and accessory uses is less than seventy-five thousand (75,000) square feet in floor area. Office, service, institutional and commercial uses in this district shall provide for the day-to-day needs of residential areas.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	5,000 ft ²
Minimum Lot Width	50'
Minimum Lot Depth	100'
Maximum Building Height	32'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Structure and Accessory Structures	15'	0'*	15'*	15'

* 20 feet when adjacent to residential uses

D. Permissive Uses.

Adult Day Care Facility

Antique sales

Art gallery/studio

Bakery

Barber and Beauty shops

Bed and Breakfast Inns

Childcare Facilities, provided such uses comply with the requirements set forth in Article V of this Chapter

Churches, Temples, Mosques and related facilities and accessory uses

Convenience store

Dog grooming

Greenhouses and nurseries

Grooming Facility (Ord. 346, 2007)

Kennels

Kennel, Commercial (indoor only) (Ord. 346, 2007)

Laundry and dry cleaning pick up and drop off

Mini Storage facilities with or without a caretaker's residence

Office

Park and ride temporary facilities (not to exceed 50 stalls)

Pet Store (Ord. 346, 2007)

Printing and desktop publishing shops

Professional services (doctors, realtors, attorneys, etc.)

Public or private recreation areas including campgrounds

Public, quasi-public and institutional uses

Public or private schools

Retail sales (food, merchandise, hardware, etc.)

Restaurants, including fast food and drive in establishments. Alcoholic drink may be sold under a license for sale of beer, wine and spirits.

Supermarket, grocery store

Veterinary Facility (small animal)

Veterinary hospitals

Accessory uses customarily incidental thereto, providing they are not closer than ten feet (10') to any main building on the same or adjoining lot

On-premise advertising in connection with uses set forth in this section shall be subject to requirements of Article VI of this Chapter; however in no instance shall an on-premise sign be permitted as a principal use.

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit

as provided for in Article V and VIII of this Chapter:

Auction Houses, indoor

Body Art

Funeral and Interment Services (Ord. 311, 2006)

Fuel dispensing facility

Liquor Sales Establishments (Class I, II & III)

Recreational vehicle park (Subject to Article VI of this Chapter)

- F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the planning commission.

17.04.320 GC - GENERAL COMMERCIAL

- A. Scope. The following regulations shall apply to the GC General Commercial Zones. No new building or structure shall be erected, or parcel developed in a GC General Commercial Zone unless in conformance with the provisions identified herein.
- B. Purpose. The GC General Commercial Zones are intended to provide large community scale commercial development, where the square footage of a lot is greater than twenty thousand (20,000) square feet (net). Office, service, and commercial uses in this district shall provide for retail needs with proximity to major arterial roadways as an amenity to the service provider. (Ord. 338, 2007)
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	20,000 ft ²
Minimum Lot Width	150'
Minimum Depth	100'
Maximum Building Height	48'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Structure and Accessory Structures	20'	0*	30'	20'

* 30 feet when adjacent to residential uses (Ord. 338, 2007)

D. Permissive Uses.

All permissive uses in the Neighborhood Commercial district

Accessory uses customarily incidental thereto, providing they are not closer than ten feet (10') to any main building on the same or adjoining lot

Antenna, up to 65 feet in height

Arcades

Automobile Repair Facility (Ord. 299, 2005)

Automobile service station

Automobile sales and storage (new or used)

Bank

Banquet Hall

Bicycle sales/repair/rental

Cabinet, carpenter, electrician shop etc

Catering service

Caretaker's residence: The purpose is to permit limited residential uses within this Zone for the purpose of providing security to a development. No more than one caretaker's residence shall be permitted per individually owned commercial building. The residence shall not exceed the floor area of the associated business.

Clinic

Copying, blueprinting

Dance club (excluding Adult Entertainment)

Dog grooming

Draperies

Drive-thru restaurant

Dry cleaning laundry, clothes pressing

Fitness Centers/Gyms

Funeral and Interment Services (Ord. 311, 2006)

Golf driving range, miniature golf course, baseball batting range

Grooming Facility (Ord. 346, 2007)

Hospital for animals, with one outdoor pen, provided fencing or other suitable devise is employed

Institution

Liquor Sales Establishments (Class I, II & III), provided a two hundred (200) foot distance requirement from the structure in which the use is located to the nearest property line of an existing church/synagogue, school, childcare center, public library, community recreation facility, or parks. Applications for such uses must be accompanied by the straight line drawing required pursuant to Section 17.04.920.P. (Ord. 310, 2005)

Ministorage facilities

Museum

Office and professional services

On-premise advertising in connection with uses set forth in this section shall be subject to requirements of Article VI of this Chapter; however in no instance shall an on-premise sign be permitted as a principal use.

Park and ride temporary facilities

Parking lot

Pet Store (Ord. 346, 2007)

Pharmacy

Plant nurseries, including outdoor sales (Ord. 338, 2007)

Professional Services

Public utility structure

Restaurant

Retail sales, such as clothing stores, jewelry shops, office supplies, floral shops, candy stores, video rentals, etc. (Ord. 338, 2007)

Social halls, lodges, fraternal organizations and clubs

Theaters, but not including drive-in

Travel bureau

Veterinary facility (small animal) (Ord. 346, 2007)

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Agricultural products salesroom or shop

Amusement Parks

Body Art

Check cashing, payday loans or similar uses

Collection agency

Commercial parking lot

Convalescent or nursing home

Fireworks sales

Flea Markets/swap meets

Fuel dispensing facility

Gaming Establishments

Golf courses, except miniature golf

Hospital Sanatorium

Hotel/motel/resort (Ord. 338, 2007)

Kennel, Commercial (Ord. 346, 2007)

Live/Work units providing services listed as permissive or conditional within this zoning district

Multifamily residence

Off-premise sign (Subject to Article VI of this Chapter)

Outdoor sales display areas, with the exception of new and used automobile sales, lumber yards, garden centers, and other commercial displays that are commonly displayed in an outdoor setting on a permanent basis. (Ord. 299, 2005)

Pawnshops

Private school

Public and private recreational areas and facilities such as country clubs and swimming pools

Public school/institute

Rail/motor freight terminal or bus storage

Recreational vehicle park, subject to Article VI of this Chapter

Retail sales with 50% outdoor display

Showroom (building supplies etc.)

Storage yards for construction equipment, including incidental vehicle repair

Veterinary Facility (large animal) (Ord. 346, 2007)

- F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the Zoning Administrator's determination, the applicant may appeal the decision to the planning commission.

- G. General Development Standards. In addition to the general development standards in Article VI of this Chapter, the following shall apply:
1. All building elevations shall provide appropriate design components, including but not limited to color variation, reveal lines, window treatment, variation in materials, columns, horizontal or vertical alterations, cornices, or other similar architectural treatment.
 2. Building elevations shall incorporate appropriate design components, including but not limited to an arcade system, tower, trellis system, or other architectural components that provide variety in the massing of the project.
 3. Building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
 4. Integrated architectural treatment shall be provided for building exteriors on all four sides, except where allowed otherwise by the Zoning Administrator.
 5. Buildings design and location shall address solar orientation to provide shelter from the summer sun.
 6. Buildings shall provide sun/shade control measures that include but are not limited to recessed windows (minimum 4”), awnings, and other projecting architectural elements.
 7. Loading areas, storage, and refuse areas shall generally be located to the rear of the property and in locations that minimize exposure to residential uses and high pedestrian traffic areas.
 8. Walls and opaque fencing shall screen all loading areas, storage, and refuse areas from view, and shall be integrated into the design of the building.
 9. Roof-mounted equipment shall be screened from public view by roof forms, and painted the color of the roof.
- H. Additional Development Standards when Adjacent to Residential. For commercial projects proposed adjacent to a residential zone, the following shall apply:
1. A minimum six-foot high opaque decorative wall shall be required on the property line abutting the residential zone to visually screen the parking and circulation areas. Decorative walls shall be consistent with the design of the overall project.
 2. Pathways for pedestrians, bicycles, and motorized vehicles that maintain or enhance a continuity of access between the residential and commercial uses shall be provided as required by the Nye County Planning Department. Such pathways may also include enhanced entryways with monuments, trellises, decorative paving, and other architectural features.
 3. Truck deliveries shall be limited to the hours between 6 A.M. and 9 P.M. Monday through Friday, and between 8 A.M. and 9 P.M. Saturday and Sunday.
 4. For drive-thru establishments, speaker boxes and menu boards shall be oriented away from residential uses.

- I. Projects with Multiple Parcels. For commercial projects on multiple lots, the following shall apply:
1. Projects that employ shared parking and cross access agreements may distribute required parking across multiple parcels, in compliance with Municipal Code §17.04.730.H.3.
 2. A master sign program shall be required to ensure consistent signage throughout the project site and to address monumentation signage along street frontages. The master sign program shall be subject to approval by the Zoning Administrator.
 3. Deviations from lot size, lot width, and lot depth requirements may be approved for proposed commercial development that involves multiple, contiguous lots, provided such deviations are necessary to achieve superior site planning, and development agreements for shared access and parking are approved by Nye County and duly recorded.
- J. Landscaping. In addition to the landscape requirements in Article VI of this Chapter, the following shall apply:
1. Landscaping shall serve to buffer and screen public views of parking, loading, trash areas, drive-thru facilities, and service yards.
 2. Areas not occupied by buildings, parking areas, or walkways shall be permanently landscaped with a combination of live vegetation, ground cover, and decorative hardscape.
- K. Site Development Plan Review. In addition to the site development plan review and approval procedures in Article IX of this Chapter, the following shall apply for properties fronting on State Highway 160 and Highway 372:
1. During site development plan review of properties fronting on State Highway 160 and Highway 372, developers shall coordinate with the Nye County Planning Department and the Nevada Department of Transportation to determine appropriate access location and traffic mitigation measures, if necessary.
 2. Cross access easements shall be required for properties fronting on State Highway 160 and Highway 372. Cross access easements shall be no less than 30 feet in width.

(Ord. 338, 2007)

17.04.330 CM –COMMERCIAL MANUFACTURING

- A. Scope. The following regulations shall apply to the CM – Commercial Manufacturing Zone. No new building or structure shall be erected, or parcel developed in an CM zone unless in conformance with the provisions identified herein.
- B. Purpose. The CM Commercial Manufacturing Zone is intended to provide for areas that may be suitable for the development of non-retail oriented warehousing, manufacturing and commercial service businesses and to prohibit the development of incompatible uses. Connection to public water and sewer is required.
- C. Conformance. The CM zone shall be deemed to correspond to certain areas of the Mixed Use District, the General Commercial, or Business Park /Light Industrial designations of the Master Plan Land Use Map, where access to paved arterial roads is available and connection to public water and sewer or an approved engineered system and commercial water are required.
- D. Height, Lot and Setback Requirements.

Minimum Lot Size	10,000 sq. ft
Minimum Lot Width	100'
Maximum Building Height	48'
Lot Coverage	75%

Minimum Building Setbacks				
Use	Front	Interior Side	Rear	Street Side (corner)
Principal	20'	20'	20'	20'
Accessory Structures	30'	20'	15'	20'

E. Permissive Uses.

Agricultural machinery salesroom and repair shop in conjunction with new sales only

Antique restoration

Auctions and auction houses

Automobile restoration, inoperable and dismantled vehicles shall be stored on the property behind opaque fencing.

Automobile sales (new and used) and rental
Automotive service facilities including manufacture and repair garage
Bicycle manufacturing/sales/repair/rental
Blacksmith
Boat and RV storage
Body art
Broadcast facility/recording studio
Building materials, storage & sales yard
Cabinet, carpenter, electrician shop etc
Car/Truck wash
Construction/heavy equipment sales and rental
Contractor storage yards
Copying, Blueprinting printing and publishing
Embroidery, silkscreen production
Furniture manufacture/repair
Government Facilities
Gymnasium/Fitness Centers
Handcraft Industries, small-scale manufacturing
Hardware store
Heating and cooling sales and installation
Home improvement center
Indoor shooting ranges/galleries
Insulation sales and installation
Janitorial services
Laboratory, medical/dental
Laundries and dry cleaning plants

Light manufacturing, processing, assembly, fabricating, and similar uses provided that:

1. All such uses and related activities take place indoors
2. No use shall disseminate smoke, gas, dust, odor or other atmospheric pollutant outside of buildings
3. No use creates offensive noise, vibration, heat or glare
4. Uses generate a minimum amount of truck traffic, relative to shipping needs

Lumber yards

Metal fabrication, machine/welding shops

Ministorage facilities

Monument sales

Motor freight terminal or bus storage

Office and office parks

Print shop

Public or private utility structure

Research and development facilities

Security services

Showroom (building supplies etc.)

Silk screening

Transportation services including bus and limousines

Truck and trailer rental

Truss Manufacturing

Upholstering shop

Veterinary facility (large-animal)

F. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Aircraft sales, maintenance, repair and assembly

Caretaker's residence- for the purpose of providing on-site security. No more than one caretaker's residence shall be permitted per lot.

Cellular Communications Towers and related facilities

Construction/Agriculture equipment repair

Fireworks sales

Paint and body shop provided that:

1. No outside storage of parts or damaged vehicles
2. All repairs shall take place within an enclosed building
3. All painting shall take place within an EPA approved painting booth

Towing service

Truck and freight terminals

Warehouses, wholesaling, and distribution

Wastewater treatment plant

- G. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the planning commission. (Ord. 339, 2007)

17.04.400 MIXED USE DISTRICTS

A. General Regulations for Mixed Use Zones

1. Except as otherwise specified in a specific zone, all uses shall be conducted wholly within a building except parking lots and similar uses, which are conducted in the open.
2. Warehousing or the indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.
3. **Zone Map Amendment Required:** All developments in Mixed Use Zoning Districts shall be subject to the zone map amendment procedure as set forth in Article VIII of this Chapter.
4. **Site Development Plan Required:** With the exception of single family residential use and multifamily of less than 5 units, all development in Mixed Use Zoning Districts shall comply with the Site Development Plan submittal requirements as set forth in Article IX of this Chapter.
5. With the exception of single family residential use and multifamily of less than 5 units, off street parking in all Mixed Use Zoning Districts shall meet the requirements of Article VI of this Chapter. All off street parking shall be in compliance with the Americans with Disabilities Act.
6. With the exception of single family residential use and multifamily of less than 5 units, landscaping in all Mixed Use Zoning districts shall meet the requirements of Article VI of this Chapter, unless otherwise specified.
7. With the exception of single family residential use and multifamily of less than 5 units, lighting in all Mixed Use Zoning Districts shall meet the requirements of Article VI of this Chapter, unless otherwise specified.
8. With the exception of single family residential use and multifamily of less than 5 units, screening, walls and buffering requirements in all Mixed Use Zoning Districts shall meet the requirements of Article VI of this Chapter, unless otherwise specified.
9. With the exception of single family residential use and multifamily of less than 5 units, signage in Mixed Use Zoning districts shall meet the requirements of Article VI of this Chapter
10. Home Occupations are permitted in single family and multifamily homes and must comply with Article VI of this Chapter.
11. Livestock: For residential uses on properties greater than one net acre in size, animals are permitted.
12. **Garage Sales:** All garage sales area limited to twelve (12) during any twelve (12) consecutive month period, and may not operate for more than three (3) consecutive days during each occurrence.
13. **Lot Size Calculations:** All lot size calculations shall be measured as net lot area. (Ord. 338, 2007)

17.04.402 TC - TOWN CENTER

- A. Scope. The following regulations shall apply to the TC Town Center Zone. No new building or structure shall be erected, or parcel developed in the TC Town Center Zone unless in conformance with the provisions identified herein.

- B. Purpose. The TC Zone is intended to develop and function as the heart of the Pahrump Regional Planning District, where residents and visitors converge in a pedestrian-oriented environment to shop, conduct business, socialize, and recreate. Development within the Town Center is encouraged to include a variety of commercial, retail, institutional, multi-family residential, live/work units, and mixed use projects. Retail and commercial developments should be designed with a neighborhood commercial character in mind, where the floor area occupied by any one use, or combined floor area of principal and accessory uses, is not more than seventy-five (75,000) square feet in floor area.

Properties shall only be rezoned to the TC Town Center Zone if they are contiguous to properties already zoned TC. All rezone applications must be accompanied by a site development plan.

C. Height, Lot and Setback Requirements

Minimum Lot Size	3,200 ft ²
Minimum Lot Width	30'
Minimum Depth	80'
Maximum Building Height	35'*

* Certain architectural elements and features, including but not limited to, roof variations, towers, spires, cupolas, etc., may exceed the maximum building height by 15% if such features are determined to be consistent with the Town Center Design Guidelines by the Zoning Administrator.

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Structure and Accessory Structures	0'	0'*	25'	0'***

* 20 feet when residential projects are adjacent to non-residential uses.

** Except that the building may not encroach into the clear sight triangle.

D. Permissive Uses.

Adult day care facilities

Banks

Barber and beauty shops

Bed and breakfast inns

Childcare facilities, provided such uses comply with the requirements set forth in Article V of this Chapter

Churches, temples, mosques and related facilities and accessory uses

Clinics, medical or dental

Dance clubs (excluding adult entertainment)

Dog grooming

Dry cleaning laundry, clothes pressing, pick up and drop off

Fitness centers, gyms

General commercial services, including computer repair shops, locksmith shops, plumbing shops, hardware supply stores, etc.

Liquor sales establishments (Class I, II, and III)

Live/work units

Offices and professional services

Outdoor vendors

Pharmacies

Plant nurseries, including outdoor sales

Public amenities, including town squares, plazas, promenades, parks, and other public gathering places

Public, quasi-public and institutional structures, facilities, and uses

Recreational uses, such as bowling alleys, arcades, skating rinks, etc.

Restaurants, cafes, and sandwich shops, not including drive-thru. Alcoholic drink may be sold under a license for sale of beer, wine and spirits

Retail sales, such as clothing stores, jewelry shops, office supplies, floral shops, candy stores, video rentals, etc.

Social halls, lodges, fraternal organizations and clubs, and banquet halls

Supermarkets, grocery stores

Theaters, but not including drive-ins

Accessory uses that are ancillary to the primary use

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Convalescent or nursing homes

Gaming establishments

Hotels/motels/resorts

Mixed use developments - vertically or horizontally integrated (e.g. office located above retail or residential located above retail)

Multi-family residences

Outdoor displays

Parking lots/structures

Public or private schools

Restaurants, drive-thru

F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses, or accessory uses. In those instances where the applicant disagrees with the Administrator's determination, the applicant may appeal the decision to the Planning Commission.

G. General Development Standards. Future development shall consist of a high aesthetic quality that is appropriate for a Town Center.

1. Buildings fronting on two streets shall provide equal architectural articulation along each side, as well as provide an enhanced corner treatment.
2. Loading areas shall be located to the rear portion of the property, or away from residential uses and high-traffic pedestrian areas.
3. Walls and opaque fencing shall screen all storage, service, and refuse areas from view, and shall be integrated into the design of the building.
4. Roof-mounted equipment shall be screened from public view by roof forms, and painted the color of the roof.
5. Development shall adhere to the Town Center Design Guidelines in order to ensure compatible and harmonious projects within the TC Zone.

6. All uses, unless otherwise authorized by the Planning Commission through a Conditional Use Permit, shall be conducted entirely within an enclosed building except for outdoor vendors.
- H. Landscaping. In addition to the landscape requirements in Article VI of this Chapter, the following shall apply:
1. Landscaping shall serve to buffer and screen public views of parking, loading, trash areas, drive-thru facilities, and service yards.
 2. Areas not occupied by buildings, parking areas, or walkways shall be permanently landscaped with a combination of live vegetation, ground cover, and decorative hardscape.
 3. Landscaping shall consist of drought-tolerant vegetation and shall incorporate permanent, automatic low water-consuming irrigation facilities, such as drip irrigation fixtures.
 4. Landscaping shall be utilized to buffer adjacent residential uses from commercial uses.
- I. Parking. In addition to the parking requirements in Article VI of this Chapter, the following shall apply:
1. Parking lot landscaping shall provide adequate shading and canopy cover, achieved by a minimum of one tree for every eight parking stalls, which should be distributed equally throughout the parking lot.
 2. Parking areas adjacent to residential property shall be adequately screened with six-foot high landscaping and/or a wall or fence, or other method to prevent automobile headlights from shining into residential areas.
 3. In accordance with the Town Center Design Guidelines, decorative paving is permitted as an alternative to asphalt and concrete paving.
- J. Signage. In addition to the signage requirements in Article VI of this Chapter, the following shall apply; where a conflict occurs, the Town Center Zone shall prevail:
1. Wall Signs: Wall signs may be permitted subject to the following:
 - a. Multi-tenant center: Each commercial and office business shall be entitled to one sign per street frontage or along a common-use parking lot with no direct street frontage. Wall signs may occupy up to 10% of the building or wall, based on the lease area of each tenant, and must be placed over the respective tenant's space.
 - b. Individual buildings: Individual commercial or office buildings are permitted a total of two signs, but not more than one per each side of the building. Wall signs may occupy up to 10% of the wall face on which the sign is located.
 - c. Wall signs shall not extend above the cornice of the building unless it is incorporated as an integral part of the architecture of the building and approved by the Planning Department.

2. **Freestanding Signs:** Freestanding on-premise signs may be permitted subject to the following:
 - a. **Multi-tenant center:** Multi-tenant buildings or multiple-building shopping centers or office complexes shall be entitled to one freestanding complex identification sign per street frontage. The maximum sign area shall be calculated at .25 square feet per lineal foot of frontage, up to a maximum of 50 square feet per sign.
 - b. **Individual buildings:** Properties with one commercial or office building shall be permitted one freestanding sign, not to exceed 50 square feet, provided that the building has a minimum of 100 feet of street frontage.
 3. **Projecting Signs:** Projecting signs oriented toward pedestrians are encouraged. Hanging, blade, and projecting signs are not included in sign area calculation, provided the projecting sign does not exceed four square feet in size. Projecting signs must maintain an eight-foot clearance from the base elevation.
 4. **Awnings:** Where incorporated into the design of the building to provide building ornamentation and shade, businesses may utilize a maximum of 25% of the awning panel for signage.
 5. **Informational signs:** Signs designed and oriented to direct pedestrian traffic are permitted for multi-tenant centers or complexes. Businesses are permitted one sign per entrance to the building or complex at a maximum of 18 square feet.
 6. Two restaurant menu boards, mounted on a wall or window, are permitted in order to display the menu and/or daily specials.
 7. Businesses maintained exclusively on the second floor of a two-story building may be allowed up to 50% of the sign area authorized for businesses conducted in single-story buildings.
 8. Off-premise signs and billboards are prohibited.
 9. Multi-tenant centers shall coordinate all signage to ensure that there is a unified appearance for all wall and freestanding signs.
- K. **Outdoor Display.** Outdoor displays shall comply with the following:
1. Outdoor display of merchandise must be related to the permitted use;
 2. Sidewalk/parking lot sales shall be limited to four days at a time, up to 12 times per year;
 3. Remain outside of the public right-of-way;
 4. Allow adequate ingress and egress to the building; and
 5. Fit compatibly with the building and surrounding properties.
- L. **Outdoor Vendors.** Outdoor vendors shall comply with the following:
1. Obtain required permits from all County Departments;

2. Obtain property owner approval prior to locating on the property;
3. Remain mobile at all times. No permanent structures are permitted;
4. A certificate of insurance is required of all vendors;
5. Vending areas shall not occupy more than 40 square feet;
6. Vendors shall not operate between the hours of 9 p.m. and 8 a.m.;
7. Allow for free and safe passage of pedestrians and automobiles;
8. Vendors shall not create unreasonable noises in order to attract attention to the stand or merchandise; and
9. Vendors shall provide adequate trash receptacles in order to accommodate any trash or refuse generated by such vending. (Ord. 338, 2007)

17.04.403 CC – CALVADA COMMERCIAL

- A. Scope. The following regulations shall apply to the CC Calvada Commercial Zone. No new building or structure shall be erected, or parcel developed in the CC Calvada Commercial Zone unless in conformance with the provisions identified herein.
- B. Purpose. The CC Calvada Commercial Zone is intended to provide a zone that allows for commercial and residential land uses. Mixed Use development is encouraged where such development integrates compatible uses, including some combination of residential, retail, office and public uses, within a single lot or project site. Such compatible uses may also be integrated into a single building where retail and/or office uses are located on the lower level and office and/or residential uses are located on the upper level.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	5,000 ft ²
Minimum Lot Width	50'
Minimum Depth	100'
Maximum Building Height	35'*

* Certain architectural elements and features, including but not limited to, roof variations, towers, spires, cupolas, etc., may exceed the maximum building height by 15% upon approval from the Zoning Administrator.

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Structure and Accessory Structures	0'	0'	20'	0'*

* Except that the building may not encroach into the clear sight triangle.

D. Permissive Uses.

Adult day care facilities

Banks

Barber and beauty shops

Bed and breakfast inns

Childcare facilities, provided such uses comply with the requirements set forth in Article V of this Chapter

Clinics, medical or dental

Dog grooming

Dry cleaning laundry, clothes pressing, pick up and drop off
Fitness centers, gyms

General commercial services, including computer repair shops, locksmith shops, plumbing shops, hardware supply stores, etc.

Liquor sales establishments (Class I, II, and III)

Live/work units

Offices and professional services

Pharmacies

Plant nurseries, including outdoor sales

Public amenities, including town squares, plazas, promenades, parks, and other public gathering places

Public, quasi-public and institutional structures, facilities, and uses

Recreational uses, such as bowling alleys, arcades, skating rinks, etc.

Restaurants, cafes, and sandwich shops. Alcoholic drink may be sold under a license for sale of beer, wine and spirits

Retail sales, such as clothing stores, jewelry shops, office supplies, floral shops, candy stores, video rentals, etc.

Social halls, lodges, fraternal organizations and clubs, and banquet halls

Supermarkets, grocery stores

Theaters, but not including drive-ins

Accessory uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Churches, temples, mosques and related facilities and accessory uses

Convalescent or nursing homes

Dance clubs (excluding adult entertainment)

Gaming establishments

Hotel/motel/resort

Mixed use developments, vertically or horizontally integrated (e.g., office located above retail or residential located above retail)

Multi-family residences

Parking lots/structures

Public or private schools

Restaurants, drive-thru

F. Commercial Uses Prohibited in Mixed Use Projects. The following commercial uses are prohibited on a site containing residential uses:

Bars and cocktail lounges

Dog grooming, animal sales

Drive-thru services associated with any commercial use

Dry cleaning laundry

Gaming Establishments

Hotel/motel/resort

G. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses, or accessory uses. In those instances where the applicant disagrees with the Administrator's determination, the applicant may appeal the decision to the Planning Commission.

H. General Development Standards. In addition to the general development standards in Article VI of this Chapter, the following shall apply:

1. All building elevations shall provide appropriate design components, including but not limited to color variation, reveal lines, window treatment, variation in materials, columns, horizontal or vertical alterations, cornices, or other similar architectural treatment.
2. Building elevations shall incorporate appropriate design components, including but not limited to an arcade system, tower, trellis system, or other architectural components that provide variety in the massing of the project.
3. Building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.

4. Integrated architectural treatment shall be provided for building exteriors on all four sides, except where allowed otherwise by the Zoning Administrator.
 5. Buildings design and location shall address solar orientation to provide shelter from the summer sun.
 6. Buildings shall provide sun/shade control measures that include but are not limited to recessed windows (minimum 4”), awnings, and other projecting architectural elements.
 7. Loading areas, storage, and refuse areas shall generally be located to the rear of the property and in locations that minimize exposure to residential uses and high pedestrian traffic areas.
 8. Walls and opaque fencing shall screen all loading areas, storage, and refuse areas from view, and shall be integrated into the design of the building.
 9. Roof-mounted equipment shall be screened from public view by roof forms, and painted the color of the roof.
- I. Multi-family Development Standards. Multifamily developments proposed within the CC Calvada Commercial Zone shall conform to the development standards of the MF Multi-family Residential Zone. In addition, the following shall apply:
1. Where not part of a mixed use development, multi-family uses shall not be permitted on properties that front on Calvada Boulevard and Pahrump Valley Boulevard.
- J. Mixed Use Development Standards. The following are development standards for mixed use projects in the CC Calvada Commercial Zone:
1. Live/work units shall be constructed as a single unit, with the living space located to the rear or upper level of the unit.
 2. Public areas such as courtyards shall be incorporated into the design of mixed use developments. Environmental conditions such as sun, shade, and winds shall be considered in the positioning of such public areas and amenities.
 3. Residential dwelling units may be allowed on properties that front on Calvada Boulevard and Pahrump Valley Boulevard only as part of a mixed use development, provided that commercial uses are located along the street frontage.
 4. Residential dwelling units proposed within mixed use developments shall have a minimum floor area of 450 square feet, exclusive of private open space or garages.
 5. Residential dwelling units proposed within mixed use developments shall be provided with an enclosed private area. Private patios for ground floor units shall be not less than one hundred (100) square feet in area, with a minimum dimension of eight (8) feet. Private balconies for dwelling units located entirely above the ground floor shall not be less than seventy (70) square feet in area, with a minimum dimension of seven (7) feet.
 6. Truck deliveries for commercial uses shall be limited to the hours between 6 A.M. and 8 P.M. on weekdays, 8 A.M. and 8 P.M. on Saturday. No truck deliveries shall be made on Sundays.

7. No use, activity or process shall produce continual vibrations or noxious odors that are perceptible, without instruments, by the average person at the property lines of the site, or within the interior of residential units on the site.
 8. Outdoor lighting associated with commercial uses shall not adversely impact surrounding residential uses, but shall provide sufficient illumination for access and security purposes. Such lighting shall not blink, flash, oscillate, or be of unusually high intensity or brightness.
 9. Residential dwelling units shall be designed to ensure the security of residents, through the provision of secured entrances and exits that are separate from the non-residential uses, and that are directly accessible to parking areas. Non-residential and residential uses shall not have common entrance hallways or common balconies. These separations shall be shown on the development plan, and the separations shall be permanently maintained.
- K. Landscaping. In addition to the landscape requirements in Article VI of this Chapter, the following shall apply:
1. Landscaping shall serve to buffer and screen public views of parking, loading, trash areas, drive-thru facilities, and service yards.
 2. Areas not occupied by buildings, parking areas, or walkways shall be permanently landscaped with live vegetation, ground cover, and/or decorative hardscape.
 3. Landscaping shall consist of drought-tolerant vegetation and shall incorporate permanent, automatic low water-consuming irrigation facilities, such as drip irrigation fixtures.
 4. Landscaping shall be utilized as a buffer for adjacent residential uses.
- L. Parking. In addition to the parking requirements in Article VI of this Chapter, the following shall apply:
1. Parking lot landscaping shall provide adequate shading and canopy cover, achieved by a minimum of one tree for every eight parking stalls, which shall be distributed equally throughout the parking lot.
 2. Parking areas adjacent to residential property shall be adequately screened with six-foot high landscaping and/or a wall or fence.
- M. Signage. In addition to the signage requirements in Article VI of this Chapter, the following shall apply; where a conflict occurs, the CC Calvada Commercial Zone shall prevail:
1. Wall Signs: Wall signs may be permitted subject to the following:
 - a. Multi-tenant center: Each commercial and office business shall be entitled to one sign per street frontage or along a common-use parking lot with no direct street frontage. Wall signs may occupy up to 10% of the building or wall, based on the lease area of each tenant, and must be placed over the respective tenant's space.
 - b. Individual buildings: Individual commercial or office buildings are permitted a total of two signs, but not more than one per each side of the building. Wall signs may occupy up to 10% of the wall face on which the sign is located.

