

# TITLE 3

## ZONING REGULATIONS

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### CHAPTER 1

#### RESERVED

### CHAPTER 2

#### GENERAL ZONING ORDINANCE

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#### 3-2-1: TITLE:

This chapter shall be known and cited as the *ELKO ZONING ORDINANCE*. (Ord. 256, 4-11-1978)

#### 3-2-2: DEFINITIONS:

The following terms, whenever used in this chapter, shall have the meanings indicated. Words used in the present tense include the future tense; words in the singular include the plural, and vice versa. The word "shall" is always mandatory, and the word "may" is permissive. The word "persons" includes an association, firm, partnership or corporation, as well as an individual. The word "occupied" and the word "used" shall be considered as meaning the same as the words "intended", "arranged" or "designed to be used or occupied". The word "dwelling" includes the word "residence"; the word "lot" includes the words "plot" or "parcel".

ABUTTING:	The condition of two (2) adjoining properties having a common property line or boundary, including cases where two (2) or more lots adjoin only at a corner or corners, but not including cases where adjoining lots are separated by a street or alley.
ADJOINING, ADJACENT:	The condition of being near to or close to, but not necessarily having a common dividing line; e.g., two (2) properties which are separated only by a street or alley shall be considered as adjoining one another.
ADULT BOOKSTORE:	For the purposes of this chapter, means an establishment which merchandises printed material or movies which are intended to appeal to the prurient interests of the reader.
ADULT CARE FACILITY:	An establishment that furnishes food, shelter, assistance and limited supervision only during the day to unrelated person(s) with an intellectual disability or with a physical disability who is aged or infirm.
ADULT MOTION PICTURE THEATER:	A motion picture theater whose program, during the time of its operation, contains one or more motion pictures which are rated "X" by the Code Rating Administration of the Motion Picture Association of America or are not rated, and whose program is intended to appeal to the prurient interests of the viewer.
AGRICULTURE:	The practice of cultivating the soil, producing crops and raising livestock.
ALLEY:	A. A street or highway within a City block set apart for public use, vehicular traffic and local convenience; B. A street or highway which primarily furnishes access to the rear entrances of abutting property.
AWNING:	An architectural projection that provides weather protection, identity or decoration and is partially or wholly supported by the building to which it is attached. An awning is comprised of a lightweight frame structure over which a covering is attached.
BUILDING:	Any structure, regardless of whether it is affixed to real property that is used or intended for supporting or sheltering any human use or occupancy.
BUILDING, ACCESSORY:	A detached subordinate building on the same lot with a principal building or use, the use of which is customarily accessory and incidental to the main use of the principal building or use.
BUILDING, ACCESSORY, NON-PERMANENT:	A detached building that is not attached to or set upon a permanent foundation, such as a greenhouse, garden shed, storage shed, or other building designed to store garden tools, bicycles, holiday decorations, or similar items and that is usually purchased at a retail establishment.
BUILDING, ACCESSORY, PERMANENT:	A detached building attached to or set upon a permanent foundation and/or connected to utilities, such as a greenhouse, pole barn, garage, or other building designed to store household items and/or vehicles and that is usually built on-site.
BUILDING HEIGHT:	The vertical distance measured from grade to the highest point of the building.
BUILDING INSPECTOR:	Qualified employee of the City of Elko Building Department delegated to do building inspections and enforce applicable portions of this Code.
BUILDING, PRINCIPAL:	A building, or where the context so indicates, a group of buildings, within which is conducted the principal use of the lot on which the building is situated.

CAMPING:	The use of real property owned or occupied by another person for living accommodation purposes outside of a structure that is affixed to the ground, to include uses such as, without limitation, the following when done in connection with outdoor living: a) overnight sleeping activities or making preparations to sleep overnight outside of a motor vehicle, recreational vehicle or trailer, such as the laying down of bedding on the ground for the purpose of sleeping overnight; b) storing personal belongings outside of a structure in connection with overnight sleeping activities; c) cooking outdoors or making a fire for the purpose of cooking food outdoors as approved by the City; or d) using any tent, shelter or other mobile structure for sleeping overnight. "Camping" does not include using a motor vehicle, recreational vehicle or trailer as long-term shelter, for living accommodation purposes or for the purpose of storage of belongings.
CARPORT:	An accessory building, attached or detached, having two (2) or more open sides, used by occupants of the principal building for automobile shelter or storage.
CHILDCARE CENTER:	A childcare facility providing care for more than twelve (12) children.
CHILDCARE FACILITY:	An establishment operated and maintained for the purpose of furnishing care on a temporary or permanent basis during the day or overnight, to five (5) or more children under eighteen (18) years of age, if compensation is received for the care of any of those children and provided that such establishment is licensed by the State and operated in accordance with State requirements.
CHILDCARE FAMILY HOME:	A childcare facility providing care for not less than five (5) children and not more than six (6) children.
CHILDCARE GROUP HOME:	A childcare facility providing care for not less than seven (7) children and not more than twelve (12) children.
CLINIC:	A building, or part thereof, in which ambulatory patients are provided diagnostic, therapeutic or preventative medical, surgical, dental or optical treatment by a group of doctors acting jointly, but not providing for overnight residence of patients.
COMMON OPEN SPACE:	A parcel or parcels of land, or an area of water, or a combination of land and water, within the site designated for planned unit residential development which is designed and intended for the use or enjoyment of the residents of the development. Common open space may contain such complementary structures and improvements as are necessary and appropriate for the benefit and enjoyment of such residents.
CONDITIONAL USE:	A use permitted in zoning district regulations subject to a finding by the Planning Commission that all special conditions and requirements imposed shall be met.
CONSTRUCTION YARD:	An area on, abutting or adjacent to a major construction or demolition site used on a temporary basis for the parking and storage of equipment used in the project, and the storage and preparation of materials and other items used in the project, including construction offices and shops.
CONVALESCENT HOME:	See definition of nursing or convalescent home.
DRIVE-IN ESTABLISHMENT:	A business enterprise, activity or use of land consisting of sales or services rendered to patrons who normally receive the products or utilize the services while in motor vehicles upon the premises, including, but not limited to, gas service stations, drive-in restaurants, drive-in laundry and dry cleaning pick up, and drive-in bank.
DWELLING, MULTIPLE-FAMILY:	A building, or portion thereof, containing two (2) or more dwelling units.
DWELLING, SINGLE-FAMILY:	A building containing only one (1) dwelling unit and which is constructed under the Building Code in accordance with title 2 of this Code, and which also includes manufactured homes developed to specific standards in accordance with subsection 3-2-3Q of this chapter.
DWELLING UNIT (DU):	A single unit providing complete, independent living facilities for one (1) family, including permanent provisions for living, sleeping, eating, cooking and sanitation.
ERECTED:	Built, constructed, altered, reconstructed or moved upon; any physical operations on a premises which are required for construction, excavation, fill, drainage and the like, shall be considered a part of erection.