- c. Wall signs shall not extend above the cornice of the building unless it is incorporated as an integral part of the architecture of the building and approved by the Planning Department.
1. Freestanding Signs: Freestanding on-premise signs may be permitted subject to the following:
 - a. Multi-tenant center: Multi-tenant buildings or multiple-building shopping centers or office complexes shall be entitled to one freestanding complex identification sign per street frontage. The maximum sign area shall be calculated at .25 square feet per lineal foot of frontage, up to a maximum of 50 square feet per sign.
 - b. Individual buildings: Properties with one commercial or office building shall be permitted one freestanding sign, not to exceed 50 square feet, provided that the building has a minimum of 100 feet of street frontage.
 2. Projecting Signs: Projecting signs oriented toward pedestrians are encouraged. Hanging, blade, and projecting signs are not included in sign area calculation, provided the projecting sign does not exceed four square feet in size. Projecting signs must maintain an eight foot clearance from the base elevation.
 3. Awnings: Where incorporated into the design of the building to provide building ornamentation and shade, businesses may utilize a maximum of 25% of the awning panel for signage.
 4. Informational signs: Signs designed and oriented to direct pedestrian traffic are permitted for multi-tenant centers or complexes. Businesses are permitted one sign per entrance to the building or complex at a maximum of 18 square feet.
 5. Two restaurant menu boards, mounted on a wall or window are permitted in order to display the menu and/or daily specials.
 6. Businesses maintained exclusively on the second floor of a two-story building may be allowed up to 50% of the sign area authorized for businesses conducted in single-story buildings.
 7. Off-premise signs and billboards are prohibited.
 8. Multi-tenant centers shall coordinate all signage to ensure that there is a unified appearance for all wall and freestanding signs. (Ord. 338, 2007)

17.04.404 M – MEDICAL/MEDICAL SUPPORT

- A. Scope. The following regulations shall apply to the M Medical and Medical Support Zone. No new building or structure shall be erected, or parcel developed, in the M Medical and Medical Support Zone unless in conformance with the provisions identified herein.
- B. Purpose. The M Medical and Medical Support Zone is intended to provide an area for hospitals, medically related services, and medical support services.
- C. Height, Lot and Setback Requirements

Minimum Lot Size	5,000 ft ²
Minimum Lot Width	50'
Minimum Depth	100'
Maximum Building Height	35'*

*May be exceeded with approval from the Pahrump Regional Planning Commission.

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Structure and Accessory Structures	15'	0'*	15'*	15'

*20 feet when adjacent to residential uses

D. Permissive Uses.

- Adult Day Care Facility
- Convalescent, nursing, and rest homes
- Congregate living facilities
- Home health care agencies
- Hospices
- Hospitals
- Medical, dental, eye, and other human health care offices or clinics
- Medical equipment supply centers
- Medical laboratories
- Medical research and development centers

Medically related schools or institutions

Multi-family housing

Outpatient centers

Pharmacies

Sanitariums

Accessory/complementary uses, such as gift shops, cafeterias, and other uses customarily incidental to the permitted uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Ambulance and transportation services, not including service and repairs

Heliports, used in conjunction with medical facilities

F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses, or accessory uses. In those instances where the applicant disagrees with the Administrator's determination, the applicant may appeal the decision to the Planning Commission.

G. Multi-family Development Standards. Multifamily developments proposed within the M Medical and Medical Support Zone shall conform to the development standards of the MF Multi-family Residential Zone.

H. General Development Standards. In addition to the general development standards in Article VI of this Chapter, the following shall apply:

1. All building elevations shall provide appropriate design components, including but not limited to color variation, reveal lines, window treatment, variation in materials, columns, horizontal or vertical alterations, cornices, or other similar architectural treatment.
2. Building elevations shall incorporate appropriate design components, including but not limited to an arcade system, tower, trellis system, or other architectural components that provide variety in the massing of the project.
3. Building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
4. Integrated architectural treatment shall be provided for building exteriors on all four sides, except where allowed otherwise by the Zoning Administrator.
5. Buildings design and location shall address solar orientation to provide shelter from the summer sun.

6. Buildings shall provide sun/shade control measures that include but are not limited to recessed windows (minimum 4”), awnings, and other projecting architectural elements.
 7. Loading areas, storage, and refuse areas shall generally be located to the rear of the property and in locations that minimize exposure to residential uses and high pedestrian traffic areas.
 8. Walls and opaque fencing shall screen all loading areas, storage, and refuse areas from view, and shall be integrated into the design of the building.
 9. Roof-mounted equipment shall be screened from public view by roof forms, and painted the color of the roof.
- I. Landscaping. Nonresidential development in the M Medical and Medical Support Zone shall adhere to the landscaping requirements in Article VI of this Chapter. In addition, the following shall apply:
1. Landscaping shall serve to buffer and screen public views of parking, loading, trash areas, drive-in facilities, and service yards.
 2. Areas not occupied by buildings, parking areas, or walkways shall be permanently landscaped with a combination of live vegetation, ground cover, and decorative hardscape.
- J. Additional Development Standards when Adjacent to Residential. For nonresidential projects proposed adjacent to a residential zone, the following shall apply:
1. A minimum six foot high opaque decorative wall shall be required on the property line abutting the residential zone to visually screen the parking and circulation areas. Decorative walls shall be consistent with the design of the overall project.
 2. Pathways for pedestrians, bicycles, and motorized vehicles that maintain or enhance a continuity of access between the residential and commercial uses shall be provided as required by the Nye County Planning Department. Such pathways may also include enhanced entryways with monuments, trellises, decorative paving, and other architectural features.
 3. Truck deliveries shall be limited to the hours between 6 A.M. and 9 P.M. Monday through Friday, and between 8 A.M. and 9 P.M. Saturday and Sunday.
- K. Signage. Non residential development in the M Medical and Medical Support Zone shall adhere to the signage requirements in Article VI of this Chapter as they apply to the MU Mixed Use Zone.
- L. Complementary Uses. Complementary uses, such as cafeterias, gift shops, and other uses customarily incidental to the permitted use, are subject to the following:
1. Complimentary uses shall be subordinate to the hospital or permitted use.
 2. Each individual complementary use located within the primary use building shall occupy a maximum of 10% of the square footage of floor area. All of the complementary uses combined shall not exceed 20% of the floor area square footage of the primary use building. (Ord. 338, 2007)

17.04.405 VC - VISITOR COMMERCIAL

- A. Scope. The following regulations shall apply to the VC Visitor Commercial Zone. No new building or structure shall be erected, or parcel developed in the VC Visitor Commercial Zone unless in conformance with the provisions identified herein.
- B. Purpose. The VC Visitor Commercial Zone is intended to provide for and encourage the orderly development of commercial areas designed to serve the needs of tourists and the vacationing and motoring public, consistent with the overall development of the community. All uses within this district shall be oriented toward the promotion, accommodation and service of tourism and associated needs of the commercial tourist-related activities and services. This district is envisioned to present a sense of arrival and/or gateway presence through the enhancement of both design and location. The provisions of this zone are intended to insure that tourist commercial areas will be compatible with adjacent development.
- C. Height, Lot and Setback Requirements

Minimum Lot Size	1 acre
Minimum Project Size	1 acre
Minimum Lot Width	200'
Minimum Depth	200'
Maximum Building Height	48'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Structure and Accessory Structures	20'	0'*	30'	20'

* 30 feet when adjacent to residential uses.

D. Permissive Uses.

Automobile service (automobile gas, maintenance and repair service, no body repair)

Bank

Barber and beauty shop

Bed and breakfast inn

Convenience store

Drive-thru restaurant

Dry cleaning laundry, clothes pressing, pick up and drop off

Museum

Public, quasi-public and institutional structures, facilities, and uses

Rental car facility

Restaurants, cafes, and sandwich shops. Alcoholic drink may be sold under a license for sale of beer, wine and spirits

Stable, Commercial (Ord. 346, 2007)

Theaters, but not including drive-ins

Tourist retail sales, such as souvenirs, film, magazines and other products customarily provided to meet the needs of the traveling public.

Travel bureau

Accessory uses

- E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Amusement Parks

Convention facility

Gaming establishments

Golf courses, except miniature golf

Hotel/motel/resort

Public and private recreational areas and facilities such as country clubs and swimming pools

Recreational vehicle park, subject to Article VI of this Chapter

- F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses, or accessory uses. In those instances where the applicant disagrees with the Administrator's determination, the applicant may appeal the decision to the Planning Commission.
- G. General Development Standards. In addition to the general development standards in Article VI of this Chapter, the following shall apply:

1. All building elevations shall provide appropriate design components, including but not limited to color variation, reveal lines, window treatment, variation in materials, columns, horizontal or vertical alterations, cornices, or other similar architectural treatment.
 2. Building elevations shall incorporate appropriate design components, including but not limited to an arcade system, tower, trellis system, or other architectural components that provide variety in the massing of the project.
 3. Building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.
 4. Integrated architectural treatment shall be provided for building exteriors on all four sides, except where allowed otherwise by the Zoning Administrator.
 5. Buildings design and location shall address solar orientation to provide shelter from the summer sun.
 6. Buildings shall provide sun/shade control measures that include but are not limited to recessed windows (minimum 4"), awnings, and other projecting architectural elements.
 7. Loading areas, storage, and refuse areas shall generally be located to the rear of the property and in locations that minimize exposure to residential uses and high pedestrian traffic areas.
 8. Walls and opaque fencing shall screen all loading areas, storage, and refuse areas from view, and shall be integrated into the design of the building.
 9. Roof-mounted equipment shall be screened from public view by roof forms, and painted the color of the roof.
- H. Additional Development Standards when Adjacent to Residential. For nonresidential development that is adjacent to a residential use, the following shall apply:
1. A minimum six foot high opaque decorative wall shall be required on the property line abutting the residential zone to visually screen the parking and circulation areas. Decorative walls shall be consistent with the design of the overall project.
 2. Pathways for pedestrians, bicycles, and motorized vehicles that maintain or enhance a continuity of access between the residential and commercial uses shall be provided as required by the Nye County Planning Department. Such pathways may also include enhanced entryways with monuments, trellises, decorative paving, and other architectural features.
 3. Truck deliveries shall be limited to the hours between 6 A.M. and 9 P.M. Monday through Friday, and between 8 A.M. and 9 P.M. Saturday and Sunday.
 4. For drive-thru establishments, speaker boxes and menu boards shall be oriented away from residential uses.
- I. Landscaping. In addition to the landscape requirements in Article VI of this Chapter, the following shall apply:

1. Landscaping shall serve to buffer and screen public views of parking, loading, trash areas, drive-in facilities, and service yards.
 2. Areas not occupied by buildings, parking areas, or walkways shall be permanently landscaped with live vegetation, ground cover, and/or decorative hardscape.
- J. Signage. Commercial development in the VC Visitor Commercial Zone shall adhere to the signage requirements in Article VI of this Chapter as they apply to the GC General Commercial Zone.
- K. Site Development Plan Review. Commercial development in the VC Visitor Commercial Zone shall adhere to the site development plan review and approval procedures in Article IX of this Chapter as they apply to commercial development. For properties fronting on State Highway 372, the following shall apply:
1. During site development plan review of properties fronting on State Highway 372, developers shall coordinate with the Nye County Planning Department and the Nevada Department of Transportation to determine appropriate access location and traffic mitigation measures, if necessary.
 2. Cross access easements shall be required for properties fronting on State Highway 372. Cross access easements shall be no less than 30 feet in width.
- L. Streetscape Improvements. For nonresidential development in the VC Visitor Commercial Zone, the following shall apply:
1. Streetscape improvements including but not limited to right-of-way landscaping, special lighting fixtures, and enhanced sidewalk paving, shall be provided for the length of street frontage of the project site.
 2. Such improvements shall be in accordance with any community gateway streetscape plan approved by Nye County or in the absence of an approved plan, in accordance with the requirements of Nye County.

(Ord. 338, 2007)

17.04.406 BO - BUSINESS OPPORTUNITY OVERLAY

- A. Scope. The following regulations shall apply to the BO Business Opportunity Overlay Zone. No new building or structure shall be erected, or parcel developed in the BO Business Opportunity Overlay Zone unless in conformance with the provisions identified herein.
- B. Purpose. The BO Business Opportunity Overlay Zone is intended to protect the existing single-family residential character of an area, while providing the opportunity to develop small-scale commercial development, where the total floor area occupied by commercial development is not more than ten thousand (10,000) square feet.
- C. Applicability. The BO Business Opportunity Overlay Zone may only be applied to properties designated as Mixed Use by the Pahrump Regional Planning District Master Plan, and which is zoned residential.
- D. Height, Lot and Setback Requirements. Proposed development within the BO Business Opportunity Overlay Zone shall conform to the height, lot and setback requirements of the underlying zone. For underlying zones that allow minimum lot sizes of less than 1 acre, proposed development shall conform to the height, lot and setback requirements of the RE-1 Rural Estates Residential Zone. Commercial development shall comply with the following standards:
1. Height. The maximum height for commercial development shall be 25 feet.
 2. Setbacks. Commercial development shall conform to the setback requirements of the underlying zone for "Principal Buildings for Non-Residential Use."
 3. Commercial development is only permitted on properties of 1 acre or greater.
- E. Permissive Uses

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 10,000 square feet

Adult Day Care Facilities

Antique sales

Art gallery/studio

Bakery

Barber and Beauty shops

Bed and Breakfast Inns

Farms for the raising/growing of tree and bush crops and/or field crops for commercial or household use

Greenhouses and nurseries

Home Occupations (subject to General Provisions for Residential Zones section)

Intermediate care facilities

Keeping of livestock or other large animals for commercial or household use, including riding academies and commercial stables

Office

One guest residence not to exceed 1,500 square feet

One single-family residence per lot

Professional services (doctors, realtors, attorneys, etc.)

Public, quasi-public and institutional uses

Public or private recreation areas

Retail sales (food, merchandise, hardware, etc.)

Temporary living facilities

- F. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Churches, Temples, Mosques and related facilities and accessory uses

Childcare Facilities

Public or private schools

- G. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses, or accessory uses. In those instances where the applicant disagrees with the Administrator's determination, the applicant may appeal the decision to the Planning Commission.
- H. Site Development Plan Review. Commercial uses proposed within the BO Business Opportunity Overlay Zone shall adhere to the site development plan review and approval procedures in Article IX of this Chapter as they apply to commercial development.
- I. General Development Standards. In addition to the general development standards in Article VI of this Chapter, the following shall apply:
1. Roof-mounted equipment shall be screened from public view by roof forms, and painted the color of the roof.

2. A nonresidential and residential use may be developed on a single lot, provided that the nonresidential use is located to the front of the lot, that direct access is provided to the residential use, and that both uses meet all applicable development standards.
- J. Commercial Development Standards. Commercial uses proposed within the BO Business Opportunity Overlay Zone shall comply with the following:
1. Commercial buildings shall be designed to be compatible with surrounding single-family residential areas through architectural style and the use of materials such as wood, stucco, rock, brick, or other materials approved by the Nye County Planning Department.
 2. A minimum six foot high opaque decorative wall shall be required on a property line abutting a residential zone to visually screen the parking and circulation areas. Decorative walls shall be consistent with the design of the overall project.
 3. Truck deliveries shall be limited to the hours between 6 A.M. and 8 P.M. on weekdays, 8 A.M. and 8 P.M. on Saturday. No truck deliveries shall be made on Sundays.
 4. All outdoor lighting shall be equipped with automatic timing devices. All outdoor lighting shall be turned off between 9:00 P.M. and 7:30 A.M. Sunday through Thursday, and between 10:30 P.M. and 7:30 A.M. Friday through Saturday. Lighting for security purposes shall be permitted beyond the hours stated above, provided that lighting does not go beyond the property line.
- K. Landscaping. In addition to the landscape requirements in Article VI of this Chapter, the following shall apply:
1. Landscaping shall serve to buffer and screen public views of parking, loading, and trash areas.
 2. Areas not occupied by buildings, parking areas, or walkways shall be permanently landscaped with live vegetation, ground cover, and/or decorative hardscape.
- L. Signage. Development in the BO Business Opportunity Overlay Zone shall adhere to the signage requirements in Article VI of this Chapter as they apply to residential zones. In addition, the following shall apply:
1. Nonresidential developments shall be permitted a free standing monument sign not to exceed 30 square feet in area or 4 feet in height.
 2. Monument signs shall be setback a minimum of 2 feet from the front property line and 10 feet from side property line.
 3. Monument signs shall be designed to be compatible with single-family residential through the use of materials such as wood, stucco, rock, brick, or other materials approved by the Nye County Planning Department.

(Ord. 338, 2007)

17.04.410 MU - MIXED USE

- A. Scope. The following regulations shall apply to the MU Mixed Use Zones. No new building or structure shall be erected, or parcel developed in an MU Mixed Use Zone unless in conformance with the provisions identified herein.
- B. Purpose. The MU Mixed Use Zones are intended to provide small-scale commercial development and residential development. Office, service, institutional and commercial uses in this district shall provide for the day-to-day needs of residential areas.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	7,000 ft ²
Minimum Lot Width	50'
Minimum Depth	100'
Maximum Building Height	36'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Principal Structure and Accessory Structure	15'	0'*	15'	20'

* 20 feet when adjacent to residential uses

D. Permissive Uses.

All NC Neighborhood Commercial permissive uses

Accessory buildings not to be used for residential purposes, provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 1,500 square feet, except on residential lots larger than 7,000 square feet, the accessory building shall be governed by the corresponding residential zone i.e. a 1.25 acre lot can have an accessory structure up to 10,000 square feet.

Antique Stores

Churches, including religious schools

On-premise advertising in connection with uses set forth in this section shall be subject to requirements of Article VI of this Chapter.

Professional Offices

Public, quasi public institutional

Recreational uses, both outdoor and indoor including skating rinks, bowling alleys, theaters, etc.

Single-family detached housing is permissive when it fronts on roadways classified as minor arterial, collector or local. Multi-family, attached housing is allowed along beltway, major, minor and local roadway classifications.

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter.

GC General Commercial permissive uses

Body Art

Concert Hall and Convention Center (Ord. 299, 2005)

Congregate living facilities

Home occupations and service occupations from the home and subject to Article VI of this Chapter.

Public and private clubs and all appurtenances thereto including golf courses, equipment rooms, tennis courts, outdoor amphitheaters and other recreational uses

Recreational vehicle parks (Subject to Article VI of this Chapter)

F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the planning commission.

17.04.420 INDUSTRIAL DISTRICTS

A. General Regulations for Industrial Districts.

1. All uses shall be conducted wholly within a building except parking lots and similar uses, which are conducted in the open.
2. **Zone Map Amendment Required:** All developments in Industrial Zoning Districts shall be subject to the zone map amendment procedure as set forth in Article VIII of this Chapter.
3. **Site Development Plan Required:** All development in the Industrial Zoning District shall comply with the Site Development Plan submittal requirements in Article IX of this Chapter.
4. Off street parking for all uses shall meet the requirements of Article VI of this Chapter. All off street parking shall be in compliance with the Americans with Disabilities Act.
5. Landscaping for all Industrial uses shall meet the requirements of Article VI of this Chapter.
6. Lighting for all Industrial uses shall meet the requirements of Article VI of this Chapter.
7. Screening, walls and buffering in all industrial zones shall meet the requirements of Article VI of this Chapter.
8. Signage in industrial zones shall meet the requirements of Article VI of this Chapter.
9. **Lot Size Calculations:** All lot size calculations shall be measured as net lot area.

17.04.430 LI - LIGHT INDUSTRIAL

- A. Scope. The following regulations shall apply to the LI Light Industrial Zones. No new building or structure shall be erected, or parcel developed in an LI Zone unless in conformance with the provisions identified herein.
- B. Purpose. The LI Light Industrial Zone is intended to provide for corporate offices, research and development facilities, office parks and compatible light industrial uses in attractive planned developments that can accommodate complimentary neighborhood-scale commercial uses. The LI Light Industrial Zone is appropriate in locations, which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	0.5 acre
Minimum Lot Width (interior lot)	100'
Maximum Building Height	40'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
All Principal and Accessory Structures	20'	10'*	20'	20'

* 20' when adjacent to residential or commercial uses

D. Permissive Uses.

Animal Shelter, Government Operated (Ord. 346, 2007)

Fast food restaurants with drive-thru

Fuel dispensing facilities

Call centers

Light manufacturing, processing, assembly, fabricating, auto repair facility and similar uses provided that: (Ord. 325, 2006)

- A. All such uses and related activities take place indoors
- B. No use shall disseminate smoke, gas, dust, odor or other atmospheric pollutant outside of buildings

- C. No use creates offensive noise, vibration, heat or glare
- D. Uses generate a minimum amount of truck traffic, relative to shipping needs

Indoor recreation facilities, fitness centers, gyms

Office parks

Research and development facilities

Warehousing and ancillary offices under 100,000 square feet in size

Public, quasi-public and institutional uses

Limited neighborhood-scale complimentary commercial uses including but not limited to the following:

Bakeries

Coffee Shops

Convenience stores

Cafes and restaurants

Copy shops and printing services

Daycare center

Dry Cleaning, pick up and drop off

Other similar uses

- E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Airport Related Uses

Automobile service facilities

Cellular towers and related facilities

Cemeteries, pet

Kennel, Commercial (Ord. 346, 2007)

Liquor Sales Establishments (Class I, II & III)

Rail/Motor Freight Terminal

Sexually Oriented Businesses

Veterinary Facility (large and small animal) (Ord. 346, 2007)

- F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the planning commission.

17.04.440 HI - HEAVY INDUSTRIAL

- A. Scope. The following regulations shall apply to the HI Heavy Industrial Zones. No new building or structure shall be erected, or parcel developed in an HI Heavy Industrial Zone unless in conformance with the provisions identified herein.
- B. Purpose. The HI Heavy Industrial Zone is intended to provide for more intense industrial uses engaged in basic processing or manufacturing of products from raw materials and with tolerable levels of noise, dust, odor, vibration or smoke and to preclude encroachment of land uses such as residential uses that could be in conflict with the industrial and manufacturing environment. The HI Heavy Industrial Zone is appropriate in locations, which are suitable based upon adjacent land uses, access to transportation and the availability of public services and facilities.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	1 acre
Minimum Lot Width (interior lot)	150'
Maximum Building Height	40'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
All Principal and Accessory Structures	20'	10' *	20'	25'

* 20' when adjacent to residential uses

D. Permissive Uses.

All permissive uses allowed in the Light Industrial zone

Automobile Repair Facility (Ord. 299, 2005)

Cellular towers and related facilities

Cemeteries, pet

Freight terminals

Heavy manufacturing, processing, assembly, fabricating, and similar uses

Outdoor Storage provided that:

1. Any area(s) dedicated to such use are screened from public view, subject to Article VI of this Chapter
2. Drive aisles are paved or treated with an acceptable dust palliative

Warehousing, distribution and ancillary office uses

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Automobile repair garages

Automobile wrecker/salvage yard

Asphalt or concrete batch plants

Bulk fuel station

Chemical manufacturing

Cold storage facilities

Fireworks, retail, wholesale and manufacturing

Foundry

Gravel/Sand pit

Junk yards

Landfills

Matches manufacturing

Manufactured home storage and construction/demolition

Manufacturing, processing, transfer or storage of explosives or certain other highly hazardous substances

Manufacturing of hazardous, noxious, or corrosive products; by products of fish, meat or animals including slaughterhouses, fertilizer, glue etc.

Milling

Mining

Motor Freight Terminal

Off Road/Motor Cross Track or Driving School

Ore dump

Oxygen manufacturing

Outdoor manufacturing

Paint manufacturing

Plastic product manufacturing

Public, quasi-public and institutional uses

Quarry, stone

Race track, auto and motorcycle

Rock crushing and stripping

Sexually Oriented Businesses

Storage of hazardous materials

- F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the planning commission.

17.04.460 SPECIAL DISTRICTS

A. General Regulations for Special Districts

1. **Building Separation:** All buildings located on a single parcel within a special district must be separated by a minimum of 10 feet unless a greater separation is required within a specific residential district.
2. Except for unimproved areas of the Open space, Parks, and Recreation Zone, landscaping in all special districts shall meet the requirements of Article VI of this Chapter. (Ord. 338, 2007)
3. Except for unimproved areas of the Open Space, parks, and Recreation Zone, lighting in all special districts shall meet the requirements of Article VI of this Chapter. (Ord. 338, 2007)
4. Except for unimproved areas of the Open Space, parks, and Recreation Zone, screening and walls in special districts shall meet the requirements of Article VI of this Chapter. (Ord. 338, 2007)
5. Off street parking for all uses shall meet the requirements of Article VI of this Chapter. All off street parking shall be in compliance with the Americans with Disabilities Act.
6. Signage in special districts shall meet the requirements of Article VI of this Chapter.
7. For residential uses on properties greater than one net acre in size, animals are permitted.
8. Home Occupations may be permissive in special districts and must comply with Article VI of this Chapter.
9. Lot Size Calculations: All lot size calculations shall be measured as net lot area.
10. **Manufactured Homes:** All manufactured homes outside of mobile home parks must be permanently affixed to a foundation and converted to real property. In addition, manufactured homes located within a OU Open Use Zone must be in conformance with the following:
 - a. The manufactured home shall be placed on a foundation permanently affixed to the residential lot and qualify and constitute real property, as established by Chapter 361 of the Nevada Revised Statutes.
 - b. Any elevated foundations shall be masked architecturally in a manner to blend and harmonize with exterior siding materials utilized on the manufactured home.
 - c. As provided in the Nevada Revised Statutes, the provisions of this Section do not abrogate recorded restrictive covenants prohibiting manufactured homes nor do the provisions apply within the boundaries of a historic district established pursuant to Nevada Revised Statutes 384.005 or 384.100.

17.04.465 OS – OPEN SPACE, PARKS, AND RECREATION

- A. Scope. The following regulations shall apply to the OS Open Space, Parks, and Recreation Zone. No new building or structure shall be erected, or parcel developed in the OS Open Space, Parks, and Recreation Zone unless in conformance with the provisions identified herein.
- B. Purpose. The OS Open Space, Parks, and Recreation Zone is intended to preserve and enhance public and private open, natural, and improved park and recreational areas. This includes providing opportunities for outdoor recreation, protecting sensitive or fragile environmental areas, preserving scenic qualities, and providing pedestrian and bicycle transportation connections.
- C. Height, Lot and Setback Requirements

Minimum Lot Size	N/A
Minimum Lot Width	N/A
Minimum Depth	N/A
Maximum Building Height	35'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
Outdoor activity facilities*	50' for properties abutting a residentially zoned or occupied property**			
Structures	1' for each foot of building height			

* Including athletic fields, campgrounds, swimming pools, tennis courts, etc. where the primary use is an outdoor activity.
 **Playground facilities may be set back a minimum of 25' from residentially zoned or occupied property if non-illuminated.

D. Permissive Uses.

- Agriculture and farming activities
- Biological, habitat, and nature reserves
- Bodies of water, major floodplains, and natural drainage corridors
- Parks and playgrounds with no ancillary facilities

E. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

- Amusement parks

Animal race tracks

Athletic fields

Campgrounds

Camps, education and recreation

Cellular towers and related facilities, concealed or disguised only

Cemeteries

Country clubs

Dairies, feed lots, farrowing pens, and other animal confinement facilities and ranches

Fairgrounds

Farmers markets

Fishing and recreational lakes

Flea markets, swap meets

Golf courses

Golf driving ranges, miniature golf courses, baseball batting ranges

Gymnasiums or physical fitness centers

Hunting clubs

Interpretive centers

Outdoor amphitheaters

Parks with ancillary facilities, including recreation centers, bathroom facilities, etc.

Public utilities

Race track, auto and motorcycle

Recreation facilities

Riding academies

Rifle ranges

Rodeo arenas

Swimming pools

Tennis courts

- F. Uses Not Listed as Permissive or Conditional. In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses, or accessory uses. In those instances where the applicant disagrees with the Administrator's determination, the applicant may appeal the decision to the Planning Commission.
- G. General Development Standards. Future development shall provide for passive and active open space uses and recreational activities that are available to the public.
1. Those areas in the BLM lands designated as Wildlife Habitat Reserves shall be limited to passive and informal recreational activities, such as walking, cycling, and equestrian trails.
 2. Buildings and structures shall be located such that the least amount of open space is disturbed and that the buildings will not detract from the open space character.

17.04.470 BR - BROTHEL

- A. Scope. The following regulations shall apply to the BR Brothel Zones. All uses in a BR Zone shall require approval of a conditional use permit. No new building or structure shall be erected, or parcel developed in a BR Brothel Zone unless in conformance with the provisions identified herein.
- B. Purpose. The BR Brothel Zone is intended to allow or regulate adult uses and licensed houses of prostitution, and to implement such safeguards as to ensure that any possible adverse effects of such businesses will not be experienced by minors, nor contribute to the blighting or downgrading of surrounding neighborhoods.
- C. Height, Lot and Setback Requirements.

Minimum Lot Size	0.5 acre
Lot Width (interior lot)	150'
Maximum Building Height	25'

Minimum Building Setbacks				
Use	Front	Side	Rear	Street Side
All Principal and Accessory Structures	50'	25'	25'	50'

- D. Uses Subject to a Conditional Use Permit. The following are subject to a conditional use permit as provided for in Article V and VIII of this Chapter:

Sexually Oriented Businesses

Licensed houses of prostitution and accessory residential uses

Other accessory uses associated with the above including but not limited to liquor sales establishments, restaurant, massage parlors, private recreation facilities etc.

17.04.480 OU - OPEN USE DISTRICT

- A. Purpose. The purpose of the Open Use District is to allow the placement of single family residences on a legal existing lot without having to request a zone change.
- B. Scope. All of the unincorporated area of the Pahrump Regional Planning District not specifically placed in any other zoning district classification by this Chapter or by any amendment thereto, is hereby classified in this district, and subject to age and design standards for mobile homes according to NRS 278.02095. Any use other than a single family residence on a legal existing lot shall require a zone map amendment consistent with the Master Plan, Zoning Reference Map and this Chapter.
- C. Height, Lot and Setback Requirements.

Density	One dwelling unit per lot
Lot Width (interior lot)	150'
Maximum Building Height	35'

(Ord 285, 2004)

The following apply to all lots established prior to July 1, 2004:

Minimum Building Setback				
For Lots that are 2,000 sq. ft. to 2,800 sq. ft:				
	Front	Side	Rear	Street Side
All Principal and Accessory Structures	3'	5'	7.5'	5'
For Lots that are 2,801 sq. ft. to 6,000 sq. ft:				
All Principal and Accessory Structures	5'	3'	5'	5'
For Lots that are 6,001 sq. ft. to 9,000 sq. ft:				
All Principal and Accessory Structures	15'	5'	10'	7'
For Lots that are 9,001 sq. ft. to 13,000 sq. ft:				
All Principal and	15'	5'	15'	15'

Accessory Structures				
For Lots that are 13,001 sq. ft. to 25,000 sq. ft.:				
All Principal and Accessory Structures	25'	5' on one side and 10' on the other		10'
For Lots that are 25,001 sq. ft. and larger:				
All Principal and Accessory Structures	25'	5' on one side and 10' on the other		20'

(Ord 290, 2004)

- D. Permissive Uses. One single family residence or manufactured home with one detached guest building, on any legally created lot prior to adoption of this ordinance and subject to properly permitted water well(s) or community water, and individual sewage disposal system(s) or community sewage. (Ord. 257, 2002) The Open Use Zone only permits development on legal, existing parcels. Future divisions of land and lot splits require rezoning consistent with the Master Plan, Zoning Reference Map, and the requirements of the Zoning Ordinance.
- E. Required Area and Width. In cases where lots are served by community water and sewerage systems, the minimum lot size is six thousand (6,000) square feet net.
- F. Accessory buildings not to be used for residential purposes provided that the floor area of any single accessory building, or combined floor area of multiple accessory buildings, shall not exceed 10,000 square feet.

17.04.490 HF - HIGHWAY FRONTAGE DISTRICT

- A. Purpose. The Highway Frontage (HF) District applies to many properties having frontage on Nevada State Routes 372 and 160, and on Bell Vista Avenue west of S.R. 160.
 - 1. Permissive Uses. The following uses are permissive within the HF district:
 - a. Any existing legal use development prior to adoption of this ordinance shall be considered a legal non conforming use (see Section 17.04.905) and shall be permissive consistent with the Master Plan, adopted on November 19th, 2003. All new development must first be rezoned consistent with the adopted Master Plan, Zoning Reference Map and this Chapter, and shall follow the submittal requirements for a zone map amendment as set forth in Article VIII of this Chapter.

17.04.500 R - RESERVE

- A. Purpose. The purpose of the Reserve Zones is to provide a zone district category for large parcels of land in transition from public land designation to private ownership. All land use decisions shall follow those recommended on the Pahrump Regional Planning District Land Use Map and Master Plan. The General Regulations of the Open Use District apply to the Reserve District.

- B. Scope. This zone shall apply only to Federal, State, County, Town, Native American and other publicly owned lands. It is intended that these lands remain as a reserve until such time they are released to the private sector, more intense development is appropriate and the Pahrump water basin has been balanced.
 - 1. Permissive Uses. Following uses are permissive within the R district:
 - a. Any permissive use in the Open Use district provided that the development occurs on a parcel not less than 40 acres (net) in size. 40 acre parcels can be further subdivided only on approval of a zone change and applicable site plan and lot division by the RPC and BOCC.

 - b. All other uses are prohibited unless an application is filed for a Zone Map Amendment

17.04.510 CF – COMMUNITY FACILITIES

- A. Scope. The following regulations shall apply to the CF Community Facilities Zone. No new building or structure shall be erected, or parcel development in a CF Community Facilities Zone unless full public services are available and in conformance with the provisions identified herein.
- B. Purpose. The CF Community Facilities Zone is established in order to provide for the location and development of site suitable for necessary public buildings, structures, uses and accessory uses, and related private buildings, structures, uses, and accessory uses, open space and community recreational facilities. The development standards shall be specified in the conditional use permit process.

C. Permissive Uses:

Animal Shelter, Government Operated (Ord. 346, 2007)

Farmer's Market

Golf course

Government Offices

Hospital

Jail (city, town or county facility)

Juvenile Detention Facility (city, town or county facility)

Library

Museum

Parks and Open space

Recreational Facility

School, Primary & Secondary

- D. Uses Subject to a Conditional Use Permit. The following uses are subject to a conditional use permit as provided for in Article V and VIII of this Chapter as deemed appropriate.

Accessory Uses and Structures

Airport/Airstrip

Cemetery

College or University

Communication Building, Antennas and Towers

Concert Hall and Convention Center (Ord. 299, 2005)

Correctional Facility, or Prison

Detention Facility (Private)

Electric sub-Sub-Stations

Emergency Care Facility

Exposition Halls

Fairground

Gravel Pit, Temporary during construction

Hazardous materials Storage

Heliport

Jail (private)

Juvenile Detention Facility (private)

Place of worship

Prison

Public or Private Utility Facilities and Structures

Reformatory

Storm Water Retention/Detention Facilities

Temporary Government Facilities

Transitional Prison to Community Facility

Water Supply and Treatment Facility

- E. **Public/Quasi-Public Buildings, Facilities and Uses Not Listed as Conditional.** In those instances where a requested use is not listed above, the Zoning Administrator may determine whether the requested use meets the purpose and intent of the district, and is similar to other uses allowed in the district, as permitted uses, special uses or accessory uses. In those instances where the applicant disagrees with the director's determination, the applicant may appeal the decision to the Planning Commission.

(Ord. 336, 2007)

ARTICLE IV: PLANNED UNIT DEVELOPMENT (PUD)

17.04.600 PUD- PLANNED UNIT DEVELOPMENT STANDARDS AND CONDITIONS

17.04.610 PURPOSE

In certain instances, the purpose of the zoning regulations and zones, as set forth in this Chapter, may be achieved by the development of planned units which do not conform in all respects with the use patterns set forth in the Zoning Reference Map or with the zoning regulations prescribed therefore. A planned unit development may include a combination of different dwelling types, with different setbacks, and a variety of land uses, including public, quasi-public, commercial or industrial uses, as separate or combined development, which compliment each other and are designated to be in harmony with existing and proposed land uses in the vicinity. In order to provide for the locations of well-planned development which conform with the purpose of this Article, although they may deviate in certain respects from the zoning regulations otherwise applicable to the site, the Planning Commission may recommend and the Governing Body may approve planned unit developments as overlay zones. Such development shall meet the objectives of the Land Use Plan in the Pahrump Regional Planning District Master Plan Update.

17.04.620 APPLICABILITY

The Planned Unit Development section of Chapter 17 supersedes the Planned Unit Development regulations found in Chapter 16.28 of Nye County Code. Chapter 16.28 of Nye County Code is hereby replaced.

17.04.630 ZONES

- A. The establishment of a planned unit development for only residential purposes may be accomplished in a RE 1.25, SE, VR, and MF zones and not in any other zones.
- B. The establishment of a planned unit development for residential purposes that includes public, quasi public, and/or commercial areas may be accomplished in any combination of TC, MU, MF, GC Zones, as required to permit the proposed uses and not in any other zone.
- C. The establishment of a planned unit development for only commercial or industrial purposes may be accomplished in any combination of GC, TC Overlay, LI or HI Zones as required to permit the proposed uses and not in any other zone.

17.04.640 PERMISSIVE USES

- A. The use regulations for the underlying zone or zones shall determine the uses permissive in a planned unit development.
- B. Within "Planned Unit Residential Developments" only residential use shall be allowed.
- C. Within "Planned Unit Developments" residential, public, quasi public, commercial or industrial uses shall be allowed.
 - 1. Industrial land uses shall not be mixed with commercial or residential uses. (Ord. 215, 1998)

Article IV: Planned Unit Development (PUD)

- D. The use regulations for the underlying zone or zones shall determine the uses permissible and the averaged density in a planned unit development. The proposed uses shall be located in the zone in which they are specifically permitted. The size of accessory buildings shall be determined by that permissible in the underlying zone.

17.04.650 DENSITY AND INTENSITY OF USE OF LAND

- A. Living areas of buildings shall cover no more than thirty-five (35) percent of a residential lot. The total of the living area, porches, carport, storage rooms and stairways shall not exceed fifty (50) percent of a residential lot.
- B. Minimum single-family residential lot size shall be eight thousand (8,000) square feet.
- C. In the case of a planned unit development which is proposed to be developed over a period of years the standards may, to encourage the flexibility of density, design and types intended by the provisions of this Chapter, authorize a departure from the density or intensity of use established for the entire planned unit development in the case of each section to be developed. The Board of County Commissioners may allow for a greater concentration of density or intensity of land use within a section of development whether it is earlier or later in the development than the other sections. The County must approve a greater concentration of density or intensity of land use for any section to be developed and shall require an offset by a smaller concentration in any completed prior stage or by an appropriate reservation of common open space. The Commission shall defer the precise location of any such common open space until an application for final approval is filed so that flexibility of development can be maintained. (Ord. 215, 1998)

17.04.660 COMMON OPEN SPACE AND PARKS

- A. Amount and location. For a planned unit residential development a minimum of fifteen (15) percent of the total amount of land to be used for residential lots shall be set aside for common open space. Any common open space resulting from the application of standards for density or intensity of land use must be set aside for the use and benefit of the residents or owners of the planned unit development.
- B. Dedication of land.
 - 1. The landowner shall not be required to dedicate land for public use and maintenance; but should the landowner dedicate any common open space or parks(s) the Board of County Commissioners may accept said dedication of any land for public use and maintenance.
 - 2. Should any land be set aside for common open space or parks(s) which is not dedicated and accepted by the County the planned unit development must be organized as a common-interest community in one of the forms permitted by Chapter 116 of NRS. Any association for the common-interest community may not be dissolved or dispose of any common open space or parks(s) by sale or otherwise without first offering to dedicate the common open space to the County. Any such offer of dedication must be accepted or rejected by the County within one hundred twenty (120) days.
 - 3. Parks shall be developed at a rate of 5 acres per 1000 people. The average household size multiplied by the density shall be used to calculate the acreage of required parks.

C. Maintenance by County Upon Failure of Association or Other Organization to Maintain, Notice, Hearing, Period of Maintenance.

1. At any time after the establishment of a planned unit development, should the common-interest community, association or another organization fail to maintain the common open space or park(s) in a reasonable order and condition in accordance with the plan, the County may serve written notice upon that association or other organization or upon the residents of the planned unit development, setting forth the manner in which the association or other organization has failed to maintain the common open space in reasonable condition. The notice must include a demand that the deficiencies of maintenance be cured within thirty days after receipt of the notice and must state the date and place of the hearing thereon. The hearing must be within fourteen days of the receipt of the notice.
2. At the hearing the County may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they must be cured. If the deficiencies set forth in the original notice or in the modification thereof are not cured within the thirty-day period, or any extension thereof, the County, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space or parks(s) from becoming a public nuisance, may enter upon the common open space or parks(s) and maintain it for one (1) year.
3. Entry and maintenance does not vest in the public any right to use the common open space or park(s) except when such a right is voluntarily dedicated to the public by the owners. Before the expiration of the period of maintenance, the County shall, upon its own initiative or upon the request of the association or other organization previously responsible for the maintenance of the common open space or park(s), call a public hearing upon notice to the association or other organization or to the residents of the planned unit development to be held by the County. At this hearing the association or other organization or the residents of the planned unit development may show cause why the maintenance by the County need not, at the election of the County, continue for a succeeding year.
4. If the County determines that the association or other organization is ready and able to maintain the common open space or park(s) in a reasonable condition, the County shall cease its maintenance at the time specified.
5. If the County determines the association or other organization is not ready and able to maintain the common open space in a reasonable condition, the County may, in its discretion, continue the maintenance of the common open space or park(s) during the next succeeding year subject to a similar hearing and determination in each year thereafter.
6. The decision of the County in any case referred to in this section constitutes a final administrative decision.

B. Assessment of Costs of Maintenance by County; Lien.

1. The total cost of the maintenance undertaken by the County is assessed ratably against the properties within the planned unit development that have a right of enjoyment of the common open space or park(s), and becomes a tax lien on the properties. The County, at the time of entering upon the common open space or park(s) to maintain it, must file a notice of the lien in the Nye County Recorder's office upon the properties affected by the lien within the planned unit development. (Ord. 215, 1998)

17.04.670 PLANNED UNIT DEVELOPMENT-MINIMUM STANDARDS OF DESIGN

A. Minimum Site Area.

1. The minimum site area shall be five acres net in size.

B. Drainage.

1. All drainage on internal public and private streets shall be as required by the Department of Public Works. All common driveways shall drain to either storm drains or a street section. (Ord. 215, 1998)

C. Fire Hydrants and Fire Lanes.

1. Fire hydrants and fire lanes shall be provided as required by the fire chief of the Town of Pahrump. Fire lanes may be grass areas. (Ord. 215, 1998)

D. Exterior Lighting.

1. Exterior lighting within the development shall be on all public and private streets. Public and private streets shall be lighted. Lighting shall be subject to Article VI of this Chapter. (Ord. 215, 1998)

E. Jointly Owned Areas: Agreements for Maintenance and Use.

1. Whenever any property or facility such as parking lots, parks, storage areas, swimming pools or other areas, is owned jointly, a proper maintenance and use agreement shall be recorded as a covenant with the property. (Ord. 215, 1998)

F. Parking.

1. Residential Lots. Off-street parking requirements for residential lots shall be not less than the following:
 - a. At least two paved or double-layer chip sealed parking spaces for each single family unit, including duplexes;
 - b. At least two paved or double-layer chip sealed parking space for each dwelling unit in each multiple arrangement, including townhouses, apartments, etc.
 - c. Off street parking spaces must be shown on the concept plan. Parking requirements are subject to Article VI of this Chapter.
 - d. Nonresidential Lots. Off-street parking spaces shall be required in accordance with the Standard Details and Specifications for Public Improvements and Article VI of this Chapter.

- e. Parks and Recreation Areas: A parking plan shall be required for all park and recreation areas, and shall be in compliance with the requirements of the Standard Details and Specifications for Public Improvements document.
- f. Comply With Standards: All off-street parking facilities shall comply with recognized standards and dimensions of layout commensurate with individual design limitation, and in accordance with any requirements within the Standard Details and Specifications for Public Improvements and Article VI of this Chapter.
- g. Gross Weight: Parking areas shall be used solely for vehicles less than eight thousand five hundred (8,500) pounds in gross weight in residential areas. Sales, storage, repair work, dismantling or servicing of any kind shall not be permitted in parking areas of vehicles. This shall not preclude however, routine noncommercial repair and maintenance of a private vehicle on a sporadic basis.
- h. Oversized Vehicles: This section shall not apply to areas specifically designated for the parking of oversized vehicles.

G. Setback from Street and Yards.

- 1. Perimeter Streets: The building in any allowed land use shall not be constructed or altered closer than twenty-five (25) feet of the right-of-way boundary of a perimeter street.
- 2. Front Yards: On lots having front and rear access to interior streets the front yard shall be designated on the map.
- 3. Front yard setbacks shall be a minimum of fifteen (15) feet from the property line.
- 4. On internal corner lots there shall be no planting, fences, shrubbery or other obstruction to vision more than 2½ feet higher than the street centerline and within twenty five feet of the intersection of any two property lines on any corner lot. (Ord. 215, 1998)
- 5. External corner lots shall comply with the sight triangle easement requirements of the “Standard Details and Specifications for Public Improvements” document. (Ord. 236, 2001)
- 6. Side Yards: Side yards shall be not less than ten (10) feet on each side.
- 7. Rear Yards: Rear yards shall not be less than ten (10) feet. (Ord. 215, 1998)

H. Sanitary Sewers and Water Systems.

- 1. Sanitary sewers and water systems shall be installed and maintained as required by the pertinent state agencies. Sanitary sewers and water systems that are not located in public streets shall be located in easements provided for that purpose. (Ord. 215, 1998)

I. Streets: Design and Construction.

- 1. The streets within a planned unit development may be private or public based on the recommendation of the Public Works Director, with public dedications subject to acceptance by Nye County.

- a. All private streets shall be constructed as required by the Standard Details and Specifications for Public Improvements document. The construction of all streets shall be inspected by the public works department.
- b. All public streets shall conform to the design standards approved by the Board of County Commissioners. (Ord. 215, 1998)

J. Streets: Names and Numbers; Signs.

1. All private streets shall be named and numbered as required by the County Commission. A sign comparable to street name signs and bearing the words “private street” shall be mounted directly below the street name sign. All street signage and hardware shall be the responsibility of the landowner and shall conform to the design standards approved by the Board of County Commissioners.
2. Site information signs in planned developments shall follow a design theme that is related and complementary to other elements of the overall site design. (Ord. 215, 1998)

K. Utilities.

1. Electrical. All internal electrical shall be provided underground. .
2. Community Antenna Television (CATV) and Telephone. If CATV and telephone are provided they shall be provided underground.

17.04.680 PURPOSE AND PROVISIONS FOR ENFORCEMENT AND MODIFICATION

- A. Purpose. The enforcement and modification of the provisions of the plan are to further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the plan as finally approved. The enforcement and modification of provisions must be drawn also to insure that modifications, if any, in the plan will not impair the reasonable reliance of the residents and owners upon the provisions of the plan or result in changes that would adversely affect the public interest. (Ord. 215, 1998)
- B. Enforcement by County.
1. The provisions of the plan relating to:
 - a. The use of land and the use, bulk, and locations of buildings and structures;
 - b. The quantity and location of common open space;
 - c. The intensity or density of residential units; and
 - d. The ratio of residential to nonresidential uses.
 2. Must run in favor of the County and are enforceable in law by the County without limitation on any powers of regulation of the County. (Ord. 215, 1998)
- C. Enforcement by Residents.
1. All provisions of the plan shall run in favor of the residents of the planned unit residential development but only to the extent expressly provided in the plan and in accordance with the terms of the plan and to that extent such provisions, whether recorded by plat, covenant, easement or otherwise may be enforced at law or equity by the residents acting individually, jointly or through an organization designated in the plan to act on their behalf.
 2. No provisions of the plan exist in favor of residents on the planned unit residential development except as to those portions of the plan, which have been finally approved and have been recorded. (Ord. 215, 1998)
- D. Modification of Plan by County.
1. All provisions of the plan authorized to be enforced by the County may be modified, removed or released by the County, except grants or easements relating to the service or equipment of a public utility unless expressly consented to by the public utility subject to the following conditions:
 - a. No such modification, removal or release of the provisions of the plan by the County may affect the rights of the residents of the planned unit residential development to maintain and enforce those provisions.
 - b. No modification, removal or release of the provisions of the plan by the County shall be permitted except upon a finding by the County following a public hearing that it:

- c. Is consistent with the efficient development and preservation of the entire planned unit development;
- d. Does not adversely affect either the enjoyment of land abutting upon or across the street from the planned unit development or the public interest; and
- e. Is not granted solely to confer a private benefit upon any person. (Ord. 215, 1998)

E. Modification By Residents.

- 1. Residents of the planned unit residential development may, to the extent and in the manner expressly authorized by the provisions of the plan, modify, remove or release their rights to enforce the provisions of the plan, but no such action may affect the right of the County to enforce the provisions of the plan. (Ord. 215, 1998)

17.04.690 PLANNED UNIT DEVELOPMENT-PROCEDURES FOR AUTHORIZATION

- A. Applicability And Purposes. In order to provide an expeditious method for processing a plan for a planned unit development under the terms of this Chapter and to avoid the delay and uncertainty which would arise if it were necessary to secure approval by a multiplicity of local procedures of a plat or subdivision or re-subdivision, as well as approval of a change in the zoning regulations otherwise applicable to the property it is hereby declared to be in the public interest that all procedures with respect to the approval or disapproval of a Planned Unit Development and its continuing administration must be consistent with all of the provisions set out this Chapter. (Ord. 215, 1998)
- B. Proceedings for Tentative Plan Approval.
1. Application to be Filed by Landowner: An application for tentative approval of the plan for a planned unit development must be filed by or on behalf of the landowner.
 2. Application: Form; Filing Fees; Place of Filing; Tentative Map: The application for tentative approval shall be made on forms provided by the Nye County Planning Department.
 3. Filing Fees: The fee for filing the application shall be established by the Board of County Commissioners. The form and fee shall be filed with the Nye County Planning Department.
 4. Tentative Map: Should the application for tentative approval include a tentative subdivision map, tentative approval of the planned unit development shall not be granted until the tentative subdivision map has been submitted for review and comment by the agencies specified in NRS 278.335.
 5. Planning, Zoning and Subdivisions Determined by County. All planning, zoning and subdivision matters relating to the platting, use and development of the planned unit development and subsequent modifications of the regulations relating thereto to the extent modification is vested in the County must be determined and established by the County.
 - a. Unless otherwise specified in this Chapter, the Planning Commission shall have the authority conferred upon it pursuant to Nye County Code Chapter 16.24 relating to actions on divisions of land, variances, special and conditional use permits and other special exceptions, that may be required.
 6. Application: Contents. The following information shall be provided in the application for a planned unit development:
 - a. The location and size of the site and the nature of the landowner's interest in the land proposed to be developed.
 - b. The density of land use to be allocated to parts of the site to be developed.
 - c. The location and size of any common open space and the form of organization proposed to own and maintain any common open space.

- d. The use and approximate height, bulk and location of buildings and other structures.
 - e. The ratio of residential to nonresidential use. The feasibility of proposals for disposition of sanitary waste and storm water.
 - f. The substance of covenants, grants or easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures including proposed easements or grants for public utilities.
 - g. The provisions for parking of vehicles and the location and width of proposed streets and public ways.
 - h. The required modifications in any zoning regulations or districts otherwise applicable to the subject property.
 - i. In the case of plans which call for development over a period of years, the schedule showing the proposed times within which applications for final approval of all sections of the planned unit development are intended to be filed.
7. Recommendations and Report to be Provided by the Pahrump Regional Planning Commission. After accepting an application as complete for a planned unit development the County shall afford the Planning Commission a maximum of sixty (60) days to recommend approval, conditional approval or disapproval of the planned unit development in a written report filed with the County. (Ord. 215, 1998)
8. Public Hearing; Notice; Time Limited for Concluding Hearing; Extension of Time. After the filing of an application pursuant to this Chapter, a public hearing on the application shall be held by the Board of County Commissioners, public notice of which shall be given in the manner prescribed by for hearings on amendments to a zoning ordinance. The Board of County Commissioners may continue the hearing from time to time and may refer the matter to the planning staff for a further report, but the public hearing or hearings shall be concluded within sixty (60) days after the date of the first public hearing unless the landowner consents in writing to an extension of the time within which the hearings shall be concluded. (Ord. 236, 2001: Ord. 215, 1998)
9. Grant, Denial or Conditioning of Tentative Plan Approval by Minute Order; Specifications for Final Approval. The County shall, by minute action:
- a. Grant tentative approval of the plan as submitted;
 - b. Grant tentative approval subject to specified conditions not included in the plan as submitted; or
 - c. Deny tentative approval to the plan.
 - d. If tentative approval is granted with regard to the plan as submitted or with regard to the plan with conditions, the Board of County Commissioners shall, as part of its action, specify the drawings, specifications and form of performance bond that shall accompany an application for final approval.

10. **Minute Order: Findings of Fact Required.** 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 of the following:
 - a. In what respects the Plan is or is not consistent with the statement of objectives of a planned unit development.
 - b. The extent to which the plan departs from any 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.
 - c. The ratio of residential to nonresidential use in the planned unit development.
 - d. The purpose, location and amount of the common open space in the planned unit development, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
 - e. The physical design of the plan and the manner in which the design does or does not make adequate provisions for public services, provide adequate control over vehicular traffic and further the amenities of light and air, recreation and visual enjoyment.
 - f. The relationship, beneficial or adverse, of the proposed planned unit development to the neighborhood of which it is proposed to be established.
 - g. In the case of a plan, which proposes development over a period of years, the sufficiency of the term and conditions intended to protect the interests of the public, residents and owners of the planned unit development and the integrity of the plan.
11. **Minute Order: Specification of Time for Filing Application for Final Approval.** 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 County shall 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. A copy of the minutes must be mailed to the landowner.
12. **Status of Plan after Tentative Approval; Revocation of Tentative Approval.** (Ord. 215, 1998)
 - a. Tentative approval of a plan does not qualify a plat of the planned unit development for recording or authorize development or the issuance of any building permits. A plan which has been given tentative approval as submitted, or which has been given tentative approval with conditions which have been accepted by the landowner, may not be modified, revoked or otherwise impaired by action of the County pending an application of final approval, without the consent of the landowner. Impairment by action of the County is not stayed if an application for final approval has not been filed

or in the case of development over a period of years application for approval of the several parts have not been filed, within the time specified in the minutes granting tentative approval.

- b. The tentative approval must be revoked and the portions of the area included in the plan for which final approval has not been given is subject to any related ordinances if:
 - i. The landowner elects to abandon the plan or any part thereof and so notifies the County in writing; or
 - ii. The landowner fails to file application for the final approval within the required time. (Ord. 215, 1998)

B. Proceedings for Final Approval.

1. Application for Final Approval; Public Hearing Not Required if Substantial Compliance with Plan Tentatively Approved.

- a. An application for final approval may be for all the land included in a plan or to the extent set forth in the tentative approval of a section thereof. The application must be made to the County within the time specified by the minutes granting tentative approval.
- b. The application must include such maps, drawings, specification, covenants, easements, conditions and form of performance bond as were set forth in the minutes at the time of tentative approval and a final map is required by the provisions of NRS 278.010 through 278.630, inclusive.
- c. A public hearing on an application for final approval of the plan or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval.

2. What Constitutes Substantial Compliance with Plan Tentatively Approved. The plans submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:

- a. Vary the proposed gross residential density or intensity of use.
- b. Vary the proposed ratio of residential to nonresidential use
- c. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
- d. Substantial increase the floor area proposed for nonresidential use;
- e. Substantial increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing need not be held to consider modifications in the location and design of streets or facilities for water and or disposal of storm water and sanitary sewage.

3. Plan Not in Substantial Compliance: Alternative Procedures; Public Hearing; Final Action.
 - a. If the plan, as submitted for final approval, is not in substantial compliance with the plan as given tentative approval, the County shall, within thirty days of the date of the filing of the application for final approval, notify the landowner in writing setting forth the particular ways in which the plan is not in substantial compliance.
 - b. The landowner may:
 - i. Treat such notification as a denial of final approval;
 - ii. Refile this plan in a form which is in substantial compliance with the plan as tentatively approved;
 - iii. File a written request with the County that it hold a public hearing on its application for final approval
 - c. If the landowner elects the alternatives set out in subsection “b” above it may refile its 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 said landowner was authorized by the minutes granting tentative approval to file for final approval, or thirty days from the date landowner receives notice of such refusal, which ever is later.
 - d. Any such public hearing shall be held within thirty day after request of the hearing is made by the landowner or notice thereof shall be given and hearings shall be conducted in the manner prescribed in NRS 278A 480.
 - e. Within twenty days after the conclusion of the hearing, the County shall by minute action either grant final approval to the plan or deny final approval to the plan. The grant or denial of final approval of the plan shall, in cases arising under this section, contain the matters required with respect to the application for tentative approval by NRS 278A.500.
4. Action Brought Upon Failure of County to Grant or Deny Final Approval. If the County fails to act either by grant or denial of final approval of the plan within the time prescribed, the landowner, may, after thirty days’ written notice to the County file a complaint in the district court in and for the County.
5. Certification and Recordation of Plan; Effect of Recordation; Modification of Approved Plan; Fees of County Recorder. A plan which has been given final approval by the County, must be certified without delay by the County and filed as record in the office of the Nye County Recorder before any development occurs in accordance with that plan.
 - a. The Nye County Recorder shall not file for record any final plan unless it includes:
 - i. Final map of the entire final plan or an identifiable phase of the final plan is required by the provision of NRS 278.010 to 278.630, inclusive;

- ii. The certifications required pursuant to NRS 116.2109; and
 - iii. The same certificates of approval as are required under NRS 278.377 or evidenced that:
 - (a) The approval were requested more than thirty days before the date on which the request for filing is made; and
 - (b) The County has not refused its approval.
 - b. Except as otherwise provided in this subsection after the plan is recorded, any zoning and subdivision regulation otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. Any zoning and subdivision regulation cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.
 - c. Pending completion of the planned unit development or of the part that has been finally approved, no modification of the provisions of the plan or any part finally approved may be made, nor may it be impaired by any act of the County except with the consent of the landowner.
 - d. The Nye County Recorder shall collect a fee as required pursuant to NRS 278A.570.4 for the recording or the filing of any final map, plat or plan. The fee must be deposited in the Nye County general fund.
6. Rezoning and Re-Subdivision Required for Further Development upon Abandonment of or Failure to Carry Out Approved Plan. No further development may take place on the property included in the plan until the property is re-subdivided and is reclassified by an enactment of an amendment to any zoning ordinance if:
- a. The plan, or any section thereof, is given approval and, thereafter the landowner abandons the plan or the section thereof as finally approved and gives written notification thereof to the County; or
 - b. The landowner fails to carry out the planned unit development within the specified period of time after the final approval has been granted. (Ord. 215, 1998)

ARTICLE V: CONDITIONS AND SAFEGUARDS FOR ISSUANCE CONDITIONAL USE PERMITS

17.04.700 CONDITIONS AND SAFEGUARDS FOR CONDITIONAL USE PERMITS

A. Specific Conditions and Safeguards for Individual Conditional Uses. The following specific conditions and safeguards for individual Conditional Uses shall be used in deciding upon applications for Conditional Use Permits, for uses listed subject to a conditional use permit in districts referenced in Article III of this Chapter.

1. Airport Related Uses. The following conditions and safeguards shall be used in deciding applications for this use:

- a. Must comply with all applicable Federal Aviation Administration requirements and standards
- b. Must comply with all State and County regulations.

2. Amusement Park. The following conditions and safeguards shall be used in deciding applications for this use:

- a. The use shall have direct access to a County maintained arterial or collector street.

2.5.1. Animal Rescue. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must comply with all Federal, State and County Regulations.
- b. All animals shall be treated in a humane manner.
- c. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of the Conditional Use Permit or any applicable state law or the regulations of Nye County are being violated.
- d. All special conditions animals shall be registered with the Nye County Animal Control Office,
- e. Inspection of animals and their habitat shall be conducted annually by a nationally or regionally established organization or agency or the Nye County Animal Control Office. Copies of the inspection reports shall be maintained at the Nye County Animal Control Office.
- f. Failure to comply with any of the provisions of the approved Conditional Use Permits shall be deemed just cause for revocation of any approvals. (Ord. 346, 2007)

2.5.2. Animal Sanctuary. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must comply with all Federal, State and County Regulations.
- b. All animals shall be treated in a humane manner.
- c. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe

that the provisions of the Conditional Use Permit or any applicable state law or the regulations of Nye County are being violated.

- d. All special conditions animals shall be registered with the Nye County Animal Control Office,
- e. Inspection of animals and their habitat shall be conducted annually by a nationally or regionally established organization or agency or the Nye County Animal Control Office. Copies of the inspections reports shall be maintained at the Nye County Animal Control Office.
- f. Failure to comply with any of the provisions of the approved Conditional Use Permits shall be deemed just cause for revocation of any approvals. (Ord. 346, 2007)

2.5.3. Animal, Special Conditions. The following conditions and safeguards shall be used in deciding upon application for this use:

- a. Must comply with all Federal, State and County Regulations.
- b. All animals shall be treated in a humane manner.
- c. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of the Conditional Use Permit or any applicable state law or the regulations of Nye County are being violated.
- d. All special conditions animals shall be registered with the Nye County Animal Control Office,
- e. All permits issued through Nevada Wildlife Dept. or the USDA or any other agency or organization shall be current and kept on file in the Nye County Animal Control Office,
- f. Inspection of animals and their habitat shall be conducted annually by the permitting agency or the Nye County Animal Control Office. Copies of the inspections reports shall be maintained at the Nye County Animal Control Office.
- g. Failure to comply with any of the provisions of the approved Conditional Use Permits shall be deemed just cause for revocation of any approvals. (Ord. 346, 2007)

3. Automobile Repair Garage. The following conditions and safeguards shall be used in deciding applications for this use:

- a. All repairs shall be performed within a building
- b. All vehicles awaiting repair shall be screened from view
- c. Comply with Federal and State regulations for handling of waste.