ESSENTIAL SERVICE:	The erection, construction, alteration or maintenance by a public utility of underground, surface or overhead gas, electrical, steam, water transmission or distribution systems, communication, supply or disposal systems, poles, wires, mains, drains, sewers, pipes, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate service by such public utilities for the public health, safety or general welfare, not including buildings, electric substations and transmission towers.
EXCAVATION:	Any breaking of ground, except common gardening and grounds care, and general agriculture.
FAMILY:	An individual living alone; or, one (1) or more persons living together who are related by blood, marriage or other legal bond, and their dependents; or, a group of not more than five (5) unrelated persons living together as a single household in a dwelling unit. A "family" includes its domestic employees.
FULL FRONTAGE:	All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right-of-way, to include lots, parcels or tracts containing multiple borders or edges, such as corner lots.
GARAGE:	A covered or enclosed outbuilding or part of a building designed for housing motor vehicles, boats, or trailers.
GAS SERVICE STATION:	An establishment retailing motor fuels and lubricants directly to the public on the premises, including incidental sale of minor auto accessories and services.
GRADE:	The average elevation of the finished ground surface adjacent to the exterior walls of a building or base of a structure.
HALFWAY HOUSE FOR RECOVERING ALCOHOL AND DRUG ABUSERS:	A residence that provides housing and a living environment for recovering alcohol and drug abusers and is operated to facilitate their reintegration into the community, but does not provide treatment for alcohol or drug abuse. The term "halfway house for recovering alcohol and drug abusers" does not include a facility for transitional living for released offenders.
HOME OCCUPATION:	A business customarily carried on in a business establishment that is permitted to be carried out in a residence as long as the use as a business is incidental to the primary residential purpose and the residential character of the property is not changed. Every person permitted to carry on a home occupation shall obtain an annual business license.
HOSPITAL:	A building, or group of buildings, in which sick or injured persons are given medical or surgical treatment, examination or care, including overnight residence, together with related facilities, e.g., laboratories, training facilities, staff residences, outpatient department and similar facilities which are an integral part of the principal use.
HOTEL, MOTEL:	A building, or group of buildings, used primarily for accommodation of transient guests in rooms or suites.
HUMANITARIAN CAMPGROUND:	A designated area that serves a humanitarian purpose by allowing people, with permission from the owner or occupier of the land, to engage in camping and that may or may not have toilets, showers and/or other amenities for campers to use.
HUMANITARIAN PURPOSE:	A use which is not for profit and which is designed to allow people who are homeless or who cannot occupy their homes due to lack of utilities or other causes, to engage in life sustaining activities, such as eating and sleeping.
JUNKYARD:	An open area where waste, used or secondhand materials are bought and sold, exchanged, stored, baled, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junkyard" includes automobile wrecking yards and any area of more than one hundred twenty (120) square feet for storage, keeping or abandonment of junk, but does not include uses confined entirely within enclosed buildings.
LANDOWNER:	The legal or beneficial owner or owners of all the land proposed to be included in the planned unit development. The holder of an option or contract of purchase, and lessee having a remaining term of not less than thirty (30) years, or another person having an enforceable proprietary interest in such land, is a "landowner" for the purposes of this chapter.
LICENSED HOUSE OF PROSTITUTION:	A licensed commercial enterprise maintained for the convenience and resort of persons desiring lawful sexual intercourse.

LOADING SPACE:	An off street space provided for the temporary parking of a vehicle while loading or unloading merchandise or materials, situated on the same lot with a building and entirely outside the right-of-way of any public street or alley.
LOT:	A distinct part or parcel of land separated from other pieces or parcels by description, identified as such in a subdivision or on a record survey map, or described as such by metes and bounds, with the intention or for the purposes of sale, lease, or separate use, or for the purpose of building, including the following types of lots: Corner Lot: A lot abutting two (2) or more intersecting streets. Double Frontage Lot: A lot abutting two (2) parallel or approximately parallel streets. Interior Lot: A lot having only one (1) side abutting a street. Key Lot: An interior lot, one (1) side of which is contiguous to the rear line of a corner lot.
LOT AREA:	The total area of a lot within the lot lines as measured on a horizontal plane.
LOT COVERAGE:	That part or percentage of a lot occupied by principal and/or accessory buildings.
LOT DEPTH:	The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.
LOT LINE:	A line bounding a lot, including the following types of lot lines: Front Lot Line: The lot line coinciding with the street line; or, in the case of a corner lot, the shorter of two (2) lot lines coinciding with street lines; or, in the case of a double frontage lot, both lot lines coinciding with street lines. Rear Lot Line: The lot line opposite and farthest from the front lot line; for a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet (10') long and wholly within the lot. Side Lot Line: Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is designated as the exterior side lot line and all other side lot lines are designated as interior side lot lines.
LOT OF RECORD:	A lot which is part of a subdivision plat or other type of map used for the purpose of dividing or merging parcels of land, recorded in the Elko County Recorder's Office prior to the effective date hereof; or, a lot or parcel described by metes and bounds and having its description recorded in the Elko County Recorder's Office prior to the effective date hereof.
LOT WIDTH:	A. In case of a rectangular lot or a lot abutting on the outside of a street curve, the distance between side lot lines measured parallel to the street or to the street chord and measured on the street chord. B. In the case of a lot abutting on the inside of a street curve, the distance between the side lot lines measured parallel to the street or the street chord at the rear line of the dwelling, or, where there is no dwelling, thirty feet (30') behind the minimum front setback line.
MAJOR ELECTRICAL TRANSMISSION LINE:	Any electrical line carrying an electrical load of sixty six (66) kV and above.
METALLURGY:	The reduction or extraction of metals from their ores by mechanical, physical or chemical methods, including their refinement and preparation for use as raw materials.
MINING:	The extraction from the earth of gravel, stone, sand, and metallic or nonmetallic ore, and the crushing, washing, grading, storage and loading for transportation thereof.
MIXED USE:	Combination of different uses including residential use within a shared building.
MOBILE HOME:	As defined in the City of Elko mobile home ordinance. <sup>1</sup>
MOBILE HOME LOT:	As defined in the City of Elko mobile home ordinance. <sup>2</sup>
MOBILE HOME PARK:	As defined in the City of Elko mobile home ordinance. <sup>3</sup>
NONCONFORMING USE:	Uses existing at the time of adoption of this chapter, but not in accordance with the provisions and requirements contained herein.
NURSING OR CONVALESCENT HOME:	An establishment providing bed care, or chronic or convalescent care, for one (1) or more persons, exclusive of relatives, who by reason of illness or physical infirmity are unable to properly care for themselves; excluding, however, institutions for the care of alcoholics, drug addicts, and persons with mental or communicable diseases.
OFF STREET:	Land which is not within the right-of-way of any street or alley.

PARK AND RIDE FACILITIES:	Parking lots which are intended to allow commuters to park their vehicles and then transfer to some form of mass transportation, such as buses, trains or carpools.
PARKING LOT:	An area other than for single-family dwellings used for the off street parking of more than two (2) motor vehicles, including parking spaces, access and maneuvering aisles.
PARKING SPACE:	A fully accessible space adequate for the temporary parking of permitted vehicles, situated entirely outside the right-of-way of any public street.
PARTIES IN INTEREST:	A term identifying the owners of property within three hundred feet (300') of specific property.
PERSON:	Except where otherwise indicated, a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization, or a government, governmental agency or political subdivision of a government.
PLANNED SHOPPING CENTER:	A business development not divided by a street and characterized by an organized and concentrated grouping of retail and service outlets served by a common circulation and parking system.
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 plans for which do not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one (1) residential district created, from time to time, under the provisions of this chapter.
PLANNING COMMISSION:	The City of Elko Planning Commission.
PRIVATE GARAGES:	An enclosed accessory building, attached or detached, used for storage of motor vehicles used by occupants of the principal building and providing no public shop or services in connection therewith.
PUBLIC UTILITY:	Any person, firm, corporation, municipality or Municipal board duly authorized under State or Municipal regulations, to furnish to the public electricity, gas, steam, communications, water, drainage, flood control, irrigation, garbage or trash disposal, or sewage disposal.
RAILROAD USE:	The occupation and use of land, buildings and structures for purposes directly connected with rail transportation of articles, goods and passengers, including such facilities as tracks, sidings, signal devices and structures, shops and yards for maintenance and storage of rail machinery, loading platforms, passenger and freight terminals, but excluding warehouses, stockyards, grain elevators, truck freight terminals and yards, and similar facilities, which are maintained and operated by the owning railroad company or by a lessee for purposes auxiliary to rail transportation.
RECREATION AND SOCIAL CLUBS:	Buildings and grounds used for and operated by membership of fraternal organizations primarily not for profit, including golf clubs, tennis clubs, riding clubs, American Legion halls, Elks Club, and similar facilities.
RECREATIONAL VEHICLE:	A vehicle self-propelled or otherwise, designed to temporarily shelter persons en route on a recreational or vacation trip. "Recreational vehicle" includes truck mounted campers, and self-propelled travel vans.
RECREATIONAL VEHICLE PARK:	A lot, parcel or tract of land, having as its principal use the rental of space of temporary short term, transient occupancy by two (2) or more recreational vehicles, including any accessory buildings, structures and uses customarily incidental thereto.
REPAIR GARAGE:	An establishment where these services may be allowed: normal activities of a gas service station, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision services such as body, frame or fender straightening and repair; general painting and undercoating of automobiles; high speed washing; auto, boat or trailer rental; and general sales of auto parts or accessories.
RESIDENTIAL ESTABLISHMENT:	A halfway house for recovering alcohol and drug abusers or a residential facility for groups.