4. Automobile Wrecker/Salvage Yard. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must comply with all Federal and State regulations.
- b. Must be located a minimum of 300 feet from the boundary of any state highway right-of-way.
- c. Must be fenced with solid fencing a minimum of 8 feet in height.

5. Body Art. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all Federal, State and County regulations.
6. Bulk Fuel Station. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State and County regulations.
7. Cemeteries, Human. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. All requirements of the Nevada Revised Statutes regarding the interment of human dead shall be met.
 - b. A minimum lot size of 5-acres is provided.
 - c. Must front onto a collector or arterial street.
 - d. There shall be a 12-foot landscape buffer around the perimeter of the property:
 - i. If chain link fencing is constructed along the property line, landscape buffer may be reduced to 8-feet. Landscaping shall be placed on the street side of the fence.
 - ii. If a decorative block wall is constructed along the property line, landscape buffer may be reduced to 6-feet. Landscaping shall be placed on the street side of the fence.
 - e. There shall be adequate space within the site for the parking and maneuvering of funeral corteges.
 - f. No interment shall take place within 25 feet of any property line.
 - g. All structures shall be setback a minimum of 25 feet from any lot line. (Ord. 311, 2006)
8. Cemeteries, Pet. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. All applicable Federal, State, and local regulations governing animal cemeteries have been met.
 - b. A minimum lot size of 7,000 square feet is provided.
 - c. No interment shall take place within 30 feet of the front lot line.
 - d. All structures shall be setback a minimum of 25 feet from any boundary line.
 - e. No burial site shall be located within 100' of a well or septic system.
9. Check Cashing, Payday Loans and Similar Uses. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must comply with all Federal, State and county regulations.
 - b. Must have a minimum separation of one thousand five hundred (1,500') feet from any other existing or proposed check cashing, payday loan or similar use as measured in a radius from the front doors of each establishment.
 - c. Must submit a certificate and radius drawing prepared by a professional land surveyor, engineer or architect, licensed in the State of Nevada, which depicts the radial distance of one thousand five hundred (1,500') feet from the front door of the proposed establishment and shows the location of any other existing or proposed check cashing, payday loan or similar use within the radius.
10. Chemical Manufacturing. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Should a chemical being used or manufactured be listed, as a highly hazardous substance at NRS 459.3816 compliance with NRS 278.147 is required.
 - b. An emergency response plan must be submitted to, and approved by, the Nye County Department of Emergency Management.
 - c. All structures in which chemicals are manufactured or stored must be located a minimum 330 feet from residentially zoned property, or existing residences.
 - d. Must comply with all Federal, State and County regulations.
11. Child Care Facility. Child Care Facilities which are owned and operated by and located on the grounds of, adjacent to, or in close proximity to, a church/synagogue shall not be regulated by these regulations as a Child Care Facility. Also, "accommodation facilities" as defined at NAC 432A.012 shall be exempt from the requirements of this Section. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. A paved circular driveway, 20 feet in width with a minimum inside radius of 20 feet, in an area, a minimum of thirty feet from the entrance of the facility where the children are picked up or dropped off, in which cars shall not park or backup shall be provided.
 - b. A fenced outdoor play area for the children shall be provided unless exempted pursuant to State regulations. The use of any outdoor play area shall be limited to between 8:00 a.m. and 6:00 p.m. if the fenced play area is within 100 feet of existing residences unless otherwise specifically approved by the Planning Commission.
 - c. The location and extent of the facility shall not adversely affect the character of the existing neighborhood.
 - d. The Child Care Facility shall be of a design, intensity and scale to serve the surrounding neighborhood and to be compatible with the surrounding land uses and zoning.
12. Concrete or Asphalt Batch Plant. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must comply with Federal, State and County regulations.
 - b. Must be setback one thousand (1,000') feet from a residential property line.
 - c. Must provide paved or double-layer chip sealed access.
 - d. Must provide opaque screening or walls surrounding the perimeter of the property.
13. Congregate Living Facility. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Each Facility shall provide adequate parking spaces as required in the Standard Details and Specifications.
 - b. Must comply with Federal, State and County regulations.
14. Dairies. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Livestock and manure must be located a minimum 330 feet from adjoining properties.
 - b. Pest control and dust control plans must be submitted to and approved by the Planning Commission.
 - c. Dairies must be located at least fifteen hundred (1,500') feet from residential properties.
15. Facilities for use, manufacture, processing, transfer, or storage of explosives or certain other highly hazardous substances. Special procedures for processing of a Conditional Use Permit for these uses were adopted into law during the 1999 Nevada Legislative Session. These procedures are outlined at NRS 278.147, and shall be followed in making recommendations on applications for these uses to the Board of County Commissioners. The highly hazardous substances to which this Conditional Use applies are found at NRS 459.9533.
- 15.5 Family burial plot. The following conditions and safeguards shall be used in reviewing applications for this use.
- a. Any person wishing to designate property owned by them as a family cemetery must first have the following
 - i. Documentation of ownership of 9.5-acres gross.
 - ii. Documentation that the Health Division of the Department of Human Resources has been notified of the designation as required by NRS 451.067(2)
 - b. Any person wishing to designate property owned by them as a family cemetery must provide a map indicating the compass bearing and distance to an established property corner.
 - c. Location must be a minimum 150-feet (radial offset) from any private or public water source, creek bed, spring, septic tank or leach field.
 - d. Location must be a minimum of 150-feet from any property line or road right-of-way.

(Ord. 311, 2006)

16. Farrowing Pen. The following conditions and safeguards shall be used in deciding upon applications for commercial use of farrowing pens:
 - a. Farrowing pens must be located a minimum of 330 feet from adjoining properties
17. Feed Lot. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State and County regulations.
 - b. Must be located at least fifteen hundred (1,500') feet from residential properties.
18. Fireworks, retail, wholesale or manufacturing. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State and County regulations.
 - b. Must be located at least fifteen hundred (1,500') feet from residential properties.
19. Flea Market. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. The use shall have direct access to a paved or double-layer chip sealed collector or arterial street.
 - b. Must comply with State and County regulations.
20. Foundry. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State and County regulations.
21. Fuel Dispensing Facility. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. The use shall have direct access to a paved or double-layer chip sealed collector or arterial road.
 - b. Must comply with all State and County regulations.
22. Gaming Establishment. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State and County regulations.
23. Gravel/Sand Pit. Should the applicant apply for or hold a current mining permit as defined in this Section a Gravel/Sand permit is not required. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. A dust control plan must be submitted to and approved by Nye County.

- b. No excavation or storage of sand or gravel shall occur within 330 feet of residentially or commercially zoned property.
24. Intermediate Care Facility. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Parking shall be provided as required by the Standard Details and Specifications.
 - b. All Intermediate Care Facilities containing more than fifteen residents shall have direct access to a collector or arterial street.
 - c. All Intermediate Care Facilities shall comply with all applicable State and County regulations.
25. Junkyard. The following conditions and safeguard shall be used in deciding upon application for this use:
 - a. No junkyard/automotive graveyard shall be established within one thousand feet (1,000') of the nearest edge of any roadway maintained by the County and visible from main traveled way of any roadway.
 - b. All junkyards visible from the main travel way shall be screened so as not to be visible from the main travel way of such roads. Screening may consist of any of the following methods: a six foot (6') chain link fence with plastic strips through the links full length and nontransparent; a six foot (6') redwood or cedar fence; a six foot (6') high block wall; a six foot (6') concrete masonry unit wall. All fencing shall be built to County standards from new materials only.
26. Kenel, Commercial. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all Federal, State and County Regulations.
 - b. All animals shall be treated in a humane manner.
 - c. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe that the provisions of the Conditional Use Permit or any applicable state law or the regulations of Nye County are being violated.
 - d. Inspection of animals and their habitat shall be conducted annually by a nationally or regionally established organization or agency or the Nye County Animal Control Office. Copies of the inspection reports shall be maintained at the Nye County Animal Control Office.
 - e. Failure to comply with any of the provisions of the approved Conditional Use Permits shall be deemed just cause for revocation of any approvals. (Ord. 346, 2007)
27. Landfill. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with Federal, State and County regulations.

28. Liquor Sales Establishment (Class I, Packaged). The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with Federal, State and County regulations
 - b. Must have access to a Nye County maintained road.
 - c. Must have adequate off-street parking.
 - d. Must have adequate lighting completely surrounding the structure in which the use is located.
 - e. Must have a minimum distance of two-hundred (200) feet from the structure in which the use is located to the nearest property line of an existing church/synagogue, school, child care center, public library, community recreation facility, parks or property zoned for any such use.(Ord. 310, 2005)
29. Liquor Sales Establishment (Class II, Bar & Class III, Special Club). The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with Federal, State and County regulations.
 - b. Must have access to a Nye County maintained road.
 - c. Must have adequate off-street parking.
 - d. Must have adequate lighting completely surrounding the structure in which the use is located.
 - e. Must not locate within one thousand five hundred (1,500) feet of any community use including a church/synagogue, school, child care facility, public library, community recreation facility, or park.
 - f. Must submit a certificate and straight-line drawing prepared by a professional land surveyor, licensed in the State of Nevada, which depicts the distances to property boundary lines within one thousand five hundred (1,500) feet of any established community use which include a: church/synagogue, school, child care facility, public library, community recreation facility, or park.
30. Licensed Houses of Prostitution. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.
 - b. Must not locate within one thousand five hundred (1,500) feet of any community use including a: church/synagogue, school, child care facility, public library, community recreation facility, parks, residentially zoned property, and distances from proposed structures to public use streets.
 - c. Must submit a certificate and straight-line drawing prepared by a professional land surveyor, licensed in the State of Nevada, which depicts the distances to property

boundary lines within one thousand five hundred (1,500) feet of any established community use which include a: church/synagogue, school, child care facility, public library, community recreation facility, parks, residentially zoned property, and distances from proposed structures to public use streets.

31. Livestock Sales and Shipping. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State, interstate and County regulations.
32. Manufactured Home Storage and Construction/Demolition. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - b. Must comply with all State and County regulations.
 - c. Must be adequately fenced.
33. Matches Manufacturing. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State and County regulations.
34. Milling. Should the applicant apply for or hold a current mining permit as defined in this Section a Milling permit is not required. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with all State and County regulations.
35. Mining. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with Federal, State and County regulations
36. Nonconforming Use (Grandfathered Use) Expansion.
 - a. Expansion must comply with current zoning ordinance and site development requirements.
37. Off-Premise Advertising Sign. The following conditions and safeguards shall be used in deciding upon applications for this use:
 - a. Must comply with Federal, State and County regulations.
 - b. No use of a mechanical electrical power generator shall be allowed to establish electrical service to any off-premise advertisement.
 - c. Off-premise signs must be in conformance with all requirements of the signage section of Article VI of this Chapter.
 - d. The maximum height shall be thirty-five (35) feet from grade to the highest point of the sign.

38. Ore Dump. Should the applicant apply for or hold a current mining permit as defined in this Section an Ore Dump permit is not required. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with Federal, State and County regulations.
39. Outdoor Sales Display Areas, Including New and Used Automobile Sales. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Display shall be limited to paved or double-layer chip sealed areas.
 - b. The total area of outdoor display shall not exceed 40% of the net lot area
40. Oxygen Manufacturing. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with State and County regulations.
41. Paint Manufacturing. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.
42. Pawn Shops. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all Federal, State and county regulations.
 - b. Must have a minimum separation of one thousand five hundred feet (1,500') feet from any other existing or proposed pawn shop as measured in a radius from the front doors of each establishment.
 - c. Must submit a certificate and radius drawing prepared by a professional land surveyor, engineer or architect, licensed in the State of Nevada, which depicts the radial distance of one thousand five hundred feet (1,500') from the front door of the proposed establishment and shows the location of any other existing or proposed pawn shops within the radius.
43. Plastic Products Manufacturing. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.
44. Quarry, Stone. Should the applicant apply for or hold a current mining permit as defined in this Section a Stone Quarry permit is not required. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.

45. Race Track, Automobile and Motorcycle. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.
 - b. Must be located at least 2 miles from residential areas.
 - c. Must construct a six (6') foot wall to retain noise.
46. Race Track, Animal. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations. (Ord. 229, 2000)
 - b. Must be located at least 2 miles from residential areas.
47. Recreational Vehicle Park. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.
 - b. Must comply with the Development Standards of Section 17.04.780.
 - c. Must be located in a GC, NC or MU Zone
 - d. Must be appropriately screened from neighboring properties through the use of landscaped berms, walls, or other appropriate screening material.
 - e. Recreational Vehicle (RV) Parks shall have two (2) or more means of ingress/egress. Crash-gated emergency exits shall be provided upon recommendation of the Fire Protection Authority.
 - f. A minimum of fifteen (15) percent of the gross park area shall be provided as recreational open space and shall be landscaped in an approved manner. Areas for the required open space may include:
 - i. Required buffers and setbacks not including any RV space setbacks or any surface areas designed and intended for vehicular traffic or parking.
 - ii. Drainage channels may be included but only if so designed, developed and landscaped for recreational use.
 - iii. Community recreational facilities such as clubhouse, swimming pool and spa areas, dog-runs, laundry, rest rooms, picnic areas, etc.
 - iv. Water features.
 - g. Must be accessible via a full-width paved County maintained road or State highway.
 - h. Construction permit(s) shall be issued, and inspections shall be conducted for all water, sewer, building, sanitation, streets, and any required off-tract improvements by the

Division of Building and Safety in accordance with current procedures. (Ord. 347, 2007)

48. Rock Crushing and Stripping. Should the applicant apply for or hold a current mining permit as defined in this Section a Rock Crushing and Stripping permit is not required. The following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.
49. Sexually Oriented Business. Any sexually oriented business lawfully operating on December 21, 2004, that is in violation of the following conditions and safeguards shall be deemed a nonconforming use, and special provisions apply pursuant to Section 17.04.905.H. of this Chapter. With the exception of adult motels as defined under the definition of Sexually Oriented Businesses, which is not regulated by Conditional Use Permit, the following conditions and safeguards shall be used in deciding upon applications for this use:
- a. Must comply with all State and County regulations.
 - b. Must be located in an LI, HI or BR zoning district.
 - c. Must not be located within 1,500 feet of any of the uses/zone districts identified in Subsection 17.04.700.A.49.d below.
 - d. The application for a sexually oriented business must include a current certificate and straight-line drawing prepared within thirty (30) days prior to application by a registered land surveyor, depicting:
 - i. The property lines and the structures containing any existing sexually oriented businesses within 1,500 feet of the building or structure to be certified;
 - ii. The property lines within 1,500 feet of the building or structure to be certified of any:
 - (a) Established religious institution/synagogue, mosque, temple or building, which is used primarily for religious worship and related religious activities; public library, or childcare facility.
 - (b) Public or private educational facility including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, private schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities (school includes the school grounds, but not including facilities used primarily for another purpose and only incidentally as a school);
 - (c) Residential district or residential use property;
 - (d) Public park or recreational area which has been designated for park or recreational activities including but not limited to a park, playground, nature trails, swimming pool, reservoir, athletic field, basketball or tennis courts, pedestrian/bicycle paths, wilderness areas, or other similar public land within

the PRPD or the Town of Pahrump which is under the control, operation, or management of the County or the Town of Pahrump park and recreation authorities;

- (e) Entertainment business which is oriented primarily towards children or family entertainment; or
 - (f) Licensed premises, licensed pursuant to the alcoholic beverage control regulations of the State.
- e. For the purpose of Subsection 17.04.700.A.49.d.i above, measurement shall be made in a straight line, without regard to the intervening structures or objects, from the nearest portion of the building or structure used as the part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a use listed in Subsection "d". Presence of a township, city, county or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this Section.
- f. For purposes of Subsection 17.04.700.A.49.d.i above, the distance between any two sexually oriented businesses shall be measured in a straight line, without regard to the intervening structures or objects or political boundaries, from the closest exterior wall of the structure in which each business is located.
- g. For purposes of this Section, a use shall be considered existing or established if it is in existence at the time an application is submitted.

50. Slaughterhouse. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. All slaughtering, butchering and related operations shall be conducted within enclosed buildings.
- b. All offal shall be stored in watertight and odor tight containers.
- c. Must comply with all Federal and State regulations.
- d. All animal holding areas shall be located a minimum of 660 feet from adjoining property lines.
- e. Pest control and dust control plans must be submitted to and approved by the Planning Commission.

50.5 Stable, Commercial. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Must comply with all Federal, State and County Regulations.
- b. All animals shall be treated in a humane manner.
- c. Any Code Compliance Officer, Animal Control Officer, Sheriff's Officer, or other authorized representative of the County shall have the authority to enter upon the property or into the facility except by means of force when they have reason to believe

that the provisions of the Conditional Use Permit or any applicable state law or the regulations of Nye County are being violated.

- d. Inspection of animals and their habitat shall be conducted annually by a nationally or regionally established organization or agency or the Nye County Animal Control Office. Copies of the inspection reports shall be maintained at the Nye County Animal Control Office.
- e. No building or structure housing animals shall be located closer than 20-feet from any property line or the setbacks of the zoning district, whichever are more restrictive.
- f. Failure to comply with any of the provisions of the approved Conditional Use Permits shall be deemed just cause for revocation of any approvals. (Ord. 346, 2007)

51. Temporary Living Facility. A Temporary Living Facility shall be allowed in the case of Medical Hardship. The following information must be provided upon application:

- a. The applicant shall provide proof, in the form of a letter from a physician that a medical hardship exists which requires that the infirm, ill or injured resident have continuous supervision.
- b. One year after the approval or renewal of the Temporary Living Facility Permit, the applicant shall provide to the Planning Department adequate proof, in the form of a letter from a physician that the hardship still exists.
- c. If for any reason the infirm, ill or injured resident ceases to reside in the Temporary Living Facility the Facility must be removed from the property within 30 days.
- d. The applicant shall present adequate proof that the use is temporary and shall be for a limited period.
- e. The use shall be approved for a one-year period and may be renewed for additional one-year periods upon providing proof as outlined above.

52. Towers, Communication. The following conditions and safeguards shall be used in deciding upon applications for this use:

- a. Architecturally integrated with its surroundings so that it appears to be an architectural feature of a building or other structure and its nature as a facility for personal wireless service is not readily apparent
- b. Collocated with a facility for personal wireless service approved, or capable of being approved, by the Planning Commission, if the facility for personal wireless service that is the subject of the application is architecturally integrated as described in Section "a" above, at least to the extent that the facility for personal wireless service with which it is to be collocated is architecturally integrated
- c. The tower may be constructed on an existing building or structure owned by a public utility or on property owned by the State or by the County; or

- d. If constructed on an existing building or structure not owned by a public utility, architecturally compatible with the building or structure.

ARTICLE VI: DEVELOPMENT STANDARDS

17.04.720 GENERAL DEVELOPMENT STANDARDS

- A. Purpose. The standards set forth in this Section are intended to encourage development that will ensure harmony with adjacent properties and existing/future uses, sufficient open space and complementary uses under conditions which assure mitigation of impacts such as drainage, traffic, noise, odor and light in the area in which certain land uses are located.

17.04.730 PARKING

- A. Purpose. It is the purpose of this Chapter to place upon the property owner the primary responsibility for relieving public streets of the burden of on-street parking and to provide the regulations and minimum standards essential to the planning and development of adequate off-street parking.
- B. Scope. Permanently maintained off-street parking facilities shall be provided in accordance with the provisions of this Chapter except that single-family residential development shall be exempt.
- C. Enlargement Of Use: When existing legal nonconforming buildings in Commercial or Mixed Use districts are enlarged, off-street parking shall be provided for such enlargement in accordance with the provisions of this Chapter.
- D. Location. Unless otherwise specified, all off-street parking shall be located on or adjacent to the premises.
- E. Access.
1. Required: Unobstructed access to a public right of way shall be provided, utilizing a driveway or driveways intersecting the right of way at an angle of approximately ninety degrees (90°).
 2. Two-Way Access: Except for variations approved by the Regional Planning Commission, two-way access driveways shall be a minimum of twenty-four feet (24') in width.
 3. One-Way Access: One-way access driveways shall be a minimum of eighteen feet (18') in width.
- F. Specifications. Public and semipublic parking areas, service areas, loading spaces, drive-in businesses, automobile, mobile home, recreational vehicle and boat sales and storage areas shall be developed in accordance with the following specifications, and shall be subject to review and approval by the Regional Planning Commission and the County building inspector.
- G. Spaces: Automobile off-street parking spaces shall be a minimum of nine feet (9') wide by twenty feet (20') long. Thirty percent (30%) of the required spaces, in parking structures, may be designed for compact vehicles seven and one-half feet (7 1/2') wide and fifteen feet (15') long. Layout shall conform to the section to the Standards, Details and Specifications for the Pahrump Regional Planning District, adopted June 1, 1999. Adequate ingress, egress, circulation and maneuvering areas shall be provided. Parking spaces for the physically handicapped shall be in accordance with the Americans with Disabilities Act.

Article VI: Development Standards

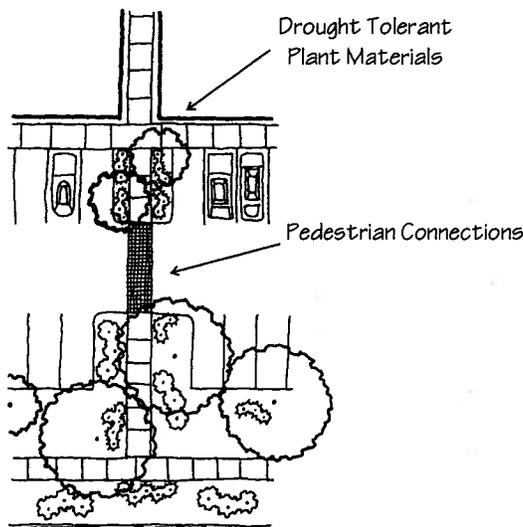
1. **Surface:** All required off-street parking spaces shall be surfaced with a minimum of two inches (2") compacted asphaltic concrete over a ninety five percent (95%) compacted base or double-layer chip sealed using an approved dust palliative.
2. **Bumper Guards:** Bumper guards shall be provided to prevent free roll onto public right of way or overhang beyond property lines.
3. **Screening Walls:** Where parking areas abut the public roadway and are greater than 100 linear feet, and where total required parking amounts to 50 spaces or more, screening shall be provided in the form of walls, earth berms, or other drought tolerant landscaping, or a combination thereof. Screening shall be a minimum of 30 inches in height but shall not exceed 36 inches. Where there are walls provided, they shall integrate with building materials and colors.
4. **Lighting:** Lighting facilities shall be so installed as to reflect away from adjacent property zoned or used residentially. Lighting subject to Article VI of this Chapter.
5. **Maintenance:** Off-street parking or storage areas shall be so maintained as to prevent accumulation of debris or litter.
6. **Markings:** Off-street parking areas shall be striped or otherwise marked so that individual spaces and driving lanes are clearly indicated. Directional markers shall be painted on the driveway surface or placed on standards in accordance with the manual on uniform traffic control devices. All parking spaces for the physically disabled shall be clearly marked in accordance with the Americans with Disabilities Act.

H. Number of Spaces Required:

1. **Uses Not Herein Established:** Demands and requirements not clearly indicated in this section shall be determined by the planning commission based on the particular use and its particular off-street parking demands.
2. **Compliance Required:** These parking requirements are mandatory. All new structures or new higher occupancy uses in existing buildings will be required to meet the parking requirements as listed.
3. **Multiple Uses:** If there are situations where a mix of uses creates staggered peak periods of parking demand, shared parking calculations can be made to reduce the total amount of required parking. All non-residential may share parking areas. In no circumstance shall shared parking include the parking required for residential areas. The total maximum reduction for shared parking may not exceed 25%.
4. **On-Street Spaces:** On-street parking spaces in commercially zoned areas located on the property in question or immediately in front, on the side or to the rear thereof, shall be considered as parking spaces for such property and shall be deducted from the total number of spaces normally required as set forth in subsection A of this section.
5. **Number Required:** The number of parking spaces required for residential and non-residential uses follow the Nye County *Standards, Details and Specifications for the Pahrump Regional Planning District*, adopted June 1, 1999.

I. Landscaping:

1. Required: Parking areas shall include landscaping as part of their design as shown on a plan submitted to the regional planning commission and shall include living tree and shrub plantings within the parking area. Existing trees and shrubs shall be preserved to the fullest extent possible. At least ten percent (10%) of the total area used for parking and related activities shall be established in permanent living landscaping. Desert landscaping and artificial turf are permitted.
2. Maintenance: Shrubs and trees in the landscaping and screening areas shall be maintained in a healthy growing condition. Dead or dying trees or shrubs shall be replaced immediately and the planting area shall be maintained free of trash on public as well as private property.



- J. Pedestrian Connections. The intent of the regulations in this subsection is to accommodate the inter-related movement of vehicles, bicycles, and pedestrians, safely and conveniently, both within the proposed development and to and from the street and the surrounding areas, and to contribute to the attractiveness of the development.

1. Pedestrian walkways within a site shall be a minimum of six feet in width, unobstructed, and clearly demarcated by the use of techniques such as special paving, grade separation, or pavement marking of a permanent nature, except that clear width may be reduced to 4 feet 6 inches at planting areas for a maximum distance of 10 feet. Pedestrian walkways shall also be lined with adjacent shade trees spaced approximately 25 feet on center and placed within defined planting areas that have a minimum interior dimension of 36 square feet and a minimum width of four feet.
2. Pedestrian walkways shall be provided from all street sidewalks to the principal customer entrance(s) of the nearest building(s) on a site.
3. All buildings within a site shall be connected to each other with pedestrian walkways. The connections shall be as direct as possible.

Article VI: Development Standards

4. Where building facades abut parking areas, pedestrian sidewalks, no less than eight (8) feet in width, shall be provided adjacent to and along the full length of the building. A minimum width of six feet shall remain clear and unobstructed at all times for pedestrian use.
5. Parking areas shall be visually and functionally segmented into smaller subareas separated by landscaping and/or pedestrian walkways. No single subarea shall exceed 150 parking spaces.
6. Parking subareas shall be linked to the main pedestrian walkway(s) leading to the main entrance(s) of the building(s) by means of pedestrian walkways.

K. Permit Required. A building permit shall be obtained for construction of any off-street parking areas. Application for such permit, together with plans necessary to establish conformance with the provisions of this Chapter shall be made to the public works department.

L. Prohibited and Restricted Uses of Parking Areas.

1. Permanent Living Quarters: No tent, passenger coach, bus, motor home, travel trailer, or any similar equipment may be erected or occupied in any use district for permanent living quarters.
2. Visitors: A motor home, travel trailer, or similar equipment owned or operated by a visitor to the Pahrump Regional Planning District may be parked on or adjacent to the property occupied by the person who is being visited for a period not to exceed thirty (30) days.
3. Recreational Vehicles: All recreational vehicles including, but not limited to, travel trailers, motor homes, dune buggies, boats, and similar equipment owned or operated by a resident of the Pahrump Regional Planning District must utilize parking off the street of the County.
4. Inoperable Vehicles: Any vehicle which has been inoperative for thirty (30) days must utilize parking off the streets of the Pahrump Regional Planning District.

17.04.740 LANDSCAPING

- A. Purpose. The purpose of this section is to create visually attractive landscape buffers around the perimeter of developments, provide a visually attractive streetscape, especially along commercial corridors, intersperse trees throughout off-street parking areas to provide shade and reduce large expanses of pavement and parked cars, provide landscaped areas around multifamily buildings and reduce the impacts of nonresidential uses on residences. Since Pahrump is in a desert setting with scarce water supplies, the use of xeric and native plants is required. Use of treated recycled water for irrigation is also required wherever such water is available. Single-family residences are not bound to landscape requirements.
- B. Landscaping Plan.
3. As to apartment and nonresidential developments, all applicants for building permits for construction of a new building or building addition over 200 square feet shall submit and have approved by the Zoning Administrator, a landscaping plan prior to issuance of a related building permit.
 4. Prior to design, the existence of underground utility lines shall be verified. Underground utility lines to be checked are as follows: water and sewer, traffic signal, fire alarm, gas, telephone, electric, and cable television. Planting must be located so as to not interfere, either at the time of installation or later, with the function of such underground lines; trees and shrubs should be planted no less than three feet from existing gas mains or gas service lines.
 5. The landscaping plan shall show:
 - a. The common names of the plants to be used; if there is no common name or if that name does not clearly indicate the species, the botanical name shall be used;
 - b. Topography in the form of finished contour lines;
 - c. The type of watering system;
 - d. The parties responsible for maintenance of the landscaping;
 - e. The square footage for each separate area of landscaping and also a total for all landscaping on the site; dimensions of each landscaping area shall be provided, along with the quantities of trees and shrubs, and their mature height and spread.
 - f. The type and location of irrigation system/lines to be used, and how installation and maintenance will be performed.
- C. Installation and Maintenance.
1. Landscaping shall be installed according to the approved plan; installation shall be completed within 60 days of the related building's occupancy.
 2. Any damage to utility lines resulting from the negligence of the abutting landowner, his agents, or employees in the installation and maintenance of the landscaped area in the public right-of-way shall be the responsibility of such landowner. Any damage to utility lines resulting from the growth of plant materials shall be the responsibility of such utility. If a utility disturbs a landscaped area in the public right-of-way, it shall make

every reasonable effort to preserve the landscaping materials and return them to their prior locations after the utility work. If, nonetheless some plant materials die, it is the obligation of the abutting landowner to replace the plant materials. All public right-of-way or utility easements shall be maintained free of encroachment from growth or overgrowth of landscape material. Any plant materials encroaching in the public right-of-way shall be removed within 30 days after notification.

3. Landscaping shall be irrigated with drip irrigation systems and have adequate maintenance. Landscaping which dies shall be replaced by the owner as expeditiously as possible, but in no case longer than 60 days after notification.

D. Landscaping Area Requirements.

1. The total landscaped area required for each development shall equal not less than 15% of the net lot area. For the purposes of this section, net lot area means the total area of the lot minus:
 - a. The area of the lot covered by buildings;
 - b. The portions of the lot that are not required for off-street parking or a parking lot and which are fully screened from view from any adjacent lot or public right-of-way by an opaque wall or fence at least six feet high, in which no landscaping will be required except required buffer landscaping; chain link fence with slats does not constitute acceptable full screening; and
 - c. The area of any approved landscaping that the property owner installs and maintains in the adjacent public right-of-way, exclusive of the area of any existing or planned public sidewalk.
2. Clear sight areas satisfactory to the Zoning Administrator shall be maintained at all exits of parking areas. The clear sight triangle (at street corners), as defined in the Standards, Details and Specifications for Public Improvements within the Pahrump Regional Planning District.
3. Standard Landscape Buffers. Landscape buffer areas are required to separate off-street parking and circulation areas from front, side, and rear boundaries of premises. Landscape buffers may be crossed by driveways connecting to adjacent land. No parking is permitted within a required landscape buffer area. Landscaping approved within adjacent public right-of-way may be counted toward this requirement if there is no existing or planned public sidewalk between such landscaping and the premises, but in no case shall the width of the on-site landscape buffer be less than five feet. Specific required landscape buffer locations and minimum widths shall be as follows:
 - a. Front - Ten feet for sites of three acres or less, increasing at the rate of one foot in width per two-acre increase in site size to a maximum required width of 20 feet.
 - b. Side - Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.
 - c. Rear - Six feet. The landscape buffer may be relocated if the lot line is within a common access easement.

- d. The standard buffer landscaping between residential and non residential property lines shall be a landscaping strip at least ten feet wide located on the nonresidential side of the boundary.
- e. The buffer landscaping shall consist primarily of drought tolerant trees of an approved variety, which trees shall be at least eight feet high at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees;
- f. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot high opaque decorative wall or fence shall also be required, located along the property line, to visually screen the parking or circulation area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening; Decorative walls must match those in existence in the vicinity or adjacent to the property
- g. Where perimeter walls are used surrounding residential developments in Village Residential, Multifamily, Mobile Home Park or Mixed Use zoning districts a minimum fifteen feet of perimeter landscaping (which may include the sidewalk) must be installed.

E. Special Landscape Standards.

1. Off-Street Parking Area Landscaping. Parking areas shall include landscaping as part of their design as shown on a plan submitted to the regional planning commission and shall include living tree and shrub plantings within the parking area. Existing trees and shrubs shall be preserved to the fullest extent possible. At least ten percent (10%) of the total area used for parking and related activities shall be established in permanent living landscaping. Desert landscaping and drought tolerant plant material is required.
2. Trees are required in and around off-street parking areas to provide shade and relieve the adverse visual impact of large expanses of pavement and parked cars. Quantity and distribution of trees shall be as follows:
 - a. One tree is required per twenty parking spaces;
 - b. No parking space may be more than 150 feet from a tree trunk;
 - c. The minimum size of tree planters within off-street parking areas shall be 36 square feet per tree;
 - d. At least 75% of the required parking area trees shall be drought tolerant shade trees, capable of achieving a mature canopy diameter of at least 25 feet.
3. Street Trees. Street trees of an approved variety are required along all arterial and collector street frontages at a ratio of one (1) tree for every 30 feet of street frontage.
4. Required Vegetative Ground Cover. All required landscape areas 36 square feet in size or larger shall be covered with living, vegetative materials, such as grasses, vines, spreading shrubs, or flowers, over at least 60% of the required landscape area. Coverage will be calculated from the mature spread of the plants. To minimize water consumption, the use of vegetative ground cover

other than turf grass is encouraged; however turf is prohibited along any public right-of-way in order to reduce water waste. Any non-living ground cover areas not intended as mulch around spreading plants must be clearly delineated on the landscaping plan.

5. **Tree Requirements for Multi-Family Residential Developments.** In addition to the above requirements, multi-family residential sites must provide drought tolerant trees in areas around residential structures as follows:
 - a. Trees shall be provided at not less than the rate of one tree per ground floor dwelling unit and one tree per two second-story dwelling units. No additional trees are required for units above the second story;
 - b. At least 50% of the required trees shall be drought tolerant shade trees or coniferous trees capable of attaining a mature canopy diameter of at least 25 feet, unless a palm variety is used
 - c. The standard buffer landscaping between multifamily residential and single-family residential property lines shall be a landscaping strip at least ten feet wide and located on the multifamily side of the boundary.
 - d. The buffer landscaping shall consist primarily of trees, which trees shall be at least eight feet high at time of planting and capable of reaching a height at maturity of at least 25 feet. Spacing of the trees shall be equal to 75% of the mature canopy diameter of the trees; and
 - e. Where parking or vehicle circulation areas are adjacent to the landscaping strip, a minimum six foot high opaque decorative wall or fence located along the property line shall also be required to visually screen the parking or circulation area from the adjacent residential zone; chain link fence with slats shall not constitute acceptable screening. (Ord. 285)

F. Water Conservation Standards.

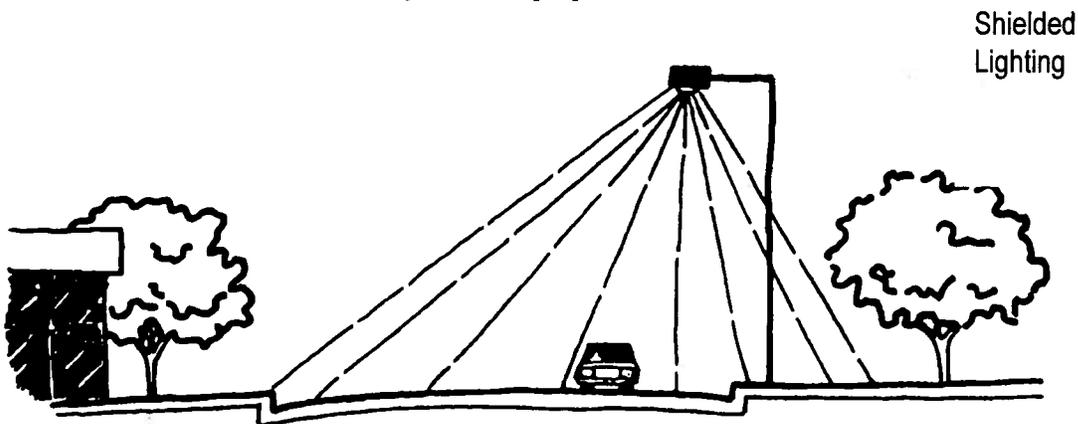
1. Purpose: The purpose of this section is to:
 - a. Set forth development standards that reduce water consumption in the portion of the Pahrump Groundwater Basin encompassed by the Pahrump Regional Planning District.
 - b. Establish a desert-compatible community image through the use of low water, climate-appropriate landscaping materials.
2. Scope: These development standards apply to all new residential and commercial construction, all new Planned Unit Developments, and any expansion of existing facilities by more than 25%. Public parks school athletic fields farming and agricultural uses using agricultural water rights are exempt from these restrictions.
3. Prohibited Water Uses:
 - a. Artificial lakes, decorative water features, or ponds using more than 500 gallons of water or of a size greater than 250 sq. feet in surface area except:

- i. Those using 100% reclaimed water.
 - ii. Facilities utilizing treated effluent under this ordinance may temporarily utilize potable water to augment effluent, until such time as the amount of generated effluent is sufficient to meet the design demands.
 - (a) Temporary use of potable water is defined as; the time from construction to when the sewage treatment facility generating the treated effluent is operating at 50 % of design capacity.
 - iii. A body of water which stores runoff water as a flood control measure, or for purposes relating to disposal of sewage effluent in infiltration basins.
 - iv. Bodies of water located on a golf course or a cemetery which are used for the purpose of storing irrigation water for the same and which have a combined aggregate surface area less than 8% of the total golf course or cemetery area.
 - b. Bodies of water used for recreation purposes that are not 100% reclaimed water are to be authorized by Conditional Use Permit.
 - v. Residential swimming pools are required to use a pool cover to mitigate evaporation when not in use for a period of time greater than twelve hours.
4. Landscape Design Requirements:
- a. No development shall impose restrictions which require the use of turf in landscaping or which prevent the use of xeriscape as an alternative to turf
 - b. Landscape plans shall incorporate water-conserving design including the use of:
 - i. Appropriate soil, soil amendments and top mulch to absorb and retain water and encourage the formation of deep root systems;
 - ii. Drip irrigation (except for grass turf areas). Plants with similar water requirements should be grouped on the same irrigation line.
 - c. Grading, whenever possible, should be designed to minimize irrigation water runoff onto streets and to maximize the use of storm water for on-site irrigation. The maximum slope of a grass turf area shall not exceed thirty-three percent (33%).
 - d. Golf courses that are not completely irrigated with reclaimed water shall be designed to have less than 25% grass turf overall.
5. Residential Landscaping Plants, Shrubs and Trees:
- a. Per 17.04.740 Landscaping, the use of xeric and native plants is required. It is recommended that the low-water use, drought-tolerant, species of the "Pahrump Demonstration Garden Plant List" as published and regularly updated by the Pahrump Cooperative Extension Office of the University of Nevada, Reno be used.

- b. Growing of Salt Cedar (tamarisk) bushes or trees is specifically prohibited.
 - c. Vegetable gardens are specifically exempt from these restrictions.
6. Residential Grass Turf Restrictions:
- a. The area of turf within a residential subdivision shall not exceed ten percent (10%) of the total landscaped area of the common open space within the development. The addition of usable grass turf areas may increase the total landscaped area of the common open space within the development to no more than thirty percent (30%). Individual residential lots within a subdivision shall conform to the requirements outlined below.
 - i. Usable grass turf shall be defined as – an area that is appropriately sized and situated and is available for recreational activities.
 - b. The use of grass turf in individual residential-use lot landscaping is limited to 10% of the gross lot area.
 - c. When the residential lot contains an aerobic-type septic system requiring grass turf irrigation to make use of the output reclaimed water, the 10% limit may be exceeded to meet the turf area recommended by the Engineer certifying the septic installation.
 - d. The maximum allowable amount of grass turf on parcels 1.25 acres or larger is 5,500 sq. ft.
 - e. Livestock pastures are exempt from grass turf restrictions.
 - f. Grass turf in multifamily housing development is regulated in Section 17.04.740. (Ord. 308)

17.04.750 LIGHTING

- A. Purpose. The purpose of this Section is to provide for adequate safety and security, promote efficient and cost effective lighting and to conserve energy and to reduce light pollution, light trespass, glare and offensive light sources, to provide for the ability to view the stars against a dark sky, especially within residential zones.
- B. Scope. Any outdoor light used for the illumination of parking areas, loading areas, recreation areas, or for any private or public purpose.
- C. Requirements. Lighting shall be arranged in a manner to meet the following conditions:
1. Lights shall be fully shielded or arranged in a manner so that concentrated rays of light will not shine directly on other properties;



2. It shall not have an off-site luminance greater than 1,000 foot lamberts; it shall not have an off-site luminance greater than 200 foot lamberts measured from any private property in a residential zone;
3. Where on-site lighting is provided, the location of all light poles shall be indicated on the site plan;
4. For sites smaller than five acres, the maximum height of a light pole, measured from the finished grade to the top of the pole, shall be 20 feet;
5. For sites five or more acres, the maximum height of a light pole, measured from the finished grade to the top of the pole, shall be 30 feet;
6. Neither the direct or reflected light from any light source may create a traffic hazard to operators of motor vehicles on public roads, and no colored lights may be used in a way as to be confused or construed as traffic control devices;
7. No blinking, flashing, or fluttering lights, or other illuminated device which has change in light intensity, brightness, or color, or no light which exceeds 30 feet in height may be permitted in any zoning district, except for temporary holiday displays, or as required by local, state, or federal regulations;

8. The maximum height of a light pole, measured from the finished grade to the top of the pole, within 100 feet of a residential zone shall be 16 feet;
9. All exterior free standing and off-premise signs shall be in the form of backlighting or down-lighting; up-lighting shall be prohibited to protect and preserve views and enjoyment of the night sky; and
10. Strobe lighting and laser lighting shall be prohibited.

17.04.760 SCREENING, WALLS, AND FENCES

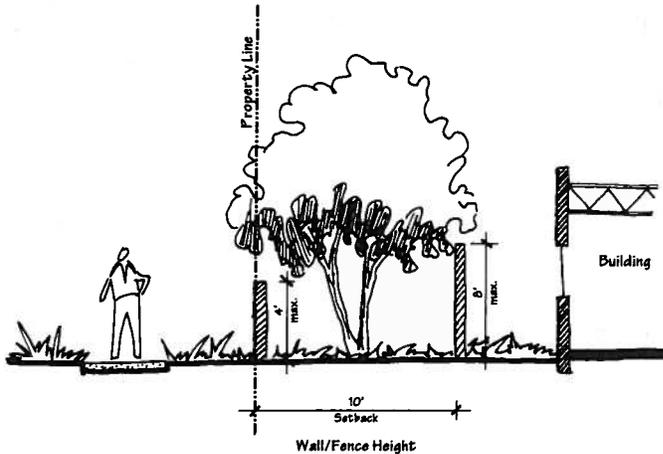
- A. Scope. This Chapter applies to all properties in the Pahrump Regional Planning District with opaque screening, walls and/or fences.
- B. Purpose. The purpose of the Chapter is to allow for the construction of opaque, privacy and perimeter screening, walls, and fences at a limited scale, compatible with the neighboring uses, and as to promote an attractive streetscape. Buffers are encouraged to create visual harmony when different land uses abut each other.
- C. Measurement of Height.
 - 1. Front yard: Opaque screening, walls, or fences which occupy any portion of required front yard, except within a sight triangle easement, shall be measured either:
 - a. Above finished grade along the fence line; or
 - b. Above the curb grade; or
 - c. Above the nearest edge of the street pavement in the absence of a curb structure along the street right-of-way line; or
 - d. Above the finished lot grade along the side property line.
- D. Maximum Height.
 - 1. Front yard: An opaque screening, wall, fence may occupy any portion of a required front yard, except within the sight triangle easement, provided that such screening, walls, or fences do not exceed the following heights.

Districts	Maximum Height
RH	6 feet*
OU, RE, SE, VR, MF	4 feet*
HF, MU, NC, TC, GC	6 feet
Perimeter wall subdivision	6 feet
LI, HI, BR	6 feet*

* An opaque screening, wall or fence greater than four (4) feet but not to exceed eight (8) feet may be permitted within the front yard so long as no portion of such wall is closer than fifteen (15) feet to the front property line.

- 2. Other Yards: An opaque screening, wall, or fence may occupy any portion of a front, side or rear yard, except within the required front yard and except within a sight triangle easement, provided that such opaque screening, walls, or fences do not exceed the following heights:

Districts	Maximum Height
RH	8 feet
OU, RE, SE, VR, MF	8 feet
HF, MU, NC, TC, GC	8 feet
Perimeter wall subdivision	8 feet
LI, HI, BR	8 feet



3. Facing Public Streets: Solid, opaque walls/or fences which face public streets shall not exceed 8 feet (8') in height on the public street side.
4. Perimeter walls shall be set back 15' feet from the back of the curb to accommodate a 10' feet of a landscape strip for all residential subdivisions, and PUDs.
5. Exceptions for Residential Districts: Decorative features one foot (1') in height are permitted, such as lights or finials on top of columns, which a required front yard and street side yard.
6. Obstructions: Planted hedges, shrubs, or trees shall not obstruct a public right-of-way.

E. Required Screening.

1. Screening shall be required for all HI uses and must be in the form of opaque walls or fences with a minimum height of six feet.
2. Any junkyard, salvage yard, or automobile storage facility shall be screened with a minimum height of six feet.
3. Dismantled vehicles must be screened from the front yard in residential, commercial or industrial districts. Screening for this purpose must be in the form of opaque walls, fences or hedges with a minimum height of six feet.

F. Special Screening Requirements for Certain Uses. In addition to the above requirements additional screening requirement applies where a principal business is:

1. Junkyard, or outdoor vehicle storage where the vehicles are typically not moved for one week or more and abuts a residential zone or is separated only by public right-of-way from a residential zone, a minimum (6) six foot high opaque wall or fence shall be required to visually screen the

parking or display area from the adjacent residential zone; chain link fence with slats shall constitute acceptable screening.

17.04.770 SIGNAGE REQUIREMENTS

- A. Scope. Outdoor advertising structures and signs may be permitted subject to the limitations and provisions set forth herein. This Section is intended to provide specifications and regulations for most sign types. Signs not described or regulated by this Section should not be used or constructed without specific approval of the Planning Commission, or as otherwise provided herein. The provisions of this Section shall apply to all signs erected in the Pahrump Regional Planning District.
- B. Purpose and Intent. The purposes of these sign regulations are:
1. To encourage the effective use of signs as a means of communication;
 2. To maintain & enhance the aesthetic environment and the District's ability to attract sources of economic development and growth;
 3. To improve pedestrian and traffic safety;
 4. To minimize the possible adverse effect of signs on public and private property; and
 5. To provide for consistent and fair application and enforcement of the regulations pertaining to signs.
- C. Applicability.
1. A sign may be erected, placed, established, painted, created or maintained in the PRPD only in conformance with the standards, procedures, exemptions and other requirements of this Section.
 2. Non-applicable Situations: Nothing in this Section shall apply to displays of the following kinds:
 - a. Official notices of any court, public body or officer;
 - b. Notices posted by utility or other quasi-public agent in the performance of a public duty or by any person giving due legal notice;
 - c. Directional, warning or informational signs or structures either required by law or established by local authority, institutional or group notices of a public or semi-public nature;
 - d. Lettering attached to an operational motor vehicle;
 - e. Those signs located within a building or on private property that will not be visible from any public right-of-way or adjoining properties; and
 - f. Grandfathered signs.
- D. Definitions. The words and phrases used in this Section shall have the meanings set forth as follows:

Abandoned Sign. A sign, which remains on a property, which has been vacated, or which remains unused and does not display a currently valid advertising message, or although in use exists in a deleterious state or in disrepair.

Alteration. Changing or rearranging any structural part, sign face, enclosure, lighting, component, control, or location of a sign.

Animated Sign. A sign with parts or sections which revolve or move or which have flashing or intermittent lights, but not including “time and temperature” signs or electronic message signs (See also Electronic Message Sign).

Awning Sign. A sign that is mounted to a building or canopy. The framework is usually covered with a light fabric or other materials that may be translucent. The awning cover may contain advertising or identifying copy, graphics or design and may be backlit. Awnings used strictly as protective structures for windows and doors and having no sign copy or design are not signs and may display the building address only.

Back Lighting. Illumination positioned inside or behind a sign face such, as behind raised letters and awnings or inside sign cabinets, the lighting source of which is not itself visible to the observer. This may also be called “internally lighted”.

Beacon Light. See Searchlight.

Billboard. A sign that directs attention to a business, commodity, service, entertainment or attraction that is sold, offered, or exists at a location other than the premises upon which the sign is located.

Changeable Copy Sign. A Sign on which the text or copy may be changed manually or electrically, including but not limited to electronic message signs, time and temperature displays, price signs for gas stations, or movie theater listings.

Clearance. The height of the lower edge of the face of a freestanding Sign from the finished grade.

Electronic Message Sign. A display consisting of an LED or an array of internal light sources, panels, or disks that are computerized or electronically activated.

External Illumination. Lighting which is mounted so as to illuminate a sign from a position outside of the sign structure. This may also be called “externally lighted”.

Freestanding Sign. A sign that is self-supported by poles, pylons, or other structural supports mounted in the ground.

Height. The vertical measurement from the adjacent street grade or normal grade to the top of the highest attached component of the sign.

Illegal Sign. Any sign that was constructed, modified or expanded after the adoption of this code not lawfully constructed or erected in compliance with regulations identified in this Chapter.

Illumination. A Sign equipped with artificial lighting devices and or neon for the purpose of improving the Sign’s visibility.

Inflated Sign. Any advertising device that is supported by heated or forced air or lighter-than-air gases.

Lawful Non-Conforming Sign. A sign including structural supports, which lawfully existed at the time, the zoning or land use Ordinance became effective but which does not presently conform to all the requirements of this Ordinance.

Marquee Sign. A roofed structure affixed to and supported by the building and projecting beyond the face of the building for purpose of advertising the business or service offered within the building to which such sign is affixed.

Monument Sign. A freestanding sign the base of which is at least as wide as 90% of the sign width, and mounted permanently in the ground.

Movable Sign. Any sign prominently displayed to identify, advertise, direct, or promote, any person, product, company, or entity of service, which is movable in nature such as "A-frames", pedestal, signs on vehicles, banners attached to freestanding poles, or similar signs that are not permanently installed in the ground.

Off-Premise Sign. Any billboard or advertising display indicating the business transacted, services rendered, goods sold or produced, name of business, person, firm or corporation, which is not available or not located on the same premise as the display. (Ord. 270, 2003)

On-Premise Sign. Any freestanding sign or wall display strictly incidental to a lawful use of the premises on which it is located indicating the business transacted at, services rendered, goods sold or produced on the premises, name of the business, or name of the person, firm or corporation occupying the premises. A sign located on an access drive, which is the primary means of vehicular access to a development from a dedicated street, shall be considered on premises, even if it is located on or through an adjacent property to a dedicated street.

Portable Reader Sign. A reader Sign that is mounted on a portable framework and intended for temporary use.

Projecting Sign. A Sign that is attached to and projects from a building, pole or other support.

Promotional Signage. Temporary devices such as banners, streamers, flags, balloons, pennants, trailer Signs and inflated Sign which advertise special prices or events at the business and not only the name of the business.

Public Property. Land identified by the Nye County Planning Department and based on what is defined as public property according to records held by the Assessor of Nye County. Examples of such lands are lands owned or managed by the Bureau of Land Management, Nye County, U. S. Forestry, Native American Tribes, and the State of Nevada.

Reader Sign. A changeable copy display that allows for the manual or electrical changing of the copy or text.

Repair. "Repair" means the replacement of frame and support material of an existing Sign with the same material with no change in the support system of the existing Sign.

Roof Sign. A Sign which is supported wholly or in part by and which projects over a roof.

Routine Maintenance. "Routine Maintenance" means normal repair and upkeep of the structural integrity and appearance of a Non-Conforming outdoor advertising structure. The term does not include an increase in the size or height of the structure or any addition or enhancement to the structure that increases the visual effect of the structure or increases the impact of the use of the land in the area around the structure.

Searchlight/Beacon. An apparatus on a swivel or stationary, which projects a beam of light greater than five hundred thousand (500,000) candlelight wattage.

Sign. An outdoor advertisement making a material or service known.

Sign Area. The portion of a sign used for display purposes and excluding the frame and supports. Only one side of a double-faced sign shall be used for computing the Sign area when the signs are parallel (no greater than 2 feet apart) or diverge from a common edge by an angle not greater than thirty degrees (30). For signs that do not have defined display areas, sign area shall be the area of the smallest rectangle or square that will frame the display

Sign Setback. Sign setback is the distance from the current or future right-of-way line, and/or perimeter property line, measured horizontally to the closest point of projection of the display, sign or structure.

Shopping Center. An integrated shopping complex comprised of five or more retail stores.

Temporary Sign. Any identification, advertising, directional, or promotional device, which is not permanently constructed or attached, and which must be re-moved according to the provisions of this Ordinance.

Wall Sign. A Sign that is painted on, fastened to, or erected against the wall of a building.

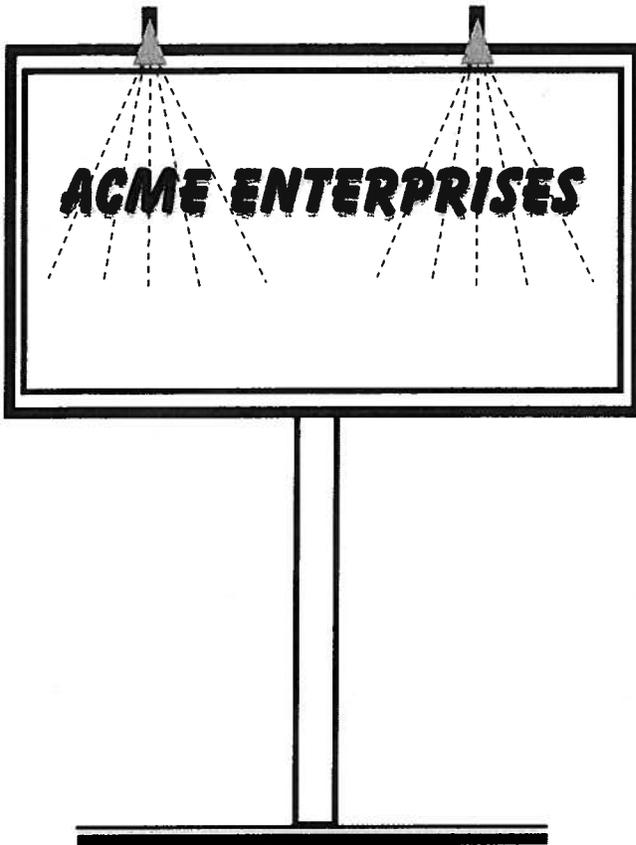
E. General Sign Regulations in all Zones.

4. Signs Permitted in all Zones

- a. Construction signs having an area not in excess of 32 square feet in residential zones and sixty 60 square feet in all other zones, provided such signs are erected no more than 60 days prior to construction, are confined to the site of construction, and are removed not more than 30 days after completion of construction and prior to occupancy.
- b. Government signs for traffic control, for direction to public facilities, or for regulatory notice, warning or other public purposes.
- c. Non illuminated real estate signs provided they are removed within seven (7) days of the sale, rental or lease of the subject property and provided that such signs not exceed more than 16 square feet of area, shall not be illuminated and shall be set back at least two (2) feet from all property lines.
- d. Permitted special event (election) signs as outlined in Nevada Revised Statutes.
- e. Political signs provided they are located and removed in accordance with Nevada Revised Statutes. (NRS 410.400)

- f. Temporary Directional Signs subject to the following:
 - i. Purpose: Temporary Directional Signs will be allowed to advertise and provide directions toward a residential subdivision during the construction of the subdivision.
 - ii. Area: Signs may not be larger than eighteen inches by twenty-four inches (18" x 24") and must be constructed of durable materials.
 - iii. Display Period: Temporary directional signs may be used while a subdivision is under construction, and while units within the subdivision are being sold. The temporary directional sign shall be removed within seven days of the sale of the last unit with the subdivision, which it is advertising.
 - iv. Setback: Temporary directional signs are subject to the same setback requirements as permanent freestanding signs.
 - v. Issuance: Temporary directional signs must be approved by the Zoning Administrator before the placement of any Sign. A location plan must be submitted for approval.
 - vi. Permit Conditions: The Zoning Administrator may issue a permit for temporary directional real estate development signs for up to six (6) months. Any such permit is subject to review at any time. In granting a temporary real estate directional sign permit, the Zoning Administrator will also determine the total number of temporary directional signs which may be displayed and the locations where they may be displayed.
 - vii. Community Directional Ladder Signs Permitted: Ladder-style directional signs to be shared by more than one development are not in violation of this Ordinance or the limitations of this Section. Such directional signs must be approved by the Zoning Administrator. (Ord 285, 2004)
 - g. Master Plan Sign Programs are authorized within the boundaries of approved master planned developments. The Zoning Administrator is authorized to grant approval to Master Plan Sign Programs. (Ord 303, 2005)
5. Prohibited Locations: No advertising display shall be placed in any of the following locations:
- a. Within the existing and future planned right of way of any highway, road or other public easement, or within an existing and future planned right-of-way;
 - b. Within any stream or drainage channel;
 - c. In any location that may obstruct views of approaching traffic within any defined sight triangle easement as defined in the Standard Details Specifications for Public Improvements within the Pahrump Regional Planning District.
 - d. So as to interfere with, mislead, obstruct the view of or be confused with any directional, warning, danger signal or informational sign or structure, either required by law or established by local authority;

- e. Above a canopy or marquee, or upon a roof line; and
 - f. No signs shall be attached to any tree, public utility poles or structures, or traffic control devices, posts or signs.
6. **Prohibited Displays:** Displays of the following nature are prohibited, unless otherwise approved by the Zoning Administrator:
- a. Imitations or simulations of any directional, warning, danger or informational signs;
 - b. Illumination of such brilliance and/or position as to blind or dazzle the vision of travelers;
 - c. Mobile signs pulled or attached to a vehicle;
 - d. Misleading, erroneous or false information and advertising; and
 - e. Those that emit any sound as part of the advertising message;
7. **Maintenance:** All Signs, advertising displays and structures as regulated by this Ordinance shall be maintained by the owner of the sign and/or property owner, and shall be kept free and clear of all obnoxious substances, materials, rubbish or weeds.
8. **Sign Setback:** Signs not in excess of 8 feet in height shall be setback a minimum of 2 feet from the front property line; signs exceeding 8 feet in height shall be setback a minimum of 10 from the front property line. No sign shall be erected within 20 feet of a residential property line, or within 10 feet of any other side property line unless such sign is to be jointly utilized by the two adjacent properties.
9. **Lighting (If used):** Sign illumination shall be in the form of backlighting or down-lighting; up-lighting shall be prohibited to protect and preserve views and enjoyment of the night sky. No lighting may interfere with roadway visibility - Strobe lighting is prohibited.



Downward Lighting for Billboards

10. **Curbing and Landscaping:** Freestanding signs shall be located within a concrete curb, the support of which shall be located no closer than two (2) feet from the required curb. The area within the curb shall be landscaped.
11. **Animated Signs:** Animated signs are prohibited. No sign shall gyrate, blink, flash, strobe or be audible in any animated fashion, except that Gaming Establishment, Casinos shall be exempt.
12. **Non-conforming Signs:** All freestanding signs (including off-premise signs) shall be treated as non-conforming structures, as subject to the non-conforming uses and structures subsection of Section 17.04.905.
13. **Abandoned Signs:** Abandoned off-premise or freestanding signs must be removed or repaired within fifteen days notification by any County or Town official or designee.

F. Signs Permitted in Residential Zones

1. **Wall Signs:** Only one wall sign not exceeding 2 square feet in area per dwelling unit may be permitted to indicate the name and address of the occupant or home occupation.
2. **Yard Sale/Garage Sale Signs:** Yard sale and/or garage sale signs may be permitted while the yard sale is active and must be removed within 24 hours of the termination of the yard sale.

3. Entry Signs: In single family, multifamily, and mobile home park residential districts, up to 2 wall mounted subdivision identification signs not in combined excess of 48 square feet, shall be permitted at each primary entrance to the subdivision, complex or park.
4. Building Identification Signs: One down-lit sign not exceeding 12 square feet may be permitted for each apartment or condominium building provided that such sign contains no advertising matter except the name and street address of the apartment or condominium building.
5. Non Residential Signs: Non residential uses, including model homes, shall be permitted one freestanding monument sign per street frontage not to exceed 60 square feet in area or 6 feet in height, and may also be permitted wall signage in accordance with the requirements for commercial zones. All model home signage must be removed prior to the issuance of a Certificate of Occupancy for the home.

G. Signs Permitted in Commercial Zones

1. Wall signs: Wall signs may be permitted in all commercial zoning districts subject to the following:
 - a. Wall signs (except for marquee signs) shall not project more than 24 inches from the wall face upon which the sign is mounted.
 - b. Wall signs may occupy up to 15% of the building or wall face upon which the sign is mounted. In multi-tenant structures such as in-line commercial shopping centers, individual wall signage shall be calculated based on the lease area of each tenant, not the entire building.
2. Marquee Signs: Marquee signs may be permitted in all commercial zones subject to the following:
 - a. No Sign attached to any marquee may project below the marquee and not have more than fifty percent (50%) of the sign projecting above the top of the marquee.
 - b. The Sign may not exceed the height of the wall to which the marquee is attached, and no external bracing to the wall or top of the marquee may be allowed.
3. Changeable Copy Signs: Changeable copy signs may be allowed as wall-mounted or freestanding signs with an area of up to 100 square feet.
4. Freestanding On- Premise Signs: Freestanding on-premise signs may be permitted subject to the following:
 - a. Sign Height: Sign height is subject to the following:
 - i. Signs in NC and MU zones may be allowed up to a height of 25 feet.
 - ii. Signs in GC zones may be allowed up to a height of 35 feet.
 - iii. Signs located directly across the street from planned or existing residential uses may not exceed 10 feet in height.