RESIDENTIAL FACILITY FOR GROUPS:	An establishment that furnishes food, shelter, assistance and limited supervision to unrelated person(s) with an intellectual disability or with a physical disability who is aged or infirm. The term does not include an establishment which provides care only during the day, a natural person who provides care for no more than two (2) persons in his own home, a natural person who provides care for one (1) or more persons related to him within the third degree of consanguinity or affinity, a halfway house for recovering alcohol and drug abusers, or a facility funded by a division or program of the Nevada Department of Health and Human Services.
RETAIL USE:	A commercial establishment selling goods at retail; however, a home occupation shall not be considered as a retail use.
ROADWAY CLASSIFICATION:	All roadway classifications shall be determined in accordance with the Transportation Component of the City of Elko Master Plan.
ROOMING HOUSE:	A building other than a hotel or motel where, for compensation and by prearrangement for definite periods of time, lodging is provided for individuals who are not members of a resident family.
SCHOOL:	A public or private building, or group of buildings, used for purposes of primary or secondary education, meeting all requirements of the Compulsory Education Laws of the State of Nevada.
SCREEN WALL:	A masonry wall or opaque fence so constructed as to prevent the view of enclosed activities or uses from without.
SERVANT QUARTERS:	An attached or detached building, or part thereof, housing persons employed on the premises.
SERVICE CLUBS:	Buildings and grounds used for and operated by nonprofit organizations whose membership is open to any resident of the community, including YMCA, YWCA, Boy Scouts, Girl Scouts, Boys Club and any similar organizations having as its primary objective the improvement of the district, neighborhood or community and its social welfare.
SETBACK:	The minimum horizontal distance between a lot line and the nearest point of a building, structure or use, as the context indicates, located on a lot. "Setback" shall not include eaves of the building.
STORY:	That portion of a building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the topmost floor and the roof having a usable floor area at least one-half (½) that of the floor area of the floor immediately below. A basement shall be considered a story when fifty percent (50%) or more of its cubic content is above grade.
STREET:	A dedicated public way which affords the principal means of vehicular access to abutting property.
STREET LINE:	A line demarcating the limits of a street right-of-way.
STREET, PRIVATE:	A nondedicated, privately owned right-of-way or limited public way that affords the principal means of emergency and limited vehicular access and connection from the public street system to properties created through the division or subdivision of land.
STREET, PUBLIC:	A dedicated public right-of-way that is part of the public street system and which affords the principal means of emergency and general vehicular access to abutting property.
STRUCTURE:	Something built or constructed that may be placed upon or affixed to real property for a purpose, such as storage or protection from the elements. The term "structure" includes, without limitation, a building, a non-permanentized mobile home or an unattached shed placed on skids.
SWIMMING POOL:	Any constructed pool, used for swimming, bathing or wading, whether above or below the ground surface and regardless of depth or water surface area.
TEMPORARY USE OR BUILDING:	A use or structure permitted under the terms of this chapter to exist for a limited period of time.
TOWNHOUSE OR ROW HOUSE:	A single-dwelling unit arranged side by side with other such units in a multi-family dwelling, completely independent of all other such units in the building by reason of separation therefrom by unpierced party walls.

USABLE FLOOR AREA:	A term used in computing parking requirements, meaning the aggregate area of a building measured to the interior area, similarly measured, or each additional story which is connected to the first story by a fixed stairway, escalator, ramp or elevator, and the floor area of all accessory buildings, measured similarly, but excluding that part of any floor area which is occupied by heating, ventilating, or other permanently installed equipment required for operation of the building, and by unenclosed porches, light shafts, public corridors and public toilets. For uses not enclosed within a building, the area for sales, display or service shall be measured to determine equivalent usable floor area.
USE:	The purpose for which land or a building is arranged, designed or intended, or for which land or a building is or may be occupied. The principal use is the main use to which the premises are devoted and the main purpose for which the premises exist. An accessory use is a use subordinate to the principal use on a lot and used for purposes clearly incidental to those of the principal use.
VARIANCE:	A modification of the literal enforcement of the technical provisions and requirements of this chapter. The applicant for variance shall present adequate evidence to support the granting of a variance in accordance with section 3-2-22 of this chapter.
YARD:	An open space located between any portion of a building and the nearest lot line, or the nearest adjacent building or group of buildings, as the context indicates, unoccupied and unobstructed from the ground upward, except as otherwise provided in this chapter.
YARD, FRONT:	A yard extending across the full width of the lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the front lot line, measured at right angles to the front lot line.
YARD, NONREQUIRED:	Any yard with dimensions exceeding those required herein.
YARD, REAR:	A yard extending across the full width of a lot and having a depth equal to the horizontal distance between the nearest point of the principal building and the rear lot line, measured at right angles to the rear lot line.
YARD, REQUIRED:	A yard having the minimum dimensions required herein.
YARD, SIDE:	A yard extending from the front lot line to the rear lot line between a side lot line and the principal building, and having a width equal to the horizontal distance between the nearest point of the principal building and the side lot line, measured at right angles to the side lot line. (Ord. 818, 4-25-2017; amd. Ord. 860, 5-25-2021)

#### Notes

- <sup>1</sup> See Section 3-5-3 of this title.
- <sup>2</sup> See Section 3-5-3 of this title.
- <sup>3</sup> See Section 3-5-3 of this title.

### 3-2-3: GENERAL PROVISIONS:

A. Interpretation: In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the City, and shall not be deemed a limitation or repeal of any other power granted by the Nevada Revised Statutes.

B. Street, Utility And Other Public Improvement Requirements: The following restrictions shall apply:

1. Generally, all lots shall abut and access a public street connecting with the public street system in order to provide for orderly growth, vehicular circulation and to ensure accessibility to utilities and emergency services. A condominium or townhome project shall be considered one (1) lot for purposes of this specific requirement.
2. Lots may abut and access a private street connecting with the public street system in the following circumstances:
  - a. Within a PC (Planned Commercial) District in conformance with an approved concept development plan.
  - b. Within an IBP (Industrial Business Park) District in conformance with an approved concept development plan.
  - c. Within a PUD (Planned Unit Development) District in conformance with an approved site development plan.
  - d. Within an RMH (Residential Mobile Home) District in conformance with an approved site development plan.
  - e. For residential, commercial or industrial developments involving four (4) or fewer lots and where the length of the private street, from the nearest public street to the lot being accessed, does not exceed six hundred eighty feet (680').
3. Building permits may be issued for lots which abut undedicated portions of a partly dedicated public street.
4. A building permit shall not be issued for any lot for which City public sewerage and water supply is not available, unless the City Council grants a waiver of the mandatory connection to public sewer requirement pursuant to subsection 9-5-61B of this Code.



5. All utilities shall be placed underground, except for lots of record.
6. Public street and utility construction and installation is required across the full frontage of property at time of development.
7. Requirements for sidewalk, curb and gutter construction may be applicable as set forth in Elko City Code Section 8-21-3.