- b. Number of Signs: Each commercial use may be permitted at least one freestanding sign. Developments with double street frontage, or over 150 linear feet of street frontage may be permitted 2 freestanding signs, and one additional sign for each additional 100 feet of linear street frontage.
- c. Sign Aesthetics: All signs must be architecturally compatible with the principal structure through use of similar finish, texture, embellishment and color.
 - i. Signs in NC and MU zones must be monument signs
 - ii. Signs in GC zones that are supported by a single or two column structural support, such pole(s) or column(s) must utilize a decorative cover that is at least 25% as wide as the width of the sign to conceal the pole or column. The decorative cover must utilize finish, texture and colors that are compatible with the principal structure(s).
- d. Sign Area: Sign area is subject to the following:
 - i. Uses with a gross floor area of up to 40,000 square feet may be permitted signs with a sign area of up to 100 square feet
 - ii. Uses with a gross floor area in excess of 40,000 square feet may be permitted signs with a sign area of up to 150 square feet.
 - iii. Uses with a gross floor area in excess of 80,000 square feet may be permitted signs with a sign area of up to 200 square feet.
- e. Sign Separation: Signs must maintain a minimum separation of 50 feet.
- f. Shopping Center Signs: Shopping centers must coordinate the signage of all uses within the shopping center to ensure that individual sign structures can accommodate multiple users, and so that each freestanding sign is of uniform design and character.

H. Signs Permitted in Industrial Zones

- 1. Wall signs: Wall signs may be permitted in all industrial zoning districts subject to the following:
 - g. Wall signs shall not project more than 24 inches from the wall face upon which the sign is mounted.
 - h. Wall signs may occupy up to 15% of the building or wall face upon which the sign is mounted
- 2. Changeable Copy Signs: Changeable copy signs may be allowed as wall-mounted or freestanding signs with an area of up to 100 square feet.
- 3. Free Standing On-Premise Signs: Freestanding on-premise signs may be permitted subject to the following:
 - a. Sign Height: Signs in industrial zoning districts may be allowed at a height of up to 35 feet.

- b. **Number of Signs:** Each industrial use may be permitted at least one freestanding sign. Developments with double street frontage, or over 150 linear feet of street frontage may be permitted 2 freestanding signs, and one additional sign for each additional 100 feet of linear street frontage.
- c. **Sign Aesthetics:** All signs must be architecturally compatible with the principal structure through use of similar finish, texture, embellishment and color.
 - i. Signs that are supported by a single or two column structural support, such pole(s) or column(s) must utilize a decorative cover that is at least 25% as wide as the width of the sign to conceal the pole or column. The decorative cover must utilize finish, texture and colors that are compatible with the principal structure(s).
- d. **Sign Area:** Sign area is subject to the following:
 - i. Uses with a gross floor area of up to 40,000 square feet may be permitted signs with a sign area of up to 100 square feet
 - ii. Uses with a gross floor area in excess of 40,000 square feet may be permitted signs with a sign area of up to 150 square feet.
 - iii. Uses with a gross floor area in excess of 80,000 square feet may be permitted signs with a sign area of up to 200 square feet.
- e. **Sign Separation:** Signs must maintain a minimum separation of 50 feet.
- f. **Office Park/Industrial Park Signs:** Such developments must coordinate the signage of all uses within the development to ensure that individual sign structures can accommodate multiple users, and so that each freestanding sign is of uniform design and character.

I. Off-Premise Signs

- 1. **Zoning Requirement:** Off -premise signs may be allowed in GC and HI zoning districts with the approval of a Conditional Use Permit.
- 2. **Sign Location:** The leading edge of an off-premise sign must be within 100' of State Highway 160 or State Highway 372. Off-premise signs are prohibited south of CAAS Road and north of Bell Vista along State Highway 160, and west of Leslie or east of Highway 160 on Highway 372.
- 3. **Setback:** Off-premise sign's shall be setback not less than 10', as measured from the leading edge of the sign, from all rights-of-way, and 25' from all other property lines.
- 4. **Stacking:** An Off-premises sign may not be stacked upon another off-premise sign.
- 5. **Size:**
 - a. No off-premise sign shall exceed thirty-five feet (35') in height, or forty-eight feet (48') in width.

- b. No off-premise sign shall have a surface area greater than three hundred square feet (300 ft²). For the purpose of this requirement only one side of a back-to-back off-premise sign shall be counted, however two opposing faces shall not exceed 45 degrees from parallel.
6. Name of Manufacturer Displayed: No Off-Premise (billboard) advertising display shall be permitted unless the name of the manufacturer or the manager of the Sign is permanently displayed thereon and is visible from the roadway adjacent to the property.
7. Separation: All separation distances shall be measured in a radius fashion from the center of the sign face in accordance with the following:
 - a. Off-premise signs shall have a minimum separation of seven hundred and fifty feet (750') from all other existing off-premise signs on the same side of the street.
 - b. Off-premise signs shall have a minimum separation of two hundred feet (200') from any intersection of roadways or any other existing off premise sign on the opposite side of the street.
 - c. Off-premise signs shall have a minimum separation of one hundred feet (100') from any on premise sign.
 - d. Off-premise sign shall have a minimum separation of five hundred feet (500') from any residential zone boundary.
8. Billboard Aesthetics:
 - a. Lighting: Off-premise signs shall be illuminated with low-level and indirect down-lighting, no strobe lighting or lighting that would impair the vision of a driver shall be permitted. No light may shine or reflect light outside the perimeter of the Sign in any direction;
 - b. Color: Earth-tone colors indigenous to the Pahrump valley shall be used to paint the support(s) of the structure and the frame around the Sign;
 - c. Number of supports: A maximum of two supports will be permitted;
 - d. Material: No Signs made of canvas shall be permitted; nor may signs have streamers, balloons, pennants, banners, or wind driven devices as part of the Sign or attached to the Sign;
 - e. Projections & Emission: No Sign may emit a noise via an artificial device; nor may signs emit smoke, fire or odor; nor may signs have extensions or projections from the perimeter of the sign. (Ord 285, 2004)

17.04.780 RECREATIONAL VEHICLE PARKS

A. Recreational Vehicle Parks

1. No portion of the subject property shall be subject to flooding, subsidence or erosion, and no permits for the development of an RV Park shall be issued within an "Area of Special Flood Hazard" (Zones A, AE, AH, AO, A99, V or VE) as indicated on the current Flood Insurance Rate Maps (FIRM), unless the application is accompanied with a technical drainage study and mitigation plan.
2. Park density shall not exceed fifteen (15) RV's per acre.
3. All RV's allowed in an RV Park shall be currently licensed, insured and ready for highway use. An RV is ready for highway use if it is on its wheels or jacking system with wheels attached, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached porches, cabanas or other additions.
4. An engineered site plan shall be provided showing all proposed development including: landscaping plans, sewage disposal method and details of distribution, water supply method and details of distribution, ingress/egress, location and number of spaces, location of all community recreation buildings and facilities, laundry, sanitation facilities including refuse areas, a "will serve" letter for water supply and sewage disposal systems if the Park is to be supplied from a public utility. Plans shall also include name, address and phone number of engineer, architect or surveyor preparing the plans, scale, north arrow and date of the plan, a vicinity map, locations, widths and names of all public streets adjacent to the Park, topography by contours adequate to show the character and drainage of the land, property dimensions, net and gross property acreage, net open space acreage.
5. The following minimum development standards shall apply:
 - a. Minimum RV Park site area: five (5) net acres;
 - b. Minimum net site area per RV: nine hundred (900) square feet;
 - c. Minimum setback of any on-site building or RV from any public street right-of-way: twenty-five (25) feet;
 - d. Minimum setback of any on-site building or RV from any adjacent residential use property line: fifty (50) feet, and shall be landscaped in a manner so as to provide a buffer;
 - e. Minimum setback from private access street: five (5) feet;
 - f. Minimum distance between RVs shall be as follows:
 - i. Front to front with access streets: forty (40) feet.
 - ii. Side to side: fifteen (15) feet.
 - iii. End to end: fifteen (15) feet.

- iv. Side to end: fifteen (15) feet.
 - g. Five (5) percent of the gross land area may be used for tent camping.
 - h. Camping or sleeping cabins may be provided with no utilities (electric, gas, propane, etc.), may be skid mounted and may not exceed a ratio of one (1) per twenty-five (25) RV sites.
6. Water Facilities.
- a. An accessible, adequate, safe and potable supply of water for domestic purposes shall be provided for each RV space.
 - b. The development of a private water supply to serve the development may be made only upon the express approval granted by the Bureau of Health Protection Services of the Nevada State Health Division and the Nevada Division of Water Resources. When a public supply of water is available, connection shall be made thereto and its supply shall be used exclusively.
 - c. The water supply system shall be designed, constructed and located in such a manner that neither underground nor surface contamination will reach the water supply from any source, and shall be constructed and maintained in compliance with State health regulations.
 - d. Where water is obtained from sources other than a public water supply, water sampling and testing shall occur in accordance with State health regulations, and any costs incurred shall be born by the property owner/Park management.
 - e. RV's that have a water service connection for an outside source of supply, shall have an approved or listed check valve or other approved type backflow prevention device installed in the water supply piping adjacent to the water service connection. The installation of potable water supply piping or fixture or appliance connections shall be made in a manner to preclude the possibility of backflow.
 - f. The water distribution system shall be designed and maintained to provide a minimum pressure acceptable to the Nevada State Health Division.
7. Sanitation Facilities
- a. An accessible, adequate, safe sewer connection shall be provided for each RV space.
 - b. A minimum of one sanitary sewage dump station that complies with all requirements of the State health regulations shall be provided.
 - c. Separate toilet facilities for men and women shall be provided and shall be centrally and conveniently located.
 - d. Toilet facilities for each gender shall be provided in either separate buildings or in the same building separated by a solid wall. Two flush toilets, two showers and two washbasins (one per each gender) shall be provided for every fifteen (15) RV spaces.

- e. Each toilet and shower shall be in a private compartment with a door to insure privacy. A minimum of one toilet and shower for each gender shall be constructed in accordance with ADA standards.
- f. All such sanitation facilities shall be subject to approval by the Planning Commission and shall be shown on the site plan when filed.
- g. All plumbing fixtures, drains, appurtenances, and appliances designed or used to receive or discharge liquid waste shall be connected to the recreational vehicle drainage system in a manner provided by the ANSI/NFPA Standard or Recreational Vehicles.

8. Refuse Collection and Storage

- a. The storage, collection and disposal of refuse in the Park shall be conducted so that no health hazards or air pollution is created.
- b. All refuse or garbage shall be stored in approved locations and in containers sufficiently sized so that sanitary conditions can be maintained at all times.
- c. Refuse containers shall be provided in sufficient number and capacity to properly store all refuse and garbage.
- d. Refuse containers shall be situated within a one-hundred-fifty foot radius of any RV space.
- e. Refuse and garbage shall be collected weekly or more frequently as necessary and shall be disposed of in an approved manner.
- f. Refuse collection areas shall be screened from view by fencing and landscaping.

9. Fire Protection

- a. All RV Parks shall be subject to the rules and regulations of the Fire Protection Authority and all applicable laws.
- b. In all RV Parks, there shall be installed and maintained fire hydrants and fire extinguishers of the number, type, size and location as may be required by the Fire Protection Authority. Extinguishers may be installed in lieu of faucets and hose upon approval of the Fire Protection Authority.
- c. RV Parks shall be kept free of litter, rubbish and other flammable materials.

10. Recreational Facilities & Open Space

- a. Swimming pools including required fences—if provided—shall not be located in any required front yard, in any utility easement, or less than fifty (50) feet from any lot line. All mechanical equipment related to the maintenance of the swimming pools shall be located not less than ten feet from any lot line.
- b. Swimming pools—if provided—shall be maintained in accordance with applicable laws, shall be adequately protected or fenced to discourage unauthorized access, and shall have fencing

with a self-locking gate adequate to restrain all access to the pool when the pool is not being used. Swimming pool fences shall be designed in accordance with Nye County Code 15.16.094.

- c. All pools and spas shall comply with applicable State health regulations. For the purpose of cleaning pool filters and back flushing the system, no discharge shall be made into a septic tank or sanitary sewer. Either a separate french-drain shall be provided, or discharge may be made into an existing natural or man-made drainage channel or storm sewer system and conveyed into the public right of way in a manner so as not to create a public nuisance.
- d. All RV Parks shall be provided with at least one recreational area or open space accessible from all spaces. The size of such open space shall not be less than ten (10) percent of the gross park area and shall be landscaped in an approved manner.

11. General Requirements

- a. Every owner or operator of a RV Park having spaces for lease or rent shall maintain any and all records that may be required by local and State laws and regulations.
- b. A business license shall be obtained from the appropriate agency for any RV Park where spaces or memberships are rented, leased or sold, and shall be renewed as required.
- c. Any exposed ground surfaces in all parts of the RV Park shall be planted, paved or covered with an approved material that is capable of preventing soil erosion and eliminating objectionable dust.
- d. No barnyard animals or poultry shall be permitted in an RV Park.
- e. Dogs, cats or other pets are not permitted to run at large or commit any nuisance within the Park.
- f. An area of sufficient size and enclosed via chain-link fencing or other appropriate material shall be provided as a designated exercise area for dogs, and equipment to accommodate clean-up after "curbing" of one's pet shall be provided by the operator of the Park.
- g. Each RV Park constructed, operated and licensed shall be limited solely and only to RVs, and shall not be converted or used as a manufactured home park without full compliance of all requirements governing manufactured home parks.
- h. Each RV space shall be provided with an electrical outlet supplying at least 110 volts and providing a minimum of 30 amp service, and that is grounded and weatherproofed and in compliance with all State and local codes.
- i. All electrical installations, systems, and equipment shall comply with Article 551, Parts I and III through VI, of NFPA 70, National Electrical Code.
- j. All utilities shall be located underground with no exceptions, including the wiring of interior light poles.

- k. No RV Park shall be occupied until a final approved inspection by the building inspector has been obtained.

12. Traffic Impact Analysis/ Access/Parking

- a. A Traffic Impact Analysis shall be required for all RV Parks
- b. Access to the RV Park shall be designed to minimize congestion and traffic hazards at the entrance or exit and allow safe movement of traffic on adjacent streets. All traffic ingress and egress shall be through controlled entrances and exits or crash-gated as approved by the Fire Protection Authority.
- c. All internal streets and driveways shall be properly signed.
- d. Each RV space shall have sufficient parking and maneuvering space.
- e. No on-street parking of any vehicle shall be allowed adjacent to RV Park spaces, but may be allowed adjacent to open space areas if a minimum ten (10) foot wide parking lane is constructed to accommodate parked vehicles.
- f. One (1) visitor parking space shall be provided for each ten (10) RV spaces. Visitor parking areas shall be appropriately signed and may be situated in various locations throughout the Park.
- g. All internal streets shall be paved a minimum of twenty-four (24) feet wide with a thirty (30) foot right-of-way. Such streets shall be paved with an approved dust-free material.
- h. Dead-ended streets shall be prohibited, and turnaround areas shall be provided with a minimum ninety (90) foot diameter measured at the outside of the traveled way.
- i. 1.25% of the RV spaces and parking areas shall be accessible in accordance with the ADA regulations.

13. Accessory Buildings and Service Facilities

- a. Accessory buildings shall be limited to:
 - i. One permanent care-takers dwelling, consisting of either site-built construction or manufactured home shall be allowed and may be used as the business office of the RV Park.
 - ii. A separate office building may be provided for the Park's business office.
 - iii. One convenience grocery store shall be allowed only for RV Parks that are greater than ten acres in size.
 - iv. Clubhouse, pool and spa buildings, and laundry. Laundry facilities must contain at least one (1) washer and one (1) dryer for every 25 RV spaces in the park.

17.04.790 MOBILE HOME PARKS

A. General

1. Each mobile home lot shall be numbered or designated by street number, or other suitable means, and the lot lines defined by corner markers or other suitable means. Each lot shall abut on a driveway or other clear area, with unobstructed access to a public street. Mobile homes shall be parked on such lots so that a spacing of at least ten feet (10') is maintained between adjacent mobile homes, excepting noncombustible awnings. The site development plan must indicate the location of the MH stand on each lot.
2. No mobile home shall be parked so that any part of such mobile home will obstruct any roadway or walkway. (Ord. 90 § 90.050(4), (5), 1981)
3. A perimeter landscape buffer shall be required adjacent to all public streets to which a mobile home park abuts. Such landscaping shall be a minimum of 10 feet in width and utilize drip irrigation and xeric or drought tolerant plants and trees.

B. Service Buildings

1. Where community recreation structures are provided, an adequate and sufficient number of toilet and lavatory facilities, separate for each sex and in accordance with the appropriate plumbing code, shall be installed. Such facilities shall be housed in a building, or buildings, of comparable construction to that meeting State and local requirements.
2. All food establishments, swimming pools and vending or dispensing machines shall meet all State and local laws, rules and regulations.
3. Surfaced and lighted walkways shall be provided to all service buildings. (Ord. 90 § 90.050(9)-(12), 1981)

C. Accessory Structures

1. Carports, ramadas and porches may be erected, constructed or maintained on a mobile lot only as an accessory structure to a mobile home located on the same lot, and shall meet all State and local building laws, rules and regulations pertaining to structures. (Ord. 90 § 90.050(7), 1981)
2. Mobile homes may not be used as accessory structures for the purpose of storage.

D. Access Roads

1. Access roads shall be provided to each mobile home lot. Access roads shall be surfaced with asphaltic concrete or equivalent. Each access road shall:
 - a. Connect with a street or highway;
 - b. Have a minimum width of fourteen (14) feet for one-way traffic and twenty four (24) feet for two way traffic with eight (8) feet of additional width for each parallel parking lane; and
 - c. Be well-marked in the daytime and adequately lighted at night. (Ord. 90 § 90.050(8), 1981)

E. Utilities

1. A mobile home shall not be occupied unless it is properly placed on a mobile home lot and connected to water, sewerage and electrical or gas utilities. (Ord. 90 § 90.050(6), 1981)
2. For the purposes of site development plan review submitted as part of a zone district boundary amendment detailed utility plans are not required. Prior to permit issuance the following shall be provided or designed and approved by the appropriate agency in accordance with NAC461A:
 - a. Water system and connections
 - b. Sewer system and connections
 - c. Supply of natural gas, liquid petroleum, gas or oil
 - d. Electrical supply, equipment and connections
 - e. Protection of exposed equipment
 - f. Fire protection
 - g. Management of solid waste
 - h. Drainage and grading
3. Certificate of Occupancy:
 - a. A mobile home park or lot within a mobile home park, or part thereof, must not be occupied or used unless or until it has been issued a certificate of occupancy pursuant to NAC 461A.

17.04.800 HOME OCCUPATIONS

- A. Scope. This Chapter applies to all licensed home occupations in the residential or mixed use zoning districts.
- B. Purpose. The purpose of this Chapter is to allow for home occupations in residential and mixed use zoning districts provided they do not disrupt the day-to-day lifestyle of neighbors.
- C. Requirements. Requirements are as follows:
 - 1. Not more than one room containing not more than twenty five (25) percent of the total ground floor area of the dwelling for such use, except within Rural Homestead Zones.
 - 2. Any signage must conform to Section 17.04.770 of this Chapter.
 - 3. No addition, alteration, or remodeling which would change the residential character of the unit.
 - 4. No occupation which would or might produce noise, odor, industry smoke, or electrical disturbance or in any way interfere with the peace, contentment, and general welfare of the area, except for Rural Homestead Zones.
 - 5. The use of special equipment or the repair or the manufacture of goods or equipment may be subject to conditions.
 - 6. No home occupations of any use entailing food handling, processing, or packing, harboring of animals, automobile body and/or fender repair, or similar activities are allowed.

ARTICLE VII: NUISANCES

17.04.850 ABANDONED, UNREGISTERED, WRECKED OR DISMANTLED JUNK MOTOR VEHICLES

- A. Purpose. The purpose of this Chapter is to prohibit abandoned and junk vehicles and to facilitate the expeditious removal or proper storage of inoperable, unregistered, junk or dismantled motor vehicles (including abandoned mobile homes pursuant to NRS 487) which constitute a nuisance, a safety hazard, interfere with the enjoyment of property, reduce the value of private property, extend and aggravate scenic blight, degrade the environment, or adversely affect the public health, safety and welfare of the Pahrump Regional Planning District and its residents.
- B. Scope. This Article applies to all zoning districts within the Pahrump Regional Planning District and all nuisances as defined in Article II of this Chapter.
- C. Restrictions.
1. A person shall not leave an abandoned or a junk motor vehicle upon private property within the Pahrump Regional Planning District for a period in excess of thirty (30) days, after which time such abandoned or junk motor vehicle shall be subject to mandatory removal. Any vehicle stored on private property, which is determined to be an immediate safety hazard, and in an unsafe condition, may be subject to removal.
 2. The presence of a junk and abandoned motor vehicle on private property within the Pahrump Regional Planning District is declared a public nuisance.
 3. Unless he first obtains a license pursuant to NRS 487.050 or 487.410, a person shall not for any reason keep more than two unregistered vehicles on real property owned by him or under his possession or control if the vehicles are no longer intended for or in condition for lawful use on the highway.
 4. The provisions of NRS 487.205 to 487.300 inclusive apply to all unregistered, inoperable and abandoned vehicles in the Pahrump Regional Planning District.
 5. The provisions of subsection 3 of this section do not apply to:
 - a. Premises used by a licensed dealer, manufacturer, distributor or rebuilder.
 - b. Vehicles to be restored or used as a source of parts in conjunction with the operation or maintenance of a fleet of vehicles for the carriage of persons or property.
 - c. Premises used as a farm, ranch, mine or repair shop for motor vehicles.
 - d. Any person engaged in the restoration of one or more vehicles entitled to registration as a Horseless Carriage or otherwise having classic or historic significance. (added to NRS by 1973, 1064; A 1983, 1007; 1985, 342; 1987, 1605).
- D. Determination of Junk, Inoperable, Abandoned or Unregistered Vehicle as a Nuisance.

Article VII: Nuisances

17.04.850 Abandoned, unregistered, Wrecked or dismantled Junk Motor Vehicles

1. Determination and declaration of any vehicle as junk, inoperable, abandoned, or unregistered, and as such a nuisance, and not classic or historic shall be made by a committee appointed by the Regional Planning Commission. The committee shall be made up of the Code Enforcement Officer and four (4) car enthusiasts. The committee shall meet and make a determination within 14 days after the owner has been notified of a complaint being received by Nye County or identified by the Code Enforcement Officer.
2. Every person who abandons a junk motor vehicle is responsible for the proper storage or the cost of removal and disposition of such motor vehicle.
3. A junk or abandoned motor vehicle remaining on private property for more than thirty (30) days shall be determined to be a nuisance as regulated by Section 17.04.860.
4. More than two unregistered or inoperable vehicles and their parts that are not contained within an accessory building or garage must be stored in the rear yard behind the principle structure. More than two unregistered or inoperable vehicles and their parts may also be stored in side yards if they are screened from view from the public street using opaque screening, opaque fencing, or opaque walls at least (6) six feet in height and in compliance with Section 17.04.760 of this Chapter, and do not encroach into the minimum building setback for the side yard. An inoperable and/or unregistered vehicle not in compliance with this section for a period of more than 90 days shall be determined to be a nuisance as regulated by Section 17.04.860.

17.04.860 NUISANCES

- A. Purpose. The purpose of this Chapter is to prohibit those items or activities that constitute a nuisance, a safety hazard, impede traffic in the streets or alleys, interfere with the enjoyment of property, reduce the value of private property, extend and aggravate scenic blight, degrade the environment, or adversely affect the public health, safety and welfare of the Pahrump Regional Planning District and its residents.
- B. Scope. This Article applies to all zoning districts within the Pahrump Regional Planning District and all nuisances as defined in Article II of this Chapter. Nuisances do not pertain to classic and/or historic vehicles.
- C. Restrictions.
1. A person shall not maintain a nuisance on his or her property; a nuisance includes, but is not limited to the following:
 - a. Insecure or unsafe buildings or conditions; garbage: All insecure or unsafe buildings walls, chimneys, stacks or other structures, all filth, garbage, offal, ashed, all nauseous, flammable and unhealthful matter, all property burned buildings and structures, and all debris resulting from fires and demolition or abandonment of structures. This section applies to all junk or abandoned vehicles determined to be a nuisance under Section 17.04.850.
- D. Abandoned, Discarded or Unused Objects. Abandoned, discarded or unused objects or equipment such as vehicles, machinery, furniture, stoves, household appliances, cans, containers, boxes, waste, old building materials, trash and other refuse.
- E. Outside Storage. Outside storage of equipment, building materials and other property, unless fully screened from view from outside the property or fully enclosed.
- F. Smoke or Air Pollution. Excessive emission or dense smoke and air pollution caused by excessive soot, cinders, fly ash, dust, noxious acids, fumes, and gasses within the District.
- G. Noise. Excessive noise which is injurious to health or which interferes unreasonably with the comfortable enjoyment of life or property within the Pahrump Regional Planning District.
- H. Rural Homestead District exception from Outdoor Storage.
2. Due to the size of the lots (5-acre minimum) and the rural nature of these areas, the Rural Homestead Zone shall be exempt from the regulations as follows below:
 3. Outdoor storage shall be permitted provided it is not within 100' of the front setback or 50' from any side or rear property line.
- I. Required Notices for Junk or Abandoned Motor Vehicles on Public Property.
1. Junk or abandoned motor vehicles on public property shall be removed and disposed of in accordance with the Nevada Revised Statutes and this Chapter.
- J. Notice of Unhealthful Condition to Property Owner.

1. When it appears to the satisfaction of the Code Enforcement Officer and/or the Pahrump Regional Planning Commission that there exists on any premises within the Pahrump Regional Planning District any insecure or unsafe building, walk, chimney, stack or other structure, or any filth, garbage, offal, ashes, shavings, weeds, grass, leaves, manure, paper, boards, partially burned structures or any nauseous, flammable or unhealthful matters, or any unenclosed or dangerous excavation or any undrained cesspool or standing water that may constitute a menace to the health, safety or welfare of the residents of the Pahrump Regional Planning District, the Zoning Administrator and/or Zone Code Enforcement Officer shall issue a citation or notice to the person creating, maintaining, causing or committing such condition, and to the person owning, or in possession, charge or control of the real property upon which such condition is maintained or exists to appear before the County Commission at a specified time and place and show cause why such condition should not be abated or removed.
 - a. The Code Enforcement Officer Shall Cause:
 - i. Such notice to be mailed by Certified Mail, Return Receipt Requested to any of the persons specified in subsection I at his/her last known residence or business mailing address.
 - ii. A copy of the notice to be posted upon the premises where such condition is deemed to exist.
 - iii. The notice shall require:
 - (a) Commencement of work for the removal of the nuisance within seven (7) days after personal receipt or fourteen (14) days after posting and mailing of the notice, and removal of the nuisance within an agreed upon reasonable time after the commencement of work; or
 - (b) Within said seven (7) or fourteen (14) days, request, in writing, that the hearing be held before the County Commission to determine in fact a nuisance does exist, whether the nuisance should be abated or remove, or that there is no nuisance.

K. Hearing before County Commission.

1. Presentation of Evidence: The County Commission may proceed to take evidence at the hearing, after notice as provided in Section J herein, and all persons cited to appear or having any interest in the real property involved shall be entitled to be heard and to present evidence for the consideration of the County Commission.
2. Property Owner Failure to Appear: Failure of any property owner to appear before the County Commission at the time provided for the hearing gives the County Commission jurisdiction to proceed with the hearing and the power to enforce any of the provisions of this Chapter.

L. Order to Repair, Abate or Remove.

1. If, after the hearing, in the judgment of a majority of the County Commission, a condition constituting a menace to the health, safety or welfare of the residents of the Pahrump Regional Planning District is maintained or exists upon the described parcel or parcels of real property, the

County Commission shall order the same to be repaired, abated or removed within such reasonable time as the County Commission shall designate.

M. Abatement by County; Costs a Lien.

1. Failure of Owner to Abate: If the work to repair, abate or remove the conditions constituting a menace to health, safety or welfare of the residents of the Pahrump Regional Planning District is not commenced or completed within the time fixed and designated by the County Commission at the hearing and no extension is granted by the County Commission, the County Commission shall cause the work of repair, abatement or removal to be done.
2. Statement of Work and Costs:
 - a. The person doing such work shall file with the County Clerk a verified statement of the work done and of all expenses and costs incurred in connection therewith, together with a description of the parcel or parcels of real property upon which the work was done.
 - b. The County Commission shall thereupon determine if such costs and expenses were proper and shall, by resolution, adopt or revise the statement and require the County Clerk to deliver a certified copy of the resolution and a certified copy of the verified statement of the work done and all expenses and costs incurred, as determined proper or as corrected by the County Commission, to the County Assessor of Nye County.

N. Cost a Lien Against the Property.

1. The County Assessor of Nye County shall levy the sum or sums in the statement upon the respective lot or lots as a tax and shall enter the same in the general assessment roll next thereafter to be made, in a column for special assessments. The amount so levied shall be collected and enforced with the other taxes in the assessment roll and in the same manner as other County taxes, and shall continue to be a lien upon the premises assessed from the date of assessment until paid.

O. Civil, Criminal Action by County.

1. Nothing contained in this Chapter shall prevent the maintenance of an action by the Pahrump Regional Planning District against any person to collect the expenses or repair, abatement or removal or the criminal prosecution for a violation of this Chapter by any person creating, maintaining, causing or committing a nuisance or owning or in possession, charge or control of the real property upon which a nuisance is created, maintained, caused or committed.

P. Private actions. The provisions of this Chapter shall not in any way preclude or supersede any action for abatement of nuisances by private persons.

Q. Hardship. In cases where nuisance violations are a result of an economic or physical hardship, a nuisance abatement referral program shall be considered to assist in mitigating the violation.

ARTICLE VIII: ADMINISTRATION AND PROCEDURE

17.04.880 ADOPTION AND AMENDMENT OF ZONING DISTRICT MAPS

- A. The County Commission shall prepare and adopt maps setting forth specific zoning districts as prescribed in this Chapter and any amendments thereto, for each lot or parcel within the Planning District. Said maps shall, to the extent practicable, be in conformity with the Master Plan of the Pahrump Regional Planning District.
- B. Any zoning district boundary amendment shall, to the extent practicable, be in conformity with the Master Plan of the Pahrump Regional Planning District. Any amendment to the zoning district boundaries shall be accomplished in compliance with Chapter 278 of the Nevada Revised Statutes, and Article VIII this Chapter.

17.04.885 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

- A. Zoning district boundaries are intended to parallel street lines or to follow lot or property lines, as they exist at the time of passage of this Chapter or amendments hereto, unless specifically shown otherwise. Where a zoning district boundary line divides a parcel of land into several zoning districts the separate zoning districts shall be described by legal description. In the event of further uncertainty, the Planning Commission shall interpret intent as to the boundary location.

17.04.890 ZONING ORDINANCE TEXT AMENDMENT PROCEDURE

- A. Initiation of a Text Amendment Proposal. A proposal for a text amendment may be initiated at the direction of Nye County Commissioners or Planning Commission, upon the recommendation of the Zoning Administrator, or by a property owner.
- B. Justification Letter. For a proposed text amendment initiated by a property owner an application shall be in the form of a written justification letter with any fee(s) required pursuant to a Resolution of the Board of County Commissioners submitted to the Nye County Planning Department. The justification letter must explain the exact nature of the text amendment to the Zoning Ordinance that is requested. The property owner should describe the proposed text amendment in a format that clearly indicates the proposed amendment(s); the reason(s) supporting the amendment(s); and specific circumstances, if any, requiring the amendment(s).
- C. Previously Denied or Withdrawn Text Amendment Applications. Unless the application is expressly denied without prejudice, the same text amendment shall not be accepted by the Zoning Administrator within six (6) months of final action on the previous amendment. If the second amendment is denied, no subsequent text amendment shall be accepted by the Zoning Administrator within three (3) years of the final denial of the previous amendment.
 - 1. A text amendment application that is withdrawn from consideration by the applicant after notices have been sent shall be subject to the same time limitations for re-submittal as described above for the first denial of an application. The time limitations shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Nye County Board of County Commissioners specifically approved the withdrawal without prejudice.
 - 2. A text amendment application that is withdrawn from consideration by the applicant prior to notices being sent may be resubmitted at any time.