C. Use Restrictions: The following use restrictions shall apply:

1. Principal Uses: Only those uses and groups of uses specifically designated as "principal uses permitted" in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses.
2. Conditional Uses: Certain specified uses designated as "conditional uses permitted" may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance hereinafter specified in this chapter or imposed by the planning commission or city council.
3. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.
4. Unspecified Uses: The listing of groups of permitted uses is intended to establish the character of uses to be permitted, but not to include each and every use which may be permitted. Unspecified uses may be imposed by the planning commission upon evidence and determination that such uses are closely similar in character to and not typically more objectionable than other uses actually listed as permitted.
5. Temporary Uses: Certain temporary uses such as interim administrative and sales offices, sales offices for mobile and manufactured homes, model home sales complex for residential subdivisions, materials storage, mixing, assembly, manufacturing of a portable nature and similar uses determined to be functionally comparable, and, as specified in this subsection C5, temporary emergency shelters, temporary camping and temporary campgrounds may be permitted by temporary use permit.
  - a. "Temporary emergency shelters" are defined as enclosed and unenclosed locations, to include structures and portions of structures, used for temporary occupancy by individuals and families who are homeless or who cannot occupy their homes due to lack of utilities or other causes. Temporary emergency shelters may be permitted, but only within C (general commercial), LI (light industrial) and GI (general industrial) zoning districts.
  - b. "Temporary camping" means to use real property owned or occupied by another person for living accommodation purposes for a limited period of time outside of a structure that is affixed to the ground, to include uses such as, without limitation, the following when done in connection with outdoor living:
    - (1) Overnight sleeping activities or making preparations to sleep overnight outside of a motor vehicle, recreational vehicle or trailer, such as the laying down of bedding on the ground for the purpose of sleeping overnight;
    - (2) Storing personal belongings outside of a structure in connection with overnight sleeping activities;
    - (3) Cooking outdoors or making a fire for the purpose of cooking food outdoors as approved by the city in the temporary use permit; or
    - (4) Using any tent, shelter or other mobile structure for sleeping overnight."Camping" does not include using a motor vehicle, recreational vehicle or trailer as long-term shelter, for living accommodation purposes, or for the purpose of storage of belongings.
  - c. "Temporary campground" means a designated area where people may, with permission from the owner or occupier of the land, engage in camping for a limited period of time and that may or may not have toilets, showers and/or other amenities for campers to use.
  - d. Temporary camping and temporary campgrounds may be permitted as temporary uses, but only within LI (light industrial) and GI (general industrial) zoning districts.
  - e. For purposes of this section, "overnight" is defined as the period from one-half ( $\frac{1}{2}$ ) hour after sunset to sunrise.
  - f. For purposes of this section, "living accommodation purposes" is defined as uses and activities needed for or directly connected with the use of land for engaging in life sustaining activities.
  - g. The temporary use permit process for temporary camping and temporary campgrounds shall be subject to the following public hearing process: the city shall set a time and place for the public hearing before the planning commission on the application and the city shall send, by mail, notice of the time and place and purpose of the planning commission hearing, at least ten (10) days before the hearing, to the owners of property within three hundred feet (300') of the exterior limits of the property involved, as shown by the latest assessment rolls of the city. Notice by mail to the last known address of the real property owners, as shown by the assessor's records, shall be sufficient. Legal notice shall be placed in a newspaper of general circulation within the city at least ten (10) days prior to the date of the public hearing. Applications for temporary use permits must be filed at least twenty one (21) days before the planning commission hearing.
  - h. Temporary use permits may be subject to such special conditions as may be imposed by the planning commission related to time frame, location, nature and character of the use and extent of on-site improvements. Application for a temporary use permit shall be filed with the planning department on a form provided for such purpose and shall include payment of a filing fee in an amount established by resolution of the city council.
6. Site Plan Review: Certain uses, structures, activities or uses requiring planning commission review or determination, inclusive of public buildings, public structures or other public developments such as parks, except those submitted as part of an application for a conditional use permit or temporary use permit, may be permitted upon formal review by the planning commission. The scope of the planning commission's review shall be limited to location, character and extent of improvements thereof, and shall be subject to such special conditions, relative to the defined scope of review, as may be imposed by the planning commission. Application for site plan review shall be filed with the planning department on a form provided for such purpose and shall include payment of a filing fee in an amount established by resolution of the city council.
- D. Site Unsuitability: No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.
- E. Reduction Or Joint Use: No lot, yard, parking or loading area, building area, or other space, nor any part thereof, hereinafter required about or in connection with any building, shall be included as part of a yard area or space required for any other building, nor shall any yard or lot existing on the effective date hereof be reduced in dimension or area below the minimum requirements set forth in this title.

F. Building Height Regulations: No building shall exceed the heights allowed in the current city of Elko airport master plan.

G. Projections Into Required Yards; Residential Districts:

1. 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.
2. Cornices and eaves may project over any required yard, provided, that they shall be no closer than two feet (2') to any lot line.
3. Sills, belt courses and similar ornamental features may project not more than six inches (6") over or into any required yard.
4. 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.
5. Fireplaces may be allowed to encroach into required yards no closer than two feet (2') to any lot line.
6. 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 be 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.

H. Exterior Lighting: All lighting for advertising off street parking or loading areas, or for the external illumination of buildings, shall be directed away from and shielded from any adjacent residential district and shall not detract from driver visibility on adjacent streets or highways, interfere with or cause driver confusion regarding traffic control devices, interfere with driver vision or create other traffic hazards.

I. Essential Services Permitted: Nothing in this chapter shall prevent the location, erection, construction, alteration or maintenance by a public utility of any "essential services", as herein defined.

J. Required Screen Walls: Under certain conditions, the planning commission may recommend that the city council require screen walls to separate incompatible uses; e.g., separation of abutting or industrial uses and residential uses. Such wall shall be constructed by the developer and approved by the city engineer or planning commission.

K. Nonrequired Fences, Walls And Hedges:

1. No fence, wall, tree, shrub or hedge may be allowed which would obstruct vision at street intersections in any residential district.
  2. No fence or wall shall contain barbed wire, concertina razor wire, electrical current or charge of electricity, broken glass, or similar hazardous materials or devices; provided, however, that fences enclosing storage areas in industrial or commercial districts may use barbed wire extension arms on chainlink fences six feet (6') or higher, or may use concertina razor wire extension arms on chainlink fences seven feet (7') or higher. In addition, fences enclosing storage areas in industrial or commercial districts may use concertina razor wire extension arms on chainlink fences between six feet (6') and seven feet (7') in height so long as the concertina razor wire extension arm does not protrude more than six inches (6") out from the exterior vertical extension of the chainlink fence.
  3. No nonbuilding wall or fence in any residential district shall exceed six feet (6') in height without a building permit.
- L. Trash Enclosures: A permanent enclosure for temporary storage of garbage, refuse and other waste materials shall be provided for every use other than single-family dwellings in every zoning district, except where an approved mechanically loaded steel bin is used for the purpose, or where a property is entirely surrounded by screen walls or buildings. Trash enclosures shall be so constructed that contents are not visible from a height of five feet (5') above grade on any abutting street or property.

M. Swimming Pools: Swimming pools, whether private, public or commercial, shall comply with the laws, rules and regulations of the city and state.

N. Signs: The provisions of the sign code as set forth in chapter 9 of this title shall apply.

O. Building And Electrical Codes: In all construction hereafter made within the city, the same shall be in accordance with title 2, chapters 2 and 6 of this code, and all other applicable provisions of this code.

P. Mobile Homes: Mobile homes are hereby expressly prohibited for living purposes outside the RMH district, except as stated in other chapters of this title. All requirements of chapter 5 of this title and all other applicable provisions of this code shall be adhered to with respect to standards for the RMH district.

Q. Manufactured Homes: Notwithstanding any other provisions in this code, manufactured homes are hereby recognized as a "principal permitted use" in all zoning districts which recognize single-family dwellings as a "principal permitted use", provided all of the following standards are complied with:

1. The manufactured home shall be placed on a foundation permanently affixed to the residential lot and qualify and constitute real property, as established by Nevada Revised Statutes chapter 361.
2. The manufactured home shall be manufactured within the five (5) years immediately preceding the date on which it is affixed to the residential lot.
3. The manufactured home shall utilize exterior siding consisting of or giving the appearance of stucco, masonry, wood, metal or vinyl and affixed to the dwelling unit in a continuous horizontal or vertical pattern similar in color, material and appearance to the exterior siding used on other single-family dwellings in the immediate vicinity.
4. The manufactured home shall utilize roofing materials consisting of asphalt shingles or equivalent roofing materials of comparable quality, similar in color, material and appearance to the roofing used on other single-family dwellings in the immediate vicinity. The manufactured home shall utilize a full height roof element with a minimum pitch of three to twelve (3:12). The roof element shall include a minimum overhang or projecting eave of twelve inches (12").
5. The manufactured home shall be multisectioned (doublewide or larger) with a minimum width or minimum depth of twenty four feet (24').
6. The manufactured home shall consist of at least one thousand two hundred (1,200) square feet of living area. A waiver can be filed and may be granted for a reduction of the living area based on the size or configuration of the lot or the square footage of single-family residential dwellings in the immediate vicinity, in accordance with site plan review procedures pursuant to subsection C6 of this section.
7. Any elevated foundations shall be masked architecturally in a manner to blend and harmonize with exterior siding materials utilized on the manufactured home.

8. As provided in 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 section 384.005 or 384.100. An application to place a manufactured home on a residential lot pursuant to this section constitutes an attestation by the owner of the lot that the placement complies with all covenants, conditions and restrictions placed on the lot and that the lot is not located within a historic district.

R. Minimum Distance Between Residential Establishments: A minimum distance of at least one thousand three hundred twenty feet (1,320') shall be required between residential establishments. A residential establishment is defined in Nevada Revised Statutes section 278.02384 as:

"Residential establishment means (1) a home for individual residential care in a community whose population is 100,000 or more, (2) a halfway house for recovering alcohol and drug abusers or (3) a residential facility for groups".

1. The definition of "individual residential care" is not applicable as the population of Elko County is less than one hundred thousand (100,000).

2. "Halfway house for recovering alcohol and drug abusers" is defined in Nevada Revised Statutes section 449.008 as:

"Halfway house for recovering alcohol and drug abusers means 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 treatment for alcohol or drug abuse. The term does not include a facility for the treatment of abuse of alcohol or drugs as defined in Nevada Revised Statutes section 449.00455".