D. Public Hearing and Final Action Process. Public Hearing and final action on proposed Text Amendments shall be as follows:

1. Planning Commission Recommendation. The Planning Commission shall be afforded the opportunity to discuss proposed text amendments and provide its written report and recommendations to the Board of County Commissioners. A Public Hearing is not required. Recommendations may be for adoption, adopt with modifications, or do not adopt. In considering its recommendations concerning a proposed text amendment, the Planning Commission shall determine:
 - a. Whether or not the proposed text amendment conforms to the Master Plan.
 - b. Whether or not any land uses, which would be allowed by approving the proposed text amendment, will be compatible with existing land uses and zoning districts.
 - c. Whether or not growth and development factors in the community indicate the need for or appropriateness of the text amendment.
 - d. Whether or not the proposed text amendment would serve to provide clarity or readability, correction of an oversight or other improvement in the application of the Zoning Ordinance.
2. Board of County Commissioners Public Hearing. After receipt of the report and recommendation(s) of the Planning Commission the Board of County Commissioners shall conduct a public hearing in accordance with NRS 278.260.2. The Board of County Commissioners shall cause notice of the time and place of the hearing to be:
 - a. Published in an official newspaper, or a newspaper of general circulation, in the region; and
 - b. Mailed to each tenant of a mobile home park if that park is located within 300' of a specific property in question,
 - c. At least ten (10) days before the hearing.
3. Board of County Commissioners Action. After the public hearing, the Board of County Commissioners shall determine whether or not to adopt, or amend and adopt, the proposed text amendment(s). (Ord. 250, 2002)

17.04.895 ZONING DISTRICT BOUNDARY AMENDMENT (ZONE CHANGE) PROCEDURE

- A. Initiation of Zone Change. Whenever public necessity, safety and general welfare may require, a zone change may be initiated at the direction of Board of County Commissioners or Planning Commission, or upon the recommendation of the Zoning Administrator. A zone change may also be initiated by the following:
1. Property Owner or Agent. A zone change application may be submitted by a property owner or agent of a property owner with written, notarized consent of the property owner.
 2. Governmental Ownership. With respect to property that is owned by the State of Nevada or the United States of America, a zone change application is sufficient if it is signed and acknowledged by a prospective purchaser of that property and who has entered into a contract with the governmental entity to obtain ownership of the property. A copy of that contract must be submitted along with the application.
 3. Non-Property Owner. A zone change application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which the zone change is sought. However, interest in that property must exist in a written agreement with the owner or record. The owner of record must authorize the lessee, contract purchaser or optionee to sign the application. This agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to be bound by the requested zone change.
 4. Multiple Ownership. In the case of multiple ownership of a parcel (not held in a limited liability corporation, partnership or trust), all of the owners of record shall be required to sign the application or acknowledge in writing that the owners of record consent to the filing and processing of the application and agree to be bound by the requested zone change.
 5. Limited Liability Corporation, Partnership or Trust. In cases of a limited liability corporation, partnership or trust, applicants shall attach the page(s) from the recorded agreement showing who is authorized to sign on behalf of the members.
- B. Application Form. An application for a zone change shall be on a form provided by the Nye County Planning Department. The application shall be signed, notarized and acknowledged by the qualifying applicant of each parcel of the property and the application filed with the Planning Department, together with any fee(s) required pursuant to a Resolution of the Board of County Commissioners.
- C. All Parcels of Land Included Within a Single Zone Change Application Must be Contiguous. Any noncontiguous portions shall be considered a separate application and shall require a separate application form and other required documentation and fee(s).
- D. Determination of Completeness. Within ten (10) business days of submission, the Zoning Administrator shall review the zone change application and determine if the application is complete pursuant to subsection 17.04.895.E.
- E. Information Required to be filed with a Zone Change Application. In addition to the requirements of the *Document Submittal Requirements*, the applicant shall also provide the following information:

1. **Letter of Justification:** A letter stating the justification(s) for the approval of the zone change application, including an analysis of the impact on adjacent properties, and any actions proposed to minimize any detrimental impacts of the zone change.
 2. **Legal Description or Map:** A legal description or detailed map indicating the existing zoning designation, and the proposed zoning designation, of the subject property. A zone change may follow the parcel lines identified on the Nye County Assessor's parcel map(s); however, if a proposed zoning district boundary line divides a parcel of land into several zoning districts, the separate zoning districts must be described by legal description, and a detailed map must be provided.
 3. **Map to Scale:** A map of the property drawn to scale correlating with the legal description and clearly showing the subject property's location in relation to adjacent properties lying within three hundred (300) feet of the boundary of subject property, and showing all existing uses of properties within 300 feet. (Ord. 299, 2005)
 4. **Conceptual Site Development Plan:** A Conceptual Site Development Plan prepared in accordance with the requirements of Article IX is required. (Ord. 347, 2007)
 5. **Burden of Proof:** The applicant bears the burden of proof to establish that the approval of the zone change is warranted; therefore, any and all relevant information and documentation related to this proof must accompany the application.
- F. **Previously Denied or Withdrawn Zone Change Applications.** An application for a zone change in which all or any part was the subject of a previously denied application which proposed a change to the same zoning classification, or to a less restrictive classification, or for the same use or a similar density that has been previously denied or withdrawn after notices have been sent, shall not be accepted until the following periods have elapsed from the date of denial or withdrawal:
1. After the first disapproval or withdrawal – one year.
 2. After the second or a subsequent denial or withdrawal – three years.
- The time periods described in subsections "1" and "2" above shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or County Commission specifically approved the withdrawal without prejudice.
- G. **Planning Commission Public Hearing.** The Planning Commission shall hold at least one (1) public hearing in accordance with the requirements of NRS 278.260 when considering any application for a zone change, at which it shall review all proposed changes and amendments and shall hear all evidence offered by the petitioner and by parties of interest. Such hearing shall be held within 45 days of the application filing. A notice of the public hearing shall be:
1. Published in an official newspaper, or a newspaper of general circulation, in the region;
 2. Mailed to each tenant of a mobile home park if that park is located within 300 feet of a specific property in question;
 3. Mailed to the Applicant;

4. Mailed to each owner, as listed on the Assessor's records, of real property located within 300 feet of the portion of the boundary being changed; and
5. Mailed to the Pahrump Town Board,

At least ten (10) days before the hearing.

- H. Planning Commission Action. After public hearing, the Planning Commission may recommend approval, approval with conditions, or denial an application for a zone change. Within fifteen (15) calendar days after the conclusion of the public hearing the Planning Commission shall file a written report with the County Commission that the application be granted as requested, granted subject to specific conditions, or denied. The Commission's recommendation shall be transmitted to the County Clerk and a copy mailed to the applicant. Failure by the Planning Commission to file a report with the Board of County Commissioners shall be deemed as a recommendation for approval by the Planning Commission. (Ord. 299, 2005)
- I. Considerations. In considering whether to approve or deny an application, the Planning Commission may consider a zone change on only a portion of the land described in the application or may amend all or a portion of the application to a more restrictive zoning classification. The Planning Commission shall, in its recommendation to the County Commission, include the reason(s) for the decision, and if the decision is to approve the zone change, any modifications, conditions or limitations that the Planning Commission may impose. In determining whether to approve, conditionally approve or deny an application, the Planning Commission shall consider:
1. Whether or not the proposed zone change conforms to the Master Plan, the Zoning Reference Map and this Chapter.
 2. Whether or not the uses, which would be allowed on the subject property by approving the zone change, will be compatible with the surrounding land uses and zoning districts.
 3. Whether or not growth and development factors in the community indicate the need for or appropriateness of the zone change.
 4. Whether or not street or highway facilities providing access to the property are, or will be, adequate in size to meet the requirements of the proposed zone change.
 5. Whether or not public facilities are adequate to meet the requirements of the proposed zone change.
- J. Change to a More Restrictive Zoning. During the Planning Commission's deliberations, if the applicant proposes to amend the zone change application to a more restrictive zoning classification, the Commission may act on the request.
- K. Significant Changes to Application. If the applicant proposes significant changes to the zone change application during the Planning Commission's deliberations, or if new information is presented that significantly changes the nature and scope of the application, the request shall be referred back to the Zoning Administrator for further evaluation.
- L. County Commission Public Hearing.

1. **Notice Of Hearing:** Subsequent to receipt of the Planning Commission's recommendation on the application, a date shall be set for public hearing of the matter before the County Commission. The public hearing shall be conducted in accordance with publication and notification requirements contained in subsection G of this Section.
 2. **Consideration:** The County Commission shall at such public hearing on the application, consider the Planning Commission's recommendation and hear all evidence offered by the applicant and parties in interest.
 3. **Approve Or Deny Petition:** At the conclusion of the public hearing, or within fifteen (15) calendar days thereafter, the County Commission shall approve or deny the petition. Any approval shall include a description and map of the property approved for zone change and any conditions agreed to by the petitioner. (Ord. 310, 2005)
- M. **Effective Date of Approval.** A zone change shall become effective (15) fifteen days after the date of final approval by the County Commission, unless an appeal is filed within fifteen (15) days after the date of final approval.
- N. **Expiration of Approval.**
1. For a zone change subject to no conditions, the zone change and any associated applications will not expire unless otherwise stated as a specific condition of approval. Development of the property must conform to the plans as submitted with revisions as specified by the Planning Commission or BOCC.
 2. For a zone change subject to "special" conditions of approval and any associated applications, the property owner must comply with all conditions, otherwise the approval will expire in three (3) years after the date of approval at 5:00 PM, and the zoning will revert to the zoning in effect prior to approval of the zone change application (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to that date and time. Development of the property must conform to the plans as submitted with revisions as specified by the Planning Commission or BOCC. (Ord. 299, 2005)
- O. **Extensions of Time.**
1. **Extension of Time—Administrative.** An extension of time of an approved zone change application may be granted by the Zoning Administrator in the following situations:
 - a. If a tentative map has been submitted for the same property, the zone change application may be extended to match the expiration date of the tentative map;
 - b. If a building permit application is submitted prior to the expiration date of the zone change application. The zone change application may be extended to match the time limit for the issuance of the building permit, not to exceed six (6) months; or
 - c. If a building permit has been issued, construction commenced, and the project has been under continuous construction.
 2. **Application.** An application for an administrative extension of time may be made by submittal of a justification letter, including any required fee(s), to the Zoning Administrator.

3. Extension of Time—Public Hearing. For all other circumstances, an extension of time may be requested. A request to extend the application shall be submitted before 5:00 PM of the day the approval is due to expire, or the last working day prior to expiration. The Zoning Administrator shall be responsible to ensure compliance with public hearing noticing requirements.
(Ord. 250, 2002)

- P. One-Year Wait on Denials and Withdrawals, Rehearing. After the denial, or withdrawal after notices have been sent, of a zoning district boundary amendment, no application for a zoning district amendment for the same or similar zoning district on the same property may be accepted for one (1) year immediately following the date of the denial or withdrawal. This section shall not apply to applications denied or withdrawn without prejudice, which may be refiled within one (1) year. The Board reserves unto itself the authority to rehear a denied application where the Board finds by majority vote that extenuating circumstances or additional information for consideration exists. In such cases the request for a decision to rehear a denied application must be placed on a meeting agenda of the Board at the request of a Board member. Should the Board agree to rehear the matter a Public Hearing before the Board shall be scheduled pursuant to this Section. (Ord. 310, 2005)

17.04.900 CLASSIFICATION OF BUILDINGS OR USES

- A. The express enumeration in this Chapter of a particular class of building or use in any district shall be determined a prohibition of such building or use in all other districts unless so specified.
- B. Uses not specifically included in any zoning district and not specifically excluded by this Chapter may be included in that district pursuant to a Zoning Ordinance text amendment.
- C. The Planning Commission may reclassify a use when such reclassification does not violate the intent of this Chapter, and provided said Commission publishes newspaper notification and hold at least one public hearing thereon in accordance with NRS Chapter 278.

17.04.905 GRANDFATHERED USES

- A. Continuance of Use. A lawful use of land or buildings not in conformance with the regulations prescribed in this Chapter existing at the time of the adoption of the original Ordinance may be continued as follows in this Section.
- B. Expansion of Grandfathered Buildings. A grandfathered use of land or building shall not be extended or expanded, nor additional structures be added except by Conditional Use Permit. Minor modifications and maintenance necessary to said continuing condition is permitted.
- C. Abandonment of Grandfathered Use. A lawful use of grandfathered land or buildings, including house trailers, which is operationally abandoned or discontinued for a period of six (6) consecutive months or more, shall not be resumed.
- D. Repair and Construction of Damaged Buildings. Grandfathered buildings which have been damaged or destroyed by natural calamity or fire, may be repaired or reconstructed within (18) eighteen months from the date of damage, with an application for a building permit placed within six months from the date of damage, provided the repaired building is appropriate to, and is not an expansion of, the previous use.
- E. Compliance. Provisions of this Section shall comply with the uses of property or to buildings, which may become nonconforming by reason of amendment or supplement to this Chapter or the Land Use Plan.
- F. Changing to Another Nonconforming/Grandfathered Use. A grandfathered use, building or structure may not be changed to any other nonconforming use.
- G. Change of Ownership. A grandfathered use can continue with a change of ownership of the property.
- H. Sexually Oriented Businesses.
 - 1. Any sexually oriented business lawfully operating on December 21, 2004, that is in violation of the Sexually Oriented Business Conditions and Safeguards of Article V of this Chapter shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed 36 months, unless sooner terminated for any reason or voluntarily discontinued for a period of six (6) months or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two or more sexually oriented businesses are within 1,500 feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is/are nonconforming.
 - 2. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the location, subsequent to the grant or renewal of the sexually oriented business license, of a use listed in Subsection "1" above within 1,500 feet of the sexually oriented business. This provision applies only to the renewal of a valid license, and does not apply when an application for a license is submitted after a license has expired or been revoked.

17.04.910 ZONING REVIEW REQUIRED

- A. A Zoning Review application shall be submitted to the Planning Department prior to the construction of any building or garage, including the placement of a mobile or manufactured home; and any construction that involves modification or expansion of an existing building; or prior to establishing any other land use which may not require a building permit.
1. A Zoning Review Application approval is valid for one hundred eighty (180) days from the date of approval, and expires after 180 days if work is not commenced for the proposed use or plan of development for which the Zoning Review was obtained. The Zoning Administrator may extend a Zoning Review Application not more than one time for an additional 180 days for good cause shown. Upon the issuance of a building permit or approval to construct from other federal, state or county agencies the Zoning Review shall track along the same expiration timeframes and policies as the building permit or other approval. (Ord. 266, 2003) (Ord. 299, 2005)
 2. Any Zoning Review Application submitted prior to the effective date of this Chapter shall expire 180 days after the effective date. (Ord. 266, 2003)

17.04.915 WAIVERS AND SPECIAL EXCEPTION PROCEDURES

- A. Authority to Grant: The Planning Commission shall have the power to grant waivers and exceptions from the strict interpretation of this Chapter under the conditions and criteria as set forth in this Section.
- B. Planning Commission Duties—Limitations of Actions. The Planning Commission shall hear and decide applications for waivers and exceptions from regulations and requirements of this Chapter. All actions of the Planning Commission shall be limited to administrative actions only, and in order to insure the intent and purpose of this Chapter shall apply in special cases as herein defined. The Planning Commission shall have specific authority to grant waivers and exceptions; however, any action that has in effect changed the entire land use district of this Chapter shall be deemed a violation of the Planning Commission's power and this Chapter and be of no force and effect; however, the Planning Commission may recommend to the Board of County Commissioners that an amendment to this Chapter be considered.
- C. Zoning Administrator—Authorities and Duties Related to Waivers and Special Exceptions. The Zoning Administrator (Administrator) shall schedule public hearings before the Planning Commission in accordance with this Section and shall submit to the Planning Commission a written report of its findings and recommendations on each application for a waiver or special exception.
- D. Procedure. Any person requesting a waiver or exception by the Planning Commission shall present a valid application. It shall include:
1. The provisions or regulations of this Chapter from which the property or structure is sought to be waived or accepted.
 2. A legal description of the property involved.
 3. A Conceptual Site Development Plans in conformance with Article IX of this Chapter. (Ord. 347, 2007)
 4. Elevations of all proposed buildings or alterations in sufficient detail to meet the requirements of the Planning Commission.
 5. Evidence of ability and intent of applicant to proceed with actual construction in accordance to submitted plans within six (6) months of filing date.
 6. Filing fees as set by resolution of the Board of County Commissioners.
- E. Evidence. Each such application shall be verified before a notary public by the owner of the land and/or buildings affected or by its acknowledged agent. The applicant shall present adequate evidence showing, and the Planning Commission or BOCC shall find:
1. That there are special circumstances or conditions applying to the property under consideration which makes compliance with the provisions of this Chapter difficult and a cause of hardship to, and abridgement of, a property right of the owner of said property.
 2. That such circumstances or conditions do not apply generally to other properties in the same land use district;

3. That the granting of the waiver or exception is necessary to substantiate justice to the applicant or owner of the property and;
 4. That the granting of the waiver will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to public health, safety, and general welfare or;
 5. That relief would provide an opportunity for improved zoning and planning that would benefit the community
- F. Hearing Notice. Upon the filing of a complete application for a waiver the Zoning Administrator shall set the matter, not later than sixty-five (65) days thereafter, for a public hearing before the Planning Commission. The Zoning Administrator shall give notice setting forth the time, place and purpose of such hearing in accordance with NRS 278.315.
- G. Hearing. The Planning Commission shall hear and consider evidence and facts from the testimony of any person at the public hearing, or shall consider written communications from any person relative to the application. The right to present such evidence shall not be denied because of non-requirement of notification as stipulated in this Section.
- H. Findings. Unless the public hearing is continued to a future date, after closure of the public hearing the Planning Commission must evaluate the evidence presented and determine whether or not to grant the waiver or special exception. In granting a waiver or special exception, the Planning Commission must find that:
1. There are special circumstances or conditions applying to the property under consideration which makes compliance with the provisions of this Chapter difficult and a cause of hardship to, and abridgement of, a property right of the owner of said property; or.
 2. That such circumstances or conditions do not apply generally to other properties in the same land use district.
 3. That the granting of the waiver or exception is necessary to substantiate justice to the applicant or owner of the property and;
 4. That the granting of the waiver or exception will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to public health, safety, and general welfare or;
 5. That relief would provide an opportunity for improved zoning and planning that would benefit the community
- I. Conditions. The Planning Commission, in approving any waiver or exception, may require conditions under which the lot or parcel may be used or the building constructed, which in the Commission's opinion will prevent material damage or prejudice to adjacent properties. Any such conditions as required must be complied with and violation of the same shall result in revocation of the permission granted by the waiver. Further use shall constitute a violation of this Chapter and shall be punishable as herein provided. All waivers shall carry the following conditions:
1. Conformance to plans approved as part of the waiver.
 2. Subject to review in two (2) years, if determined necessary by the Planning Commission.

- J. Report to the Board of County Commissioners. The Zoning Administrator shall submit the Planning Commission's findings and decisions to the Board of County Commissioners in a form approved by the Board of County Commissioners.
- K. Appeal. Any applicant or other person aggrieved by a decision of the Planning Commission may appeal in writing to the Board of County Commissioners in accordance with NCC 16.36.
- L. Previously Denied or Withdrawn Waiver and Special Exception Applications. An application for a Waiver or Special Exception which was the subject of a previously denied application which requested the same waiver or special exception on the same property that has been previously denied or withdrawn after notices have been sent, shall not be accepted until the following periods have elapsed from the date of denial or withdrawal:
 - 1. After the first denial or withdrawal – six (6) months.
 - 2. After the second or a subsequent denial or withdrawal – six (6) months.

The time periods described in subsections "1" and "2" above shall not become effective if, after consideration of the timing and circumstances of the denial or withdrawal, the Planning Commission specifically denied the application or approved the withdrawal without prejudice. (Ord. 276, 2003)

17.04.920 CONDITIONAL USE PERMIT PROCEDURES

A. Intent—Generally.

1. In addition to zoning procedures and requirements relating generally to issuance of Building Permits and Certificates of Occupancy, Conditional Use Permit procedures are hereby established. It is intended that these procedures shall assure special examination, review, and findings by appropriate agents, agencies, or bodies of the County or region in connection with proposed actions particularly specified in this Section and in Article V of this Chapter.
2. Conditional Use Permit procedures and requirements as set out herein are intended to apply in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations, and to assure consideration of the particular circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest generally, and of adjacent or local properties, and the Region as a whole.
3. In establishing Conditional Use Permit procedures, it is intended to increase efficiency and reduce time required for processing applications by relating administrative responsibilities and procedural requirements to the degree of complexity and potential impact of the matters being considered.
4. A Conditional Use Permit is a grant of authority under the terms of this Chapter from and by the Pahrump Regional Planning Commission to an applicant for the use of property in the manner set out in the grant of a Conditional Use Permit. Uses or occupancies requiring Conditional Use Permits, and the type of Conditional Use Permit required in each instance, are set out in the regulations in this Chapter.
5. In addition to the listing of such uses, the Board of County Commissioners intend that both the general standards, and the more specific requirements established in this Chapter, shall be used by the Planning Commission to direct deliberations upon applications for the approval of Conditional Uses. It is the express intent of the Board of County Commissioners to delineate the areas of concern connected with each Conditional Use and to provide standards by which applications for such Use Permits shall be evaluated.

B. Conditional Use Permit. It is intended that Conditional Use Permits shall be required when certain uses are likely to have adverse effects on adjacent and local properties.

C. Conditional Use Permits: Decided by Planning Commission. The Planning Commission shall be solely responsible for decisions on all applications for Conditional Use Permits. The Planning Commission shall handle all applications according to the provisions of this Chapter, and may make referrals to other agencies, bodies, or officers, for review, analysis, or technical findings.

D. Hearing Notice. Upon the filing of a complete application for a Conditional Use Permit, the Zoning Administrator shall:

1. Set a date and time for public hearing on the matter not to exceed sixty-five (65) days after filing of the application. The Zoning Administrator shall review the application at its next scheduled meeting and shall determine what, if any, other materials are required and referrals to make to other agencies, bodies, or officers, for review, analysis, or technical findings.

2. The Zoning Administrator shall give notice setting forth the time, place and purpose of such hearing in accordance with NRS 278.315.
- E. Hearing. The Planning Commission shall hear and consider evidence and facts from the testimony of any person at the public hearing, or shall consider written communications from any person relative to the application. The right to present such evidence shall not be denied because of non-requirement of notification as stipulated in this Section.
- F. Action by the Planning Commission. The Planning Commission shall take one of the following actions on an application for approval of Conditional Use Permits:
1. Approval of the application, as submitted.
 2. Approval of the application, with conditions and safeguards attached; such conditions and safeguards shall be for the protection of the public health, safety, morals and general welfare.
 3. Disapproval of the application.
- G. Appeal. Any applicant or other person aggrieved by a decision of the Planning Commission may appeal in writing to the Board of County Commissioners in accordance with NCC 16.36
- H. Time Requirements to be Specified in Conditions on Conditional Use Permits; Limitations on Extension. In granting any Conditional Use Permit, the Planning Commission may, as a condition, specify a reasonable limitation of time within which action under such Conditional Use Permit shall be begun or completed, or both. Failure to meet such time limitation shall result in cancellation of the Conditional Use Permit unless, upon application to the Planning Commission and on due cause shown, the Planning Commission shall extend the time limitations originally set. Application of such extension shall be filed not less than thirty calendar days prior to the date of expiration.
- I. Renewal Procedures for Conditional Use Permits Which Require Renewal. Prior to the expiration of a Conditional Use Permit, the Permit holder shall, within 60 days of expiration apply for renewal of the Permit. If the applicant fails to apply for the renewal, it shall expire and the use shall be removed or discontinued. To apply for renewal, the applicant shall provide to the Zoning Administrator, on forms and in a manner prescribed by the Planning Department, the following:
1. A renewal application;
 2. A signed statement indicating that conditions of the original approval have not changed;
 3. Renewal fee, if applicable; and
 4. Any additional requirements as outlined in the Specific Standards for Individual Conditional Uses.
- When the applicant has supplied all necessary information the Zoning Administrator shall set a date and time for public hearing and a "Notice of Public Hearing to Consider a Request for a Renewal of a Conditional Use Permit" shall be issued in accordance with this section.
- J. Relation of Conditional Use Permits to Building or Occupancy Permits and Uses Not Requiring Building or Occupancy Permits. Where building or occupancy permits are required by other codes or

ordinances of the County, no such building or occupancy permits shall be issued where this Chapter requires Conditional Use Permits unless and until any and all such Conditional Use Permits required have been obtained. Where uses or occupancies do not require building or occupancy permits, but are otherwise subject to the requirements of this Chapter, no such use or occupancy shall be initiated or maintained unless and until any and all Conditional Use Permits required herein, in relation thereto, have been obtained.

K. Conditional Use Permits to be Issued or Disapproved in Accordance with Procedures, Standards, and Requirements of this Chapter. Conditional Use Permits relating to this Chapter shall be required only where specific provision therefore is made by this Chapter. No application for a Conditional Use Permit shall be accepted or approved unless specific provisions for the particular Conditional Use Permit appears in this Chapter.

1. Conditional Use Permits in relation to zoning shall be issued or disapproved only in accordance with the procedures, standards, and requirements of this Chapter. Where the Planning Commission or BOCC finds that applications for Conditional Use Permits demonstrate that general and special standards and requirements for such Permits are met, the Planning Commission shall issue such Permit, subject to conditions and safeguards, as deemed necessary by the Planning Commission or BOCC or as required in the particular circumstances of the case or as authorized and limited at Section 17.04.700.
2. Where applications for Conditional Use Permits indicate that actions proposed therein, or the manner in which they are proposed to be conducted, do not meet the standards and requirements of this Chapter, and could not practically and reasonably be made to do so by attachment of conditions and safeguards so authorized and limited, such applications and permits shall be denied.

L. General Findings for Making Determinations. The Planning Commission shall review the particular facts and circumstances of each proposal in and shall find adequate evidence showing that the proposed use:

1. Will be harmonious with and in accordance with the general objectives or with any specific objectives of the Master Plan of current adoption, the Zoning Reference Map and this Chapter;
2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
3. Will not be hazardous or disturbing to existing or future neighboring uses;
4. Will be a substantial improvement to property in the immediate vicinity and to the community as a whole;
5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

7. Will not involve uses, activities, processes, materials and equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glares or odors;
 8. Will be consistent with the intent and purposes of this Chapter.
- M. Applications for Conditional Use Permits, Generally. Except when specifically set out otherwise in this Chapter, applications for Conditional Use Permits shall be filed with the Zoning Administrator, who is charged with responsibility for their receipt, fee collection, processing and distribution.
- N. Applications for Conditional Use Permits; When Filed; Who May File. Conditional Use Permit applications may be filed only by the property owner, its formally designated agent with Power of Attorney, or a lessee with formal and sufficient consent of the property owner, and applications may be made only for Conditional Use Permits specifically authorized or required by this Chapter.
- O. Application Forms: Supplementary Materials. Applications for Conditional Use Permits shall be made on forms provided for that purpose, and shall be accompanied by such plans, reports, or other information, exhibits, or documents as may be reasonably required to make the necessary findings in the case.
- P. Application Forms: Materials that are Required. Where applicable to the activity or development for which a Conditional Use Permit is requested and where necessary to a decision on the application for a Conditional Use Permit, all applications shall provide the following:
1. A completed proper application form as provided by the Planning Department.
 2. The name, address, and phone number of the applicant or its agent with power of attorney, and owner's written, notarized approval if property ownership is other than the applicant.
 3. The legal description and physical address of the property of the proposed activity. (Ord 229, 2000)
 4. Materials that are required for liquor sales establishments include a straight-line drawing depicting the distances to property boundary lines within 200 feet for Class I establishments, and 1,500 feet for Class II and III establishments, and the uses of those properties. (Ord 310, 2005)
 5. A Conceptual Site Development Plan prepared in accordance with the requirements of Article IX shall be required for all Conditional Use Permit applications, which shall be submitted with the CUP application. (Ord. 347, 2007)
- Q. Application Forms: Materials that May be Required for all Conditional Use Permits. Where applicable to the activity of development for which a Conditional Use Permit is requested and where necessary to a decision on the application for Conditional Use Permit, any of the following elements may be required:
1. Statement describing in detail the character and intended use of the development or activity.

2. General location map, showing relation of the site or activity for which the Conditional Use Permit is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project or activity and the like.
- R. Application Forms: Completion before Processing. For purposes of establishing time limitations on processing, no application shall be deemed to have been filed unless and until the application shall have been completed, and all plans, reports or other information, exhibits, or documents required by this Chapter shall have been provided, and all fees, due at the time of filing, shall have been paid.
- S. Application Forms: Supplementary Materials. During processing of any application, if it is determined by the Planning Commission that additional information is required to make the necessary findings bearing on its approval, disapproval, or conditions and safeguards to be attached, such information may be requested. Failure to supply such supplementary information may be used as grounds for disapproval of the Permit. Such supplemental information shall be supplied at least 10 working days prior to hearing on the application.
- T. Zoning Administrator Report Required. As appropriate to the nature of the Permit involved and the particular circumstances of the case, the Zoning Administrator shall report to the Planning Commission on the following standards in addition to any other standards and requirements set forth concerning the kind of permit being considered.
1. Ingress and Egress. Due consideration shall be given to adequacy of ingress and egress to the property and structures and uses thereon, with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or other emergency.
 2. Off-Street Parking and Loading. Due consideration shall be given to off-street parking and loading facilities as related to adjacent streets, with particular reference to automotive and pedestrian safety and convenience, internal traffic flow and control, arrangement in relation to access in case of fire or other emergency, and screening and landscaping.
 3. Refuse and Service Areas. Due consideration shall be given to the location, scale, design, and screening of refuse and service areas; to the manner in which refuse is to be stored; to the manner of refuse collection, deliveries, shipments, or other service activities, in relation to the location and nature of uses on adjoining properties; and the location and character of adjoining public ways.
 4. Lighting. Due consideration shall be given to the proposed lighting for the premises, with particular reference to traffic safety, glare, and compatibility and harmony with adjoining and nearby property and the character of the area.
 5. Utilities. Due consideration shall be given to utilities required, with particular reference to availability and capacity of systems, location of connections, and potentially adverse appearance or other adjoining and nearby property and the character of the area.
 6. Drainage. Due consideration shall be given to provision for drainage, with particular reference to the effect on adjoining and nearby properties and on general drainage systems in the area.
 7. Due consideration shall be given to the provision of paved, double-layer chip sealed, or roads treated with a dust palliative.