3. "Residential facility for groups" is defined in Nevada Revised Statutes section 449.017 as:

"Except as otherwise provided in subsection 2, residential facility for groups means an establishment that furnishes food, shelter assistance and limited supervision to an aged, infirm, mentally retarded or handicapped person. The term does include:

- a. An establishment which provides care only during the day;
- b. A natural person who provides care for no more than two (2) persons in his own home;
- c. A natural person who provides care for one or more persons related to him within the third degree of consanguinity or affinity;
- d. A halfway house for alcohol and drug abusers; or
- e. A facility funded by a division or program of the department of human resources."

S. As Built Drawing: Except for the new construction of a single-family dwelling, prior to the issuance of a certificate of occupancy for any new construction, the applicant must submit to the City a complete and accurate as built drawing with survey data on the Elko grid (NAD 83 Nevada east zone ground elevation). The as built drawing must be submitted electronically in AutoCAD format and must be accompanied by a wet stamped and signed paper copy by the professional of record for the project. As used herein, the term "as built drawing" means a drawing that accurately depicts the locations of all improvements on the parcel or lot containing the new construction and any associated utilities or other public improvements constructed on other properties, which drawing shall, without limitation, include the structure(s) and all associated utilities and other public improvements. (Ord. 805, 12-13-2016; amd. Ord. 842, 8-13-2019)

### 3-2-4: ESTABLISHMENT OF ZONING DISTRICTS:

The entire City is hereby divided into zoning districts, within which zoning districts all property use shall hereafter conform to the requirements specified in this chapter, and which zoning districts are hereby classified as follows:

#### A. Types of Districts:

1.	Residential districts:	
	RS	Residential Suburban District
	R1	Single-Family Residential District
	R2	Two-Family Residential District
	R3	Multiple-Family Residential District
	R	Single-Family and Multiple-Family Residential District
	RO	Residential Office District
	RB	Residential Business District
	RMH	Mobile Home Park and Mobile Home Subdivision District
2.	Nonresidential districts:	
	PQP	Public, Quasi-Public District
	CC	Convenience Commercial District
	CT	Commercial Transitional District
	PC	Planned Commercial District
	C	General Commercial District
	IBP	Industrial Business Park District
	IC	Industrial Commercial District
	LI	Light Industrial District
	GI	General Industrial District
	RC	Restricted Commercial District
3.	Special districts:	

	AG	General Agriculture District
	FP	Floodplain Overlay District
	SA	Special Area Overlay District
	PUD	Planned Unit Development District

B. Required Conformity to District Regulations: Except for nonconforming uses to the extent permitted under Section 3-2-19 or as otherwise provided in this subsection, the regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. Unless an appropriate conditional use has been permitted or a variance has been approved. The following restrictions shall apply in all zoning districts:

1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered, unless in conformity with all regulations specified in this subsection, unless excepted, for the district in which it is located.
2. No building or other structure shall hereafter be erected or altered:
  - a. To exceed the heights required by the current City Airport Master Plan;
  - b. To accommodate or house a greater number of families than as permitted in this chapter; or
  - c. To occupy a greater percentage of lot area or
  - d. To have narrower or smaller rear yards, front yards, side yards or other open spaces, than required in this title, or in any other manner contrary to the provisions of this chapter.
3. No part of a required yard, or other open space, or off street parking or loading space, provided in connection with any building or use, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.
4. No yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

C. Annexation of Territory to City: Proceedings for annexation of territory to the city shall be in accordance with Nevada Revised Statutes sections 268.610 through 268.671, inclusive. A petition for annexation, in writing, shall be presented to the city council. The city council shall consider said petition and may refer the matter to the planning commission for further consideration. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council.

D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

E. Detachment of Territory from City: Proceedings for detachment of territory from the city shall be in accordance with Nevada Revised Statutes section 268.664. A petition for detachment, in writing, shall be presented to the city council. The city council shall consider said petition and may refer the matter to the planning commission for further consideration. The petitioner shall, prior to the consideration of the petition by the planning commission, pay a filing fee to the city in an amount established by resolution of the city council and included in the appendix to this code.

F. Classification of Vacated Streets: Whenever a public street or alley is vacated by official action of the city council, the zoning districts adjoining each side of such street or alley shall automatically be extended to the centerline thereof, and all land area thus vacated shall then and henceforth be subject to all regulations of the extended districts.

#### G. Official Zoning District Map:

1. Establishment: The areas and boundaries of zoning districts are hereby established as shown on the official city zoning map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

2. Identification: The official city zoning map shall be entitled "Elko zoning map" and identified by the signature of the mayor, attested by the city clerk, bear the notations that it was adopted on the date this zoning ordinance was passed, and bear the seal of the city. Regardless of the existence of purported copies of the official city zoning map which may, from time to time, be made or published, the official city zoning map, which shall be located in a secure location designed by the city clerk, shall be the final authority as to the current zoning status of land areas, buildings, and other structures in the city.

3. Changes: If, in accordance with the provisions of this chapter, changes are made in district boundaries or in other matters portrayed on the city zoning map, such changes shall be made on said map promptly after the amendment has been approved and adopted by ordinance. No changes of any nature shall be made in the city zoning map or matter shown thereon, except in conformity with the provisions of this chapter. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this chapter and punishable as hereinafter provided.

4. Replacement: In the event that the city zoning map becomes damaged, destroyed, lost, or difficult to interpret due to the nature or number of changes and additions, the city council may, by ordinance, adopt a new city zoning map which shall supersede the former map. The new city zoning map may correct drafting or other errors or omissions in the former map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereof. The new city zoning map shall be identified by the signature of the mayor attested by the city clerk, and bear the seal of the city under the words:

"This is to certify that this Elko zoning map adopted the (date) supersedes and replaces the Elko zoning map adopted (date of adoption of map being replaced) as part of the zoning ordinance of the city of Elko, Nevada".

5. Interpretation: Where, due to scale, lack of detail or illegibility of the city zoning map, there is an uncertainty, contradiction, or conflict as to the intended location of any district boundary shown thereon, the exact location of such boundary shall be determined by the city planner, who, in reaching a determination, shall apply the following standards:

- a. Zoning district boundary lines are intended to follow lot lines, or be parallel or perpendicular thereto, and centerlines of streets, alleys and rights of way, unless otherwise fixed by dimensions shown on the city zoning map.
- b. In subdivided property, or where a zoning district boundary divides a lot, the exact location of such boundary shall be indicated by dimensions shown on the city zoning map.
- c. If, after application of the foregoing rules, uncertainty still exists as to the exact location of a zoning district boundary, the city council shall determine and fix the location of such boundary in accordance with the purpose and intent of this chapter. (Ord. 547, 12-12-2000; amd. Ord. 861, 5-25-2021)

### **3-2-5: RESIDENTIAL ZONING DISTRICTS:**

#### **A. RS Residential Suburban District:**

1. Intent: The purpose of the RS zoning district is to provide and preserve low density, single-family residential living areas that are semirural or agricultural in character and transitional in relationship to more urbanized residential areas of higher density, to allow for the sheltering of large domestic or farm animals on a lot or parcel in conjunction with an established residential use and to preclude the encroachment of land use activities that may be incompatible with the character of the semirural residential environment.

#### **2. Principal Uses Permitted:**

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

Sheltering of farm animals:

a. The keeping of domestic horses, donkeys, llamas and alpacas under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to one animal for the first thirty thousand (30,000) square feet of lot area. One additional large animal may be maintained for each additional twenty thousand (20,000) square feet of lot area contained in the same lot.

b. The keeping of domestic sheep and goats under the ownership of the resident occupant of the lot or parcel shall be considered as a permitted principal use; provided, that any combination of such animals on any one lot shall be limited to one animal for the first fifteen thousand (15,000) square feet of lot area. One additional small animal may be maintained for each additional ten thousand (10,000) square feet of lot area contained in the same lot.

c. The keeping of such farm animals shall conform to all other provisions of law governing same, and no animal, nor any pen, stable, barn or corral shall be kept or maintained within one hundred feet (100') of any principal dwelling (other than that occupied by the owner of such domestic animal), any public building, park, school, hospital, or any other public place; or within eighty feet (80') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street of a corner lot. There shall be no killing or dressing of any such animals for commercial purposes.

d. Poultry, rabbits or domestic fowl raised for food, education, scientific or furbearing purposes; provided, not more than twelve (12) of any one or combination of such animals and fowl may be maintained on one lot.

e. The keeping of such domestic animals or fowl shall conform to all other provisions of law governing same, and no fowl or animals, nor any pen or coop, shall be kept or maintained within fifty feet (50') of any window or door of any residence, dwelling or other building used for human habitation (other than that occupied by the owner of such domestic animals or fowl), or within sixty feet (60') of the front property line of the lot on which the animals are maintained, or within twenty five feet (25') of the side street on a corner lot.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with the provisions of this chapter and those set forth in section 3-2-18 of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the Planning Commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Churches, church facility complexes and places of religious worship.

Public buildings providing cultural, educational, administrative and fire and police service to residents of the district.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use may be permitted, except as otherwise provided in this chapter.

Accessory buildings.

Childcare family home.

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

#### **5. Property Development Standards:**

a. Development standards comply with Section 3-2-5(G).

b. Subdivisions within the RS District which are essentially independent and self-contained and, which are characterized by lots which are no

less than one-half (1/2) acre in size, may utilize rural road standards in accordance with specifications contained within section 3-3-11 of this title.

6. Property Development Standards for Accessory Buildings: All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

B. R1 Single-Family Residential District:

1. Intent: The purpose of the R1 zoning district is to provide and preserve low density residential living areas reserved predominantly for the development of single-family dwellings and to preclude the encroachment of land use activities that may be detrimental or injurious to the character or quality of the low density residential environment.

2. Principal Uses Permitted:

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land, and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section 3-2-18 of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Churches, church facility complexes and places of religious worship.

Public buildings providing cultural, educational, administrative and fire and police service to residents of the district.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use may be permitted, except as otherwise provided in this chapter.

Accessory buildings.

Childcare family home.

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall comply with Section 3-2-5(G).

6. Property Development Standards for Accessory Buildings: All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

C. R2 Two-Family Residential District:

1. Intent: The purpose of the R2 zoning district is to provide and preserve medium density residential living areas appropriate primarily for single-family and two-family dwellings, limited multiple residential uses and neighborhood service type uses where appropriate, and to preclude uses that would detract or be detrimental to the character of the medium density residential environment.

2. Principal Uses Permitted:

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

One single-family dwelling or one two-family dwelling (duplex) of a permanent character in a permanent location with each dwelling unit on its own parcel of land, and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section 3-2-18 of this chapter. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Childcare group home.

Churches, church facility complexes and places of religious worship.

One three-family dwelling (triplex) or one four-family dwelling (fourplex) of a permanent character in a permanent location with each dwelling unit on its own parcel of land and contingent upon any dwelling unit more than a two-family dwelling providing an additional two thousand two hundred (2,200) square feet of lot area per unit, and provided setback requirements are met.

Public buildings providing cultural, educational, administrative and fire and police service to residents of the district.

Recreational, social and service clubs.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use may be permitted, except as otherwise provided in this chapter.

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall comply with Section 3-2-5(G).

6. Property Development Standards for Accessory Buildings: All accessory buildings, both permanent, shall comply with Section 3-2-5(H).

D. R3 Multiple-Family Residential District:

1. Intent: The purpose of the R3 zoning district is to provide and preserve residential areas appropriate primarily for multiple-family residential uses of higher density usually along or in close proximity to arterial roadway corridors, and to preclude uses that would detract or be detrimental to the character or function of the high density residential environment.

2. Principal Uses Permitted:

Electrical power substations, sewer lift stations and water pumping stations wherein service to district residents requires location within the district.

Publicly owned and operated parks and recreation areas and centers.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section 3-2-18 of this chapter. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Childcare center.

Churches, church facility complexes and places of religious worship.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse or row house developments.

Public buildings providing cultural, educational, administrative, and fire and police service to residents of the district.

Recreation, social and service clubs.

4. Accessory Uses Permitted: Accessory buildings, structures, and uses customarily incidental to a permitted use shall be permitted, except as otherwise provided in this chapter.

5. Property Development Standards: Development standards shall comply with Sections 3-2-5(E)(6) and 3-2-5(G).

6. Property Development Standards for Accessory Buildings: Development standards for accessory buildings within the R3 district shall comply with Section 3-2-5(H).

7. General Regulations:

a. The outdoor storage of goods or materials shall be prohibited.

b. The minimum site area necessary to establish an R3 zoning district shall be one acre.

E. R Single-Family and Multiple-Family Residential District:

1. Intent: The purpose of the R zoning district is to provide for a mixture and diversity of housing types for both single-family and multi-family residential development where such development is desirable, and limited institutional, office and neighborhood service type uses where appropriate, and to preclude land uses that would be detrimental to a mixed and varied residential environment.

2. Principal Uses Permitted:

Adult care facility which serves ten (10) or fewer.

Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.

Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided area and setback requirements are met.

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

Residential facility for groups of ten (10) or fewer.

3. Conditional Uses Permitted: Any of the following uses may be permitted as principal uses upon approval of a conditional use permit in accordance with provisions of this chapter and those set forth in section 3-2-18 of this chapter regarding conditional use permits. In reviewing conditional use permit applications, the planning commission shall ensure that adequate light and air, ingress and egress, and compatibility with other uses in the neighborhood are maintained.

Adult care facility which serves eleven (11) or more.

Childcare center; childcare group home.

Churches, church facility complexes and places of religious worship.

Halfway house for recovering alcohol and drug abusers.

Healing arts, healthcare facilities, but not including animal hospital.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse or row house developments.

Public buildings providing cultural, educational, administrative, and fire and police service to residents of the district.

Recreation, social and service clubs.

Residential facility for groups of eleven (11) or more.

Teaching of creative arts.

4. Accessory Uses Permitted: Accessory buildings, structures and uses customarily incidental to a permitted use, except as otherwise provided in this chapter.

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Rooms in the principal building for roomers, not exceeding two (2) such persons per dwelling unit; provided, that adequate additional off street parking space shall be provided.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall comply with Section 3-2-5(G).

6. Additional Property Development Standards for Multiple-Family Residential Developments:

a. Minimum Distance between Buildings on the Same Lot: The minimum distance between the opposing exterior walls of detached buildings, or parts of attached or semiattached buildings, on the same lot, shall be:

(1) If both walls are front walls, or contain main entrances or living room windows: Thirty feet (30');

(2) If one wall is a front wall, or contains a main entrance or living room windows, and one wall is a side or rear wall containing no doors or windows: Twenty four feet (24');

(3) If both walls are side or rear walls containing windows or secondary entrances: Twenty four feet (24');

(4) If one wall is a side or rear wall containing windows or secondary entrances and one wall contains no doors or windows: Eighteen feet (18');

(5) If neither wall contains windows or doors: Ten feet (10').

b. Additional Placement Regulations For Multi-Family Dwellings: If the front of a building, or part thereof, faces on an interior side or rear lot line, the building, or that part thereof, shall be set back from such lot line not less than twenty feet (20').

c. Separation Of Semidetached Dwellings Or Row Houses: When, for purposes of sale or separate ownership, a two-family or multi-family dwelling and the land in and upon which such dwellings are situated, is to be subdivided into separate lots having one dwelling unit per lot, such lots shall be exempt from all interior side yard requirements.

7. Property Development Standards for Accessory Buildings: All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

8. Exceptions:

a. Lots Of Record: On each existing lot of record, the side yards shall have a width of not less than five and one-half feet (5 1/2'), and a front yard of not less than twelve feet (12') for single-family dwelling units.

b. Detached Guesthouse or Servants' Quarters: Detached guesthouses and servants' quarters are permitted in any district; provided, however, that they shall conform to all yard requirements applicable to the principal building.

F. RO Residential Office District:

1. Intent: The purpose of the RO zoning district is to establish a residential zone that is transitional in character and location to more intense commercial districts, and to promote a mixed pattern of compatible development consisting primarily of residential uses and a blend of professional office, limited service and retail activities that are recognized as low traffic generators. The RO district is intended to protect the integrity of established residential neighborhoods from noise and excessive levels of traffic while at the same time afford the opportunity for compatible office, service and retail development in a mixed use setting.



## 2. Principal Uses Permitted:

Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.

Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided area and setback requirements are met.

One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.

Publicly owned and operated parks and recreation areas and centers.

## 3. Conditional Uses Permitted:

Art studios.

Barber and beauty shops.

Florists.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.

Offices, medical and professional.

Photographic studios.

Restaurants, limited in scale and hours of operation, such as ice cream parlors, sandwich and beverage shops, delicatessens.

Retail and service establishments, limited in scale and hours of operation, such as boutiques, gift shops and similar uses.

Schools for music, dance, teaching and creative arts.

Similar uses determined to be functionally comparable to conditional permitted uses in this zone.

4. Accessory Uses Permitted: Accessory buildings, structures, and uses customarily incidental to a permitted use, except as otherwise provided in this chapter.