- U. Control of Potentially Adverse Effects Generally. In addition to consideration of detailed elements indicated above, as appropriate to the particular kind of Permit and the circumstances of the particular case, due consideration shall be given to potentially adverse effects generally on adjoining and nearby properties, the area, the neighborhood, or the County, of the use or occupancy as proposed, or its location, construction, design, character, scale or manner of operation. Where such potentially adverse effects are found, consideration shall be given to special remedial measures appropriate in the particular circumstances of the case, including screening or buffering, landscaping, control of manner or hours of operation, alteration of proposed design or construction of buildings, relocation of proposed open space or alteration of use of such space, or such other measures as are required to assure that such potential adverse effects will be compatible and harmonious with other development in the area to a degree which will avoid substantial depreciation of the value of nearby property.
- V. Conditions and Safeguards. The Planning Commission shall have authority to attach to the grant of any such Conditional Use Permit such conditions and safeguards as may be necessary for the purposes of this Chapter in the particular case. Such conditions and safeguards, if attached to grant of the Conditional Use Permit, shall be based upon and consistent with the general standards, and considerations and standards applicable to the kind of Conditional Use Permit involved as set out in Section 17.04.700, and to other provisions relating to the particular kind of Permit. The requirement for any such conditions or safeguards shall be supported by stated reasons therefore, based upon such consideration and standards, and no such condition or safeguard shall establish special limitations or requirements beyond those reasonably necessary for the accomplishment of the purpose for which attached. Failure to comply with conditions and safeguards, when attached to a grant of a Conditional Use Permit, shall be deemed a violation of this Chapter.
- W. Modifications in Approved Conditional Uses. The Planning Commission must approve any modifications in approved Conditional Uses.
- X. Withdrawal of Application for Permit; Effect of Withdrawal. An application for a Conditional Use Permit may be withdrawn by the applicant at any time prior to decision without limitation on resubmittal. Any required processing fee is non-refundable.
- Y. Actions Following Decisions on Conditional Use Permits. Following decisions on Conditional Use Permits, the following actions shall be taken:
1. Notification of Applicant in Cases of Approval. Where Conditional Use Permits are approved, with or without conditions and safeguards, a copy shall be transmitted by the Planning Commission to the applicant within five working days of the decision.
 2. Notification of Applicant in Cases of Disapproval. Where applications for Conditional Use Permits are disapproved, applicants shall be so informed by the Planning Commission in writing, within five working days of the decision, with a summary of the reasons therefore and notice that complete records on the case are available in a location specified, and are public records.
 3. Notification of Affected County Agencies in Cases of Approval. Where Conditional Use Permits are approved, with or without conditions and safeguards, affected agencies or officials shall be informed by the Planning Commission within five working days of the decision by copy of the Permit, including any conditions and safeguards attached thereto. As appropriate to the circumstances of the case, upon such notification, such agencies or officials shall proceed to decide matters concerning any building permit, occupancy permit, or other action dependent upon issuance of the Conditional Use Permit, without further action by the applicant therefore, and shall perform their duties with regard to administration, inspection, or enforcement in the case.

4. Notification of Affected County Agencies in Cases of Disapproval. Where Conditional Use Permits are disapproved, affected agencies or officials shall be informed by the Planning Commission within five working days by copy of notification provided to the applicant.
- Z. Permits to Apply to Property, Not Person. When granted, a Conditional Use Permit, together with any conditions or safeguards attached thereto, shall apply to the land, structure, or use for which it was issued, and shall not apply to a particular person. The use shall be allowed to continue should the property transfer into different ownership.
- AA. Previously Disapproved or Withdrawn Conditional Use Permit Applications. An application for a Conditional Use Permit which was the subject of a previously disapproved application which proposed the same use on the same property that has been previously disapproved or withdrawn after notices have been sent, shall not be accepted until the following periods have elapsed from the date of disapproval or withdrawal:
 1. After the first disapproval or withdrawal – six (6) months.
 2. After the second or a subsequent disapproval or withdrawal – Eighteen (18) months.

The time periods described in subsections “1” and “2” above shall not become effective if, after consideration of the timing and circumstances of the disapproval or withdrawal, the Planning Commission specifically disapproved the application or approved the withdrawal without prejudice. (Ord. 276, 2003)

17.04.925 TEMPORARY USE PERMITS

- A. Purpose. The purpose of this Chapter is create a process for Temporary Use Permits for the temporary placement of a mobile home or commercial coach or a recreational vehicle when used as a residence for uses defined in this section.
3. The placement of a temporary mobile home or commercial coach or recreational vehicle for temporary residential purposes may be allowed as follows with a Temporary Use Permit:
- a. On a lot or parcel in the General Commercial or Industrial land use districts when used as a watchman's quarters; evidence of an active commercial or industrial operation will be required. The temporary use permit must be renewed annually by providing the planning department with an annual renewal fee and evidence that the commercial or industrial operation is active. The absence of an active business license for the commercial or industrial operation will automatically terminate the temporary use permit.
 - b. On a lot or parcel in the Rural Homestead land use districts when used as a temporary residence in conjunction with a bona fide functioning farming or ranching operation; evidence of an active farming or ranching operation and demonstration of need will be required. The temporary use permit must be renewed every two (2) years by providing the planning department with a renewal fee and demonstration of continued need.
 - c. On a lot or parcel in the Rural Homestead, Rural Estates, Suburban Estates, and Village Residential land use districts when parked on the same parcel of land and utilized as a temporary residence during the construction or placement of an on site permanent dwelling. A building permit as required by the county ordinances and state law must be issued prior to issuance of a temporary use permit. The temporary use permit shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of occupancy. If the building has not been completed within one year, the temporary use permit must be renewed by providing the planning department with a renewal fee and an estimated time for building completion.
 - d. On a lot or parcel in any land use district, which has a residence thereon, and the mobile home is to be used to alleviate hardship, as follows:
 - i. A residence for an aged, invalid, or physically or mentally disabled person who requires care;
 - ii. A residence used by an attendant caring for an aged, invalid or physically or mentally disabled person;
 - iii. Evidence demonstrating need, including, but not limited to, letters from a medical practitioner, and may be required.
 - iv. All permittees under this subsection must renew their temporary use permit annually by presenting information including, but not limited to, letters from a medical practitioner, showing the original need for said permit still exists. The Zoning Administrator shall review requests for renewal prior to the anniversary date of issuance. Requests for renewal must be filed with the planning department at least ten (10) days prior to an expiration date and must be accompanied by information

showing the original need still exists. Notices shall not be required unless the planning commission, upon review of the renewal request, determines that a rehearing is necessary. An annual renewal fee set by the Board of County Commissioners and amended from time to time, shall be payable if the planning commission grants the renewal. The Zoning Administrator may revoke the temporary use permit if any of the conditions represented in the application or attached to the issuance of the permit have been changed. If not renewed in this manner, the temporary use permit terminates.

- v. Following the termination of a temporary use permit the mobile home must be removed from the property within thirty (30) days of receipt of a notice of termination. In cases where a travel trailer or recreational vehicle has been utilized for the purposes of the temporary use permit, said vehicle may remain on the subject property, where allowed, but must be disconnected from any and all utilities and cease to be used for the purposes outlined in the temporary use permit.
 - e. Exception. A recreational vehicle within all residential districts is permitted as a temporary, seasonal use for up to (6) six continuous months without a Temporary Use Permit.
4. An application for a temporary use permit shall be filed in the planning department and reviewed, issued or denied by the Zoning Administrator.

17.04.930 MASTER PLAN AMENDMENT PROCEDURES

- A. Scope. The following Master Plan Amendment Procedures shall apply to all properties within the Pahrump Regional Planning District.
- B. Purpose. The Pahrump Regional Planning District Master Plan Update dated November 19th, 2003 (hereinafter referred to as "Master Plan") serves as a pattern and guide for the orderly physical growth and development of the Pahrump Regional Planning District (PRPD). The purpose of the Master Plan Amendment Procedures is to ensure that the Master Plan remains timely, dynamic, and responsive to community values. The Master Plan is a tool used to guide the Pahrump Regional Planning Commission and Board of County Commissioners during proceedings regarding land use applications.
- C. Zone District Boundary Amendment (Zone Change) applications that do not conform to the Master Plan shall not be accepted for review and processing unless in compliance with the provisions identified herein.
- D. These Master Plan Amendment Procedures are consistent with and further the goals, policies and objectives of the Master Plan. It is the intent of the Board of County Commissioners that regulatory decisions pursuant to Nye County Code Chapter 17.04 are consistent with the Master Plan. All zone change requests must conform to the adopted Land Use Plan of the Master Plan. A property owner who seeks to develop at densities, intensities or with uses that are not permitted under the current Plan designation on the property may initiate a Master Plan Amendment.
- E. Conformance with the Master Plan does not guarantee approval of a Zoning District Boundary Amendment (Zone Change) application and shall not be construed to obligate the Commission or Board to approve the maximum density or intensity of the uses permitted within an approved land use category. Land use applications are subject to the discretion of the Commission or Board within the general guidelines for determining such applications. The final determination of the merits of any land use application will be made during the public hearing process.
- F. The following procedures are not the Zone Change procedures, and a separate Zone Change application must be approved in accordance with Section 17.04.895 prior to implementing any approved Master Plan amendment.
- G. The Board of County Commissioners hereby reserves unto itself the right, by majority vote, to direct amendments to the Master Plan without compliance with the Application Submittal Requirements for the purposes of correcting Scrivener's errors, address oversights, inconsistencies, or other land use related inequities in the Master Plan. All Review and Hearing procedures must be followed.
- H. Initiation of Amendments. The Board of County Commissioners or the Planning Commission may initiate a Master Plan amendment. An owner of real property or the property owner's authorized agent may initiate an amendment through an application filed with the Planning Department. Citizen advisory boards established by the Board of County Commissioners may petition the Planning Commission to initiate an amendment.
- I. Submittal Requirements and Procedures.

1. **Determination of "Major" or Minor" Master Plan Amendment Applications.** Submittal requirements and procedures are dependent upon whether an application constitutes a "Major" or Minor" amendment.
 - a. **Major Amendment.** The following criteria shall be used to determine if an application qualifies as a Major amendment:
 - i. Any change from a nonresidential land use to a residential land use on twenty (20) or more gross acres;
 - ii. Any change from one category of residential to another category of residential where increased densities or intensities are proposed on fifty (50) or more gross acres; or
 - iii. Any change from a residential land use category to a nonresidential land use category on ten (10) or more gross acres.
 - b. **Minor Amendment.** The following criteria shall be used to determine if an application qualifies as a Minor amendment:
 - i. Any change not qualifying as a Major amendment shall be determined to be a Minor amendment: or
 - ii. Any change from one category of residential to another category of residential that would reduce densities or intensities.
 - c. **Major Amendment Submittal.** A Major amendment application may be submitted at any time; however, the Board of County Commissioners shall consider amendments to the Master Plan no more than four times per year. In order for an application to be included within one of the amendment cycles, the application must be submitted to the Nye County Planning Department on or before the last working day of December, March, June or September (no later than 4:00 p.m.). Applications accepted by the December deadline shall be presented to the Pahrump Regional Planning Commission (PRPC) the following March, applications accepted by the March deadline shall be presented to the PRPC in June, applications by the June deadline shall be presented to the PRPC in September, and applications accepted by the September deadline shall be presented to the PRPC in December. All applications shall be forwarded by the PRPC to the Board of County Commissioners for public hearing within sixty (60) days from the date of the PRPC meeting.
 - d. **Minor Amendment Submittal.** A minor amendment application may be submitted at any time and will be scheduled for public hearing based on the application submittal date.
2. Applicants must contact County staff for a submittal appointment. Staff shall return any incomplete application to the applicant, who is responsible for rescheduling another submittal appointment. No application shall be deemed complete until all information is received, and only complete applications shall be accepted.
3. **Application Submittal Requirements.** An application for a Master Plan Amendment shall consist of the following materials and information:

- a. Application completed in ink or typed on an Application Form provided by the Planning Department.
- b. Application Fee. A separate fee shall be collected for each Land Use Map amendment application and Text amendment. The application fee for a Master Plan Amendment is set by Resolution of the Board. This fee is nonrefundable unless the application is withdrawn by the applicant or property owner prior to advertising the matter for public hearing before the Regional Planning Commission.
- c. Owner Affidavit. The application must be signed and notarized by all owners of the property subject to the application request.
- d. All Major Master Plan Amendments shall require the following described Impact Reports. Impact Reports and maps provided with the application must be prepared by a qualified engineer or architect, drawn using standard engineering scales (e.g., scale 1"=100', 1"=200', 1"= 500', etc.) clearly depicting the area subject to the request in relationship to the exterior property lines. All dimensions shall be clearly labeled, and appropriate symbols and line types shall be included in the map legend to depict the map intent. This map must include a vicinity map showing the surrounding properties within 300 feet of the subject property, indicating ownership, land use and current Master Plan designation.
 - i. Traffic Impact Report. The application must include an analysis of how the proposed change would impact the adjacent streets and nearby major intersections within 3 miles of the subject property. For the purposes of this Subsection "major intersection" is defined as any intersection on section line or quarter section line right-of-ways.
 - ii. School Impact Report. The application must include the estimated number of students in each grade level to be generated based on the projected land uses. The location of schools within the project area, current student capacities of those schools, and the current bus routes and bus stops in the area must also be included.
 - iii. Park Impact Report. The application must include an analysis of existing parks within 3 miles of the project site including park(s) size and recreational facilities within the park(s).
 - iv. Fire and Sheriff Facilities Report. The application must include the location of Fire and Sheriff facilities including current staffing levels as well as an analysis of the equipment and other apparatus available at those facilities. Projected response time(s) for emergency services to the project site must also be included.

J. Review and Hearing Procedures.

1. Agency Review. An agency review memorandum shall be circulated to the Nye County Sheriff and Public Works Director, Pahrump Town Board and Manager, Pahrump Fire Chief, Nye County School District, appropriate citizen advisory boards, and other local, County, State and other interested agencies; and the memorandum shall be mailed to the applicant. The memorandum shall include brief descriptions of the proposed amendment(s) with maps identifying the properties involved. Each agency shall review the application(s) and forward its comments to the Planning Department within 15 days of mailing.

2. Staff Evaluation and Report. Planning staff shall evaluate the application(s) and agency comments; and shall recommend approval, modified approval, or denial. A Staff Report shall be prepared including Staff Findings on the following considerations.
 - a. Does the proposed Master Plan amendment:
 - i. Promote the adopted policies related to housing, safety, streets & highways, and adequate public facilities; and not adversely affect the policies and action programs of the Master Plan.
 - ii. Address oversights, inconsistencies, scrivener's errors or land use related inequities in the plan without adversely impacting the public health, safety or welfare.
 - iii. Address significant changes that have occurred in a particular area since the adoption of the Master Plan, and represent a more desirable utilization of land.
 - iv. Provide for land uses compatible with existing and planned adjacent land uses and promote the desired pattern of orderly physical growth of the Planning District based on projected population growth with the least amount of impairment to the natural resources, and provide for the efficient expenditure of funds for public services.
 - v. Constitute an overall improvement to the Master Plan not solely for the good or benefit of a particular landowner or owners at a particular point in time.
 - vi. Adversely impact all or a portion of the planning area by:
 - (a) Altering acceptable land use patterns to the detriment of the Master Plan; or
 - (b) Requiring public expenditures for larger and more expensive infrastructure, such as street improvements, sewer, or water systems than are needed to support the proposed land uses.
 - vii. Adversely impact planned uses because of increased traffic.
 - viii. Affect the livability of the area or the health or safety of present and future residents.
 - ix. Adversely impact the natural environment or scenic quality of the area in contradiction to the Master Plan.
 - b. Will the proposed amendment be consistent with the specific goals and policies contained within the Master Plan.
 - c. Would the proposed amendment be better addressed through an amendment of the Zoning Ordinance.
 - d. Would the proposed amendment cause potential conflicts with any other policies or action programs of the Master Plan.

- e. Would the proposed amendment require amendment of the Zoning Ordinance or any other planning, zoning or building related ordinance. If so, approval shall be conditioned upon the applicant's
 - i. Submittal of an application for a Master Plan or ordinance Text Amendment;
 - ii. Providing how the new language of the Master Plan or ordinance should read; and
 - iii. Noting other places in the Master Plan or ordinance that may require amendment or different cross-referencing as a result of the amendment.
3. Planning Commission Hearing and Action.
- a. The Planning Commission shall conduct at least one (1) public hearing in accordance with NRS 278.210 for the purpose of receiving evidence related to the application; providing the applicant and all other interested parties an opportunity to speak; and to review the evidence and staff report to determine if the proposed amendment is consistent with the goals, objectives and policies of the Master Plan, and the considerations required pursuant to subsection 2, above.
 - b. Notice of the public hearing shall be provided, outlining the request and providing the date, time and location of the Planning Commission hearing, by
 - i. Publication in at least one newspaper of general circulation within the Planning District pursuant to NRS; and
 - ii. The Planning Department providing Notice of the public hearing (by U.S. mail) to owners of property within the same distance of the subject site as required for a zoning district boundary amendment (zone change).
 - c. The Planning Commission shall approve, modify and approve, or deny an amendment via adoption of a Resolution in accordance with NRS 278.210.2, carried by the affirmative vote of not less than two-thirds of the total membership of the Commission. The Resolution shall contain the Commission's findings on the matter; and shall refer to the maps, descriptive matter and other matter intended by the Commission to constitute the amendment. The action taken shall be recorded on the map, plan and/or other descriptive matter by the identifying signatures of the Secretary and Chairperson of the Commission.
 - d. The Planning Commission shall not approve increased densities or an increase of the land use intensities proposed in the original application.
 - e. An attested copy of any approved amendment to the Master Plan adopted by the Planning Commission must be certified to the Board of County Commissioners.
 - f. All applications, regardless of action taken by the Planning Commission, shall be forwarded to the Board, unless specifically withdrawn by the applicant.
4. County Commission Hearing and Action.

- a. Before adopting any Master Plan amendment, the Board shall hold at least one public hearing in accordance with NRS 278.220, with notice of the hearing provided by publication in at least one newspaper of general circulation within the County pursuant to NRS.
 - b. When considering adoption of a Master Plan amendment adopted by the Planning Commission the Board shall make part of the record its affirmation, modification or rejection of the findings provided in the Planning Commission's Resolution, as well as any other findings that the Board deems to be relevant.
 - c. The Board may affirm a Master Plan amendment denied by the Planning Commission with a simple majority vote of the total membership of the Board.
 - d. The Board may reverse a Master Plan amendment denied by the Planning Commission with a simple majority vote of the total membership of the Board. (Ord. 310, 2005)
 - e. The Board may consider adoption of a Master Plan amendment that was approved, or modified and approved, by the Planning Commission with a simple majority vote of the total membership of the Board.
 - f. If the Board proposes to make changes or additions to a Master Plan amendment approved by the Planning Commission the proposed change(s) or addition(s) shall be remanded to the Planning Commission for a report thereon, and an attested copy of the report has been filed with the Board. Failure of the Planning Commission so to report within 40 days, or such longer period as may be designated by the Board, after such reference shall be deemed to be approval of the proposed change or addition.
5. **Effective Date.** An amendment to the Master Plan shall become effective immediately upon determination by the Board of County Commissioners that the amendment is in conformance with the Master Plan.
 6. **One-Year Wait on Denials.** After the denial of a Master Plan amendment, no application for a Master Plan amendment for the same or similar amendment on the same property may be accepted for one (1) year immediately following the date of the denial. This section shall not apply to applications denied without prejudice, which may be refiled within one (1) year.
 7. **Proposed Modifications to Previously Approved Amendments to the Master Plan.** Proposed modifications of an approved amendment to the Master Plan shall require a new application following the same procedure required for the initial application. (Ord. 294, 2004)

ARTICLE IX: SITE DEVELOPMENT PLAN REVIEW AND APPROVAL PROCEDURES

17.04.950 COMMERCIAL/INDUSTRIAL SITE DEVELOPMENT PLAN PROCEDURES

A. Intent—Generally.

1. In addition to zoning procedures and requirements relating generally to issuance of Building Permits, Certificates of Occupancy, and other construction permits, Site Development Plan Review procedures are hereby established. It is intended that these procedures shall assure special examination, review, and findings by appropriate agents, agencies, or bodies of the County or region in connection with proposed actions particularly specified in this Chapter.
2. Site Development Plan Review procedures and requirements are intended to apply in relation to use, occupancy, location, construction, design, character, scale, manner of operation, or the necessity for making complex or unusual determinations, and to assure consideration of the particular circumstances of each case and the establishment of such conditions and safeguards as are reasonably necessary for protection of the public interest generally, and of adjacent or local properties, and the Region as a whole.
3. In establishing Site Development Plan Review procedures, it is intended to increase efficiency and reduce time required for processing Building and other Construction Permit applications by relating administrative responsibilities and procedural requirements to the degree of complexity and potential impact of the matters being considered.

B. Site Plan Review. It is intended that Site Development Plan Review shall be required prior to the issuance of Building or other Construction Permits for all properties located in the NC Neighborhood Commercial, GC General Commercial, MU Mixed Use, MF Multifamily, LI Light Industrial, HI Heavy Industrial, BR Brothel, and AP Airport Zones.

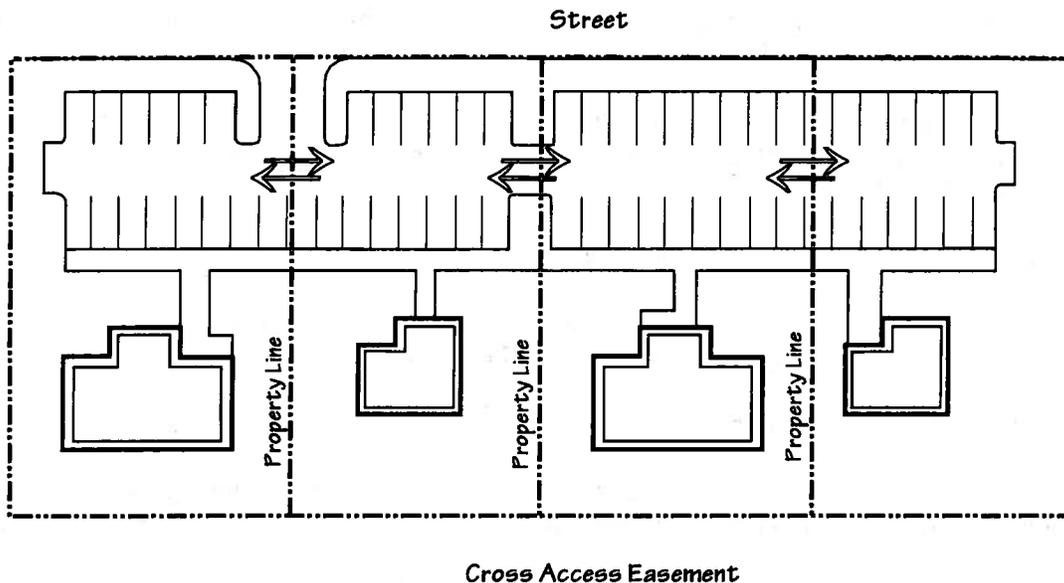
1. Planned Unit Developments follow the submittal requirements in Article IV. When a PUD is approved by the County Commission, the signed and stamped approved plan must be submitted to the Planning Department for final approval before proceeding to Building Permit. No new Site Development Plan is required unless changes have been made to the plan approved by the County Commission.

C. Submittal Requirements. A Site Development Plan is required for all commercial/industrial development. A Site Development Plan must include the following: (Ord. 299, 2005)

1. Statement describing in detail the character and intended use of the development or activity.
2. General location map, showing relation of the site or activity for which the Site Plan Approval is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project or activity and the like.
3. The Site Development Plan shall contain the title of the project and the names of the project planner(s) and developer(s), date, north arrow and, shall be based on an exact plan of the property drawn to scale of sufficient size to show:

- a. Boundaries of the project, any existing streets, buildings, water courses, easements, and section lines;
 - b. Exact location of all proposed buildings and structures;
 - c. Adjacent driveways
 - d. Access and traffic flow;
 - e. Off-street parking and off-street loading areas;
 - f. Recreation facilities locations;
 - g. All screens and buffers;
 - h. Refuse collection areas;
 - i. Access to utilities and points of utility hookups
 - j. The location and description of all uses within 300 feet of the project boundaries; and
 - k. Any other information required pursuant to the Article VI, Development Standards for the uses proposed
4. Tabulations of total gross acreage in the project and the percentages thereof proposed to be devoted to:
- a. The various permitted uses; and
 - b. Ground coverage by structures
5. Tabulations showing:
- a. The derivation of numbers of off-street parking and off-street loading spaces shown in (4) above; and
 - b. Total project density in dwelling units per acre
6. If common facilities (such as recreation areas or structures, private streets, common open space, etc.) are to be provided for the development, statements as to how such common facilities are to be provided and permanently maintained. Such statements may take the form of proposed deed restrictions, deeds of trust, home owners associations, surety arrangements, or other legal instruments providing adequate guarantees to the County that such common facilities will not become a future liability for the County.
7. Storm drainage and sanitary sewage disposal plans.
8. Architectural description of buildings in the development; exact number of dwelling units, sizes, and types, together with typical floor plans of each type.

9. Landscaping plan, including types, sizes, and locations of vegetation and decorative shrubbery, and showing provisions for irrigation and future maintenance.
10. A statement assuring adequate public facilities are provided
11. Geotechnical studies (if applicable)
12. Cross access easements for properties fronting on State Highway 160 and Highway 372. Cross access easements shall be no less than thirty (30') feet in width.



13. Such additional data, maps, plans, or statements as may be required for the particular use or activity involved.
 14. Such additional data as the applicant may believe pertinent to the proper consideration of the site and development plan.
 15. A Traffic Impact Analysis (TIA) shall be submitted with the application for all uses generating one hundred (100) or more Average Daily Trips (ADT). The Analysis shall conform to the requirements of the document entitled *Document Submittal Requirements for Planning Applications within the Pahrump Regional Planning District*. Applicant shall be required to construct or pay a pro-rata share of any required public streets or traffic lanes, traffic signalization, or other related improvements. (Ord. 299, 2005)
- D. **Review Procedure.** The Site Development Plan shall be reviewed by the Planning Department and the Public Works Department. The review of a Site Development Plan shall not exceed 21 working days. Each Site Development Plan shall be considered for approval based on the following:
1. Conformance with the Master Plan, Zoning Reference Map, Nye County Consolidated Code, and this Chapter.
 2. Completeness of submittal

3. Conformance with the Standard Details and Specifications for Public Improvements within the Pahrump Regional Planning District.
- E. Application Forms: Materials that may be required for all Site Development Plan review and approval. An application for must be filed for all Site Development Plan Review and Approval Requests. Site Development Plan Review elements may be required:
1. Statement describing in detail the character and intended use of the development or activity.
 2. General location map, showing relation of the site or activity for which the Site Development Plan Approval is sought to major streets, schools, existing utilities, shopping areas, important physical features in and adjoining the project or activity and the like.
- F. Action by the Planning Department. The Planning Department, in conjunction with the Public Works Department, shall take one of the following actions on an application for approval of Site Development Plan Review:
1. Approval of the application, as submitted.
 2. Approval of the application, with conditions and safeguards attached; such conditions and safeguards shall be for the protection of the public health, safety, morals and general welfare.
 3. Disapproval of the application.
- G. Appeal. Any applicant or other person aggrieved by a decision of the Planning Department may appeal in writing to the Pahrump Regional Planning Commission within ten (10) days of the decision.
- H. Relation of Site Development Plan Review and Approval to Building or Occupancy Permits and Uses Not Requiring Building or Occupancy Permits. Where building or occupancy permits are required by other codes or ordinances of the County, no such building or occupancy permits shall be issued where this Chapter requires Site Development Plan Review and Approval unless and until any and all such approvals have been obtained. Where uses or occupancies do not require building or occupancy permits, but are otherwise subject to the requirements of this Chapter, no such use or occupancy shall be initiated or maintained unless and until any and all Site Plan Development Review required herein, in relation thereto, have been obtained.
- I. Application Forms: Completion before Processing. For purposes of establishing time limitations on processing, no application shall be deemed to have been filed unless and until the application shall have been completed, and all plans, reports or other information, exhibits, or documents required by this Chapter shall have been provided, and all fees, due at the time of filing, shall have been paid.
- J. Modifications in Approved Site Development Plan. The Planning Department must approve any modifications in approved Site Development Plan.
- K. Withdrawal of Application for Review; Effect of Withdrawal. An application for a Site Development Plan Review may be withdrawn by the applicant at any time prior to decision without limitation on resubmittal. Any required processing fee is non-refundable.
- L. Actions Following Decisions on Site Development Plan Review. Following decisions on Site Development Plan Review, the following actions shall be taken:

1. Notification of Applicant in Cases of Approval. Where Site Development Plans are approved, with or without conditions and safeguards, a copy shall be transmitted by the Planning Department to the applicant within five working days of the decision.
 2. Notification of Applicant in Cases of Disapproval. Where applications for Site Development Plans are disapproved, applicants shall be so informed by the Planning Department in writing, within five working days of the decision, with a summary of the reasons therefore and notice that complete records on the case are available in a location specified, and are public records.
 3. Notification of Affected County Agencies in Cases of Approval. Where Site Development Plans are approved, with or without conditions and safeguards, affected agencies or officials shall be informed by the Planning Department within five working days of the decision by copy of the Permit, including any conditions and safeguards attached thereto. As appropriate to the circumstances of the case, upon such notification, such agencies or officials shall proceed to decide matters concerning any building permit, occupancy permit, or other action dependent upon issuance of the Site Development Plan Approval, without further action by the applicant therefore, and shall perform their duties with regard to administration, inspection, or enforcement in the case.
 4. Notification of Affected County Agencies in Cases of Disapproval. Where Site Development Plans are disapproved, affected agencies or officials shall be informed by the Planning Department within five working days by copy of notification provided to the applicant.
- M. Permits to Apply to Property, Not Person. When granted, an approved Site Development Plan, together with any conditions or safeguards attached thereto, shall apply to the land, structure, or use for which it was issued, and shall not apply to a particular person. The use shall be allowed to continue should the property transfer into different ownership.
- N. Previously Disapproved or Withdrawn Site Development Plan Review Applications. An application for a Site Development Plan review which was the subject of a previously disapproved application which proposed the same use on the same property that has been previously disapproved or withdrawn after notices have been sent, shall not be accepted until the following periods have elapsed from the date of disapproval or withdrawal:
1. After the first disapproval or withdrawal – six (6) months.
 2. After the second or a subsequent disapproval or withdrawal – Eighteen (18) months.
 3. The time periods described in subsections “1” and “2” above shall not become effective if, after consideration of the timing and circumstances of the disapproval or withdrawal, the Planning Department specifically disapproved the application or approved the withdrawal without prejudice. (Ord. 285, 2004)

17.04.960 RESIDENTIAL SITE DEVELOPMENT PLAN PROCEDURES

(INSERT RESIDENTIAL PLAN PROCEDURES HERE)

17.04.970 CONCEPTUAL SITE DEVELOPMENT PLAN REQUIREMENTS

A. Intent – Generally.

1. Conceptual Site Development Plans are intended to provide basic information related to proposed development projects, such as land use, location of buildings, parking, landscaping, character, scale, and manner of operation, in order to allow adequate consideration and review of the particular circumstances of each case by elected and appointed officials, government agencies, and the public.

B. Submittals. A Conceptual Site Development Plan must include the following information:

1. A conceptual site plan professionally drawn to scale that shows the following information:
 - a. A north arrow;
 - b. Property dimensions;
 - c. All existing and proposed buildings, structures and their generic uses (i.e., office, retail, etc.)
 - d. Proposed building setbacks;
 - e. Proposed drainage paths;
 - f. Proposed driveway locations and traffic flow;
 - g. Conceptual parking configuration;
 - h. Proposed open space;
 - i. Proposed landscaping;
 - j. Proposed street names;
 - k. Names of adjoining streets