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions in this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Storage parking for recreational vehicles owned by the occupant; provided, that it is located in a garage, carport, rear or interior side yard, is not provided water or sewer service connections, and is not used for living purposes.

Storage parking of boat, utility trailer, horse trailer and similar equipment owned by the occupant; provided, that such equipment is located in a garage, carport, rear or interior side yard.

5. Property Development Standards: Development standards shall comply with Section 3-2-5G).

6. Property Development Standards for Accessory Buildings: Development standards for accessory buildings shall comply with Section 3-2-5(H).

## 7. General Regulations:

a. The outdoor storage of goods or materials shall be prohibited.

b. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses shall be prohibited.

c. One wall mounted, nonilluminated sign, for each lot of record not to exceed twelve (12) square feet in area or one freestanding, nonilluminated sign for each lot of record not to exceed six feet (6') in height and twelve (12) square feet in area may be permitted for any approved conditional use. The planning commission may modify such regulations as part of the conditional use permit procedure.

## G. Residential Zoning Districts Area, Setback, and Height Schedule for Principal Buildings:

### 1. Table of Area Requirements:

	Minimum Requirement				Building Setbacks				Maximum Height Requirements
Zoning Districts	Corner Lot Area	Lot Area	Lot Width	Lot Depth	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
	Minimum Requirement				Building Setbacks				Maximum Height Requirements
Zoning Districts	Corner Lot Area	Lot Area	Lot Width	Lot Depth	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
RS		15,000 sq. ft.	80 ft.	180 ft.	25 ft.	20 ft.	10 ft.	20 ft.	35 ft. <sup>1</sup>
R1	6,500 sq. ft.	6,000 sq. ft.	60 ft.	100 ft.	15 ft. <sup>6</sup>	20 ft.	5½ ft.	15 ft. <sup>5</sup>	35 ft. <sup>1</sup>

R2	6,500 sq. ft.	6,000 sq. ft.	60 ft.	100 ft.	15 ft. <sup>6</sup>	20 ft.	7 ft.	15 ft. <sup>5</sup>	35 ft. <sup>1</sup>
R3		12,000 sq. ft. <sup>4</sup>	80 ft.	100 ft.	20 ft.	20 ft.	10 ft.	15 ft. <sup>5</sup>	45 ft. <sup>1</sup>
R	6,500 sq. ft.	6,000 sq. ft. <sup>4</sup>	60 ft.	100 ft.	15 ft. <sup>6</sup>	20 ft.	10 ft. <sup>2,3</sup>	15 ft. <sup>5</sup>	45 ft. <sup>1</sup>
RO		6,000 sq. ft. <sup>4</sup>	60 ft.	100 ft.	15 ft. <sup>6</sup>	20 ft.	10 ft. <sup>2,3</sup>	15 ft. <sup>5</sup>	45 ft. <sup>1</sup>

Notes:

- Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
- For single-family dwellings, interior side yard setbacks shall be 51/2 feet.
- For multi-family dwellings, interior side yard setbacks shall be 7 feet.
- For three- and four-family dwellings on the same lot, a minimum of 2,200 square feet of lot area is required for each dwelling unit.
- For residences in existence at the time of enactment hereof (November 25, 2003), exterior side yard setbacks shall be 12 feet.
- Garages, whether attached or detached, and carports shall be set back 20 feet from the front lot line; provided, that for any garage in existence prior to March 26, 2013, the front yard setback shall be 15 feet.

2. Residential Lots of Record:

- A single lot or parcel of land of record in the office of the county recorder as of the effective date of the city subdivision ordinance (December 9, 1975), and which does not meet minimum requirements for lot area, lot width or lot depth shall be considered a buildable lot for one single-family dwelling, provided all other requirements of this chapter are satisfied.
- For existing platted subdivisions characterized by twenty five foot (25') wide lots and situated within a residential zoning district, any lot or parcel reconfiguration or resubdivision shall adhere to a minimum lot area of five thousand (5,000) square feet.

H. Residential Zoning Districts Area, Setback, and Height Schedule for Accessory Buildings:

1. Requirements for Non-Permanent Accessory Buildings:

	Minimum Requirements		Building Setbacks <sup>3</sup>				Maximum Height Requirements
Zoning Districts	Maximum Cumulative Square Feet of All Acc. Buildings <sup>2</sup>	Minimum Separation from Other Buildings	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
	Minimum Requirements		Building Setbacks <sup>3</sup>				Maximum Height Requirements
Zoning Districts	Maximum Cumulative Square Feet of All Acc. Buildings <sup>2</sup>	Minimum Separation from Other Buildings	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
RS		5 ft.	25 ft.	5 ft. <sup>4</sup>	5 ft.	5 ft.	15 ft. <sup>1</sup>
R1	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	15 ft. <sup>1</sup>
R2	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	15 ft. <sup>1</sup>
R	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	15 ft. <sup>1</sup>
RO	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	15 ft. <sup>1</sup>
RB	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	15 ft. <sup>1</sup>

Notes:

- Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
- Includes both permanent and non-permanent accessory buildings.
- No buildings or structures shall be located within any easement.
- Setback can be reduced to 0 feet if the rear lot line abuts a public alley.
- Garages and/or carports shall be setback 20 feet from the front or exterior side property line.

2. Requirements for Permanent Accessory Buildings:

	Minimum Requirements		Building Setbacks <sup>3</sup>				Maximum Height Requirements
Zoning Districts	Maximum Cumulative Square Feet of All Acc. Buildings <sup>2</sup>	Minimum Separation from Other Buildings	Front Yard	Rear Yard	Interior Side Yard	Exterior Side Yard	Building Height
	Minimum Requirements		Building Setbacks <sup>3</sup>				Maximum Height Requirements

Zoning Districts	Maximum Cumulative Square Feet of All Acc. Buildings <sup>2</sup>	Minimum Separation from Other Buildings	Front Yard	Rear Yard	Interi or Side Yard	Exterior Side Yard	Building Height
RS		5 ft.	25 ft.	5 ft. <sup>4</sup>	5 ft.	5 ft.	35 ft. <sup>1</sup>
R1	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	35 ft. <sup>1</sup>
R2	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	35 ft. <sup>1</sup>
R3	10% of lot size or 1,200 sq. ft.	5 ft.	20 ft.	5 ft. <sup>4</sup>	5 ft.	5 ft.	45 ft. <sup>1</sup>
R	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	45 ft. <sup>1</sup>
RO	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	45 ft. <sup>1</sup>
RB	10% of lot size or 1,200 sq. ft.	5 ft.	15 ft. <sup>5</sup>	5 ft. <sup>4</sup>	5 ft.	5 ft.	25 ft. <sup>1</sup>

Notes:

1. Height limitations contained within the current City of Elko Airport Master Plan shall supersede the height restrictions indicated in the above table where more restrictive.
2. Includes both permanent and non-permanent accessory buildings.
3. No buildings or structures shall be located within any easement.
4. Setback can be reduced to 0 feet if the rear lot line abuts a public alley.
5. Garages and/or carports shall be setback 20 feet from the front or exterior side property line.

(Ord. 805, 12-13-2016; amd. Ord. 860, 5-25-2021)

### **3-2-6: RB RESIDENTIAL BUSINESS DISTRICT:**

A. Intent: This zoning district is intended to allow conversion of residential structures located along arterial and collector roads in areas of transition to an appropriate mix of residential, light retail and service commercial uses that provides good transitions with nearby residential uses and neighborhoods. This zone allows existing residential uses to remain and be improved, while also allowing low scale, low intensity commercial and business operations to be developed as part of infill projects. The district is intended to protect established residential neighborhoods from the type of land use associated with high levels of noise, illumination and traffic that could be detrimental to the characteristics of the residential neighborhood.

B. District Boundary: The initial district boundary includes properties within the 5th Street corridor that are located between Pine Street and Walnut Street along the northeast side of 5th Street, and between Pine Street and Willow Street along the southwest side of 5th Street, with at least one property line abutting the right-of-way of 5th Street, and the following lots that are not abutting the 5th Street right-of- way: Lots 21 & 22 of Block 98 and Lots 15 & 16 of Block 66, as shown on the Map of the First Addition to the Town of Elko, recorded as File No. 5, Elko County records.

1. The district boundaries may be amended in accordance with section 3-2-21 of this chapter.
2. The maximum distance allowed from the east or west side of 5th Street right-of-way to the district boundary is one hundred twenty five feet (125').

#### **C. Principal Uses Permitted:**

1. The following residential uses are permitted:

Multiple-family residential units, including a duplex, triplex, or a fourplex located on a single lot or parcel, provided all area and setback requirements are met.

One single-family dwelling of a permanent character in a permanent location on its own parcel of land, provided all area and setback requirements are met.

2. The following commercial uses are permitted:

Art galleries and studios.

Bakeries.

Banks, financial institutions, not including short term lending businesses such as title loans or payday lending.

Barber and beauty shops.

Bicycle repair.

Bookstores.

Childcare centers.

Coffee shops.

Corner stores.

Florists.

Healing art, healthcare facilities, including medical and dental offices.

Laboratories: medical, dental, optical.

Laundry or dry cleaning pick up outlets.

Lodges, fraternal organizations, recreation, social and service clubs.

Offices, to include the following uses and activities: government, business and professional, including accountants, architects, collection agencies, chiropractors, employment agencies, engineers, health services, insurance agencies, law offices, real estate, stenographic services, title insurance firms.

Pharmacies when operated in conjunction with, and within the same building as, a medical clinic.

Photographic studios.

Schools for music, dance, teaching and creative arts.

Trade schools.

Travel agencies.

Uses determined to be functionally comparable to principal permitted uses in this zone.

**D. Conditional Uses Permitted:**

**1. The following uses are permitted with a conditional use permit:**

Churches, church facility complexes and places of religious worship.

Convalescent hospitals, sanitariums, nursing homes, homes for the aged.

Funeral homes and mortuaries.

Mixed uses within structures containing one or more residential dwelling units in which a significant portion of the space within the structure includes one or more principal commercial permitted uses.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.

Restaurants, sandwich and beverage shops, delicatessens.

Theaters, indoor.

Uses determined to be functionally comparable to conditional permitted uses in this zone.

**E. Accessory Uses Permitted:**

**1. Accessory buildings, structures and uses customarily incidental to a permitted use, except as otherwise provided for in this chapter, are permitted for the following uses:**

Accessory buildings. Lots with single-family dwelling units may have both permanent and non-permanent accessory buildings. Lots with multiple-family dwelling units may only have permanent accessory buildings.

Childcare family home.

Guesthouse or servants' quarters provided they conform to all yard requirements applicable to the principal building.

Home occupations in accordance with other provisions of this chapter.

Private garage or carport.

Ramada, outdoor swimming pool, or similar home recreational facility so long as the facility is used solely by the occupants of the premises and their guests.

Rooms in the principal building for roomers, not exceeding two (2) such persons per dwelling unit; provided, adequate additional off street parking space(s) shall be provided.

Storage parking for a boat and/or boat trailer, a utility trailer, a horse trailer and similar equipment owned by the occupant; provided, such equipment shall be located in a garage, carport, or rear or interior side yard.

Storage parking for recreational vehicles owned by the occupant, so long as it is located in a garage, carport, rear or interior side yard, is not connected to water or sewer lines, and is not used for living purposes.

**F. Property Development Standards:**

**1. Lot Area:**

a. Commercial Uses: The lot area shall be of sufficient size to provide for the building, off-street parking and landscaping.

b. Residential Uses: Residential uses less than five (5) units and not attached to a commercial use shall provide the minimum lot area required in the R District.

**2. Lot Width:**

a. Commercial Uses: No requirement.

b. Residential Uses: Residential buildings less than five (5) residential units and which do not contain a commercial use shall provide the minimum lot width required in the R District.

**3. Front, Rear, Interior Side and Exterior Side Yard For New Development Or Expansion:**

a. Commercial Uses: Zero feet (0').

b. Residential Uses:

(1) New development of residential buildings containing less than five (5) residential units and which do not contain a commercial use shall conform to the yard standards required in the R District.

(2) Expansion upon existing principal permitted use shall have the following setbacks:

- (A) Front: Five feet (5').
- (B) Rear: Five feet (5').
- (C) Interior side: Three feet (3').
- (D) Exterior side: Five feet (5').

4. Building Height: Building height shall not exceed forty five feet (45'), or requirements contained within the City Airport Master Plan, whichever is the most restrictive.

5. Landscaping:

- a. Commercial uses shall provide landscaping as described in subsection 3-2-10B2a of this chapter.
- b. Landscaping within an adjacent right-of-way may be used to satisfy landscaping requirements, so long as it is maintained by the property owner.
- c. With approval from the Planning Department, a lighted art element incorporated into the business signage may be allowed in lieu of required landscaping, but only if the developed property has physical conditions that prevent the property owner from installing the landscaping that would otherwise be required.

6. Signage:

- a. Free standing signage shall be limited to a maximum height of six feet (6').
- b. Signs shall be made of materials that enhance the appearance of the neighborhood, such as wood, stone, non-reflective or patinated metals, or similar materials.
- c. Illuminated signs located adjacent to any residential area shall be shielded to direct light downward and away from adjacent properties such that there is no spillover light and shall be controlled by a rheostat or functional equivalent to avoid excessive glare visible from residential properties.
- d. Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.
- e. Wall signs shall not be allowed on any facade on the interior side that faces property zoned R - Single Family and Multiple Family Residential or that has a residential principal permitted use.

7. Off-Street Parking:

- a. Commercial and residential uses must comply with applicable provisions contained in section 3-2-17 of this chapter.
- b. On-street parking adjacent to commercial property may be used to satisfy off-street parking requirements.

G. Property Development Standards For Accessory Buildings: All accessory buildings, both permanent and non-permanent, shall comply with Section 3-2-5(H).

H. Building Development Standards for Commercial Uses: Buildings used for commercial purposes shall meet the following standards:

- 1. Low-intensity building and site lighting shall be installed in such a manner as to minimize light spillover and glare into residential neighborhoods.
- 2. Commercial storefront exterior materials and colors shall harmonize with the surrounding properties. Exterior treatments characterized by an overly bright, shiny, reflective or artificial appearance shall not be permitted.
- 3. The appearance of handicap ramps and entries shall be integrated into the design of the property they serve, minimize visual impact from the public right-of-way, provide the most direct building access possible, and comply with the Americans with Disabilities Act.
- 4. The visual impact of parking and mechanical equipment from the public right-of-way shall be minimized through the use of screening or landscaping.
- 5. Awnings shall not obscure the character-defining features of the building.

I. General Regulations for Commercial Uses: Commercial uses shall be subject to the following restrictions:

- 1. The outdoor storage of goods or materials is prohibited.
- 2. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses is prohibited.
- 3. The appearance of handicap ramps and entries shall be integrated into the design of the property they serve, minimize impact on the public right-of-way, provide the most direct building access as possible, and comply with the Americans with Disabilities Act.
- 4. Commercial buildings and associated structures and other improvements shall be designed in a manner that minimizes conflicts between pedestrian traffic and vehicles.
- 5. Commercial building facades shall be designed and constructed in a manner that avoids large expanses of undifferentiated space.
- 6. Commercial uses shall not have adverse impacts on the use and enjoyment of adjacent residential properties. (Ord. 819, 8-22-2017; amd. Ord. 860, 5-25-2021)

### **3-2-7: RMH MOBILE HOME PARK AND MOBILE HOME SUBDIVISION DISTRICT:**

Mobile homes shall be regulated by chapter 5, "Mobile Home Parks, Mobile Home, Manufactured Home Subdivisions And Recreational Vehicle Parks", of this title, in conjunction with the official zoning district map. (Ord. 256, 4-11-1978)

### **3-2-8: PQP PUBLIC, QUASI-PUBLIC DISTRICT:**

This district is intended to accommodate public or quasi- public institutional uses.

A. Principal Uses Permitted:

Adult care facility.

Hospitals, sanatoriums or similar healthcare facilities; provided, that:

1. The site shall contain a net land area in accordance with State law and/or occupancy tables specified in the Uniform Building Code, latest edition.
2. All loading facilities shall be screened from adjoining properties, and insofar as practicable, from the view of patients from the interior of the building.

Public administrative offices.

Public airport and associated private land uses of a light industrial nature (hangars, flight school, flight service, etc.).

Public schools, colleges or universities.

Residential facility for groups.

C. Property Development Standards For Permitted Principal Uses:

1. Minimum Setback From Any Street Line: Not less than one and one-half ( $1\frac{1}{2}$ ) times the height of the principal building.
2. Minimum Setback From Interior Side And Rear Lot Lines: Not less than the height of the principal building, plus one additional foot for each five feet (5') or part thereof that such building exceeds thirty five feet (35') in the aggregate horizontal dimension of the wall generally parallel to such side or rear lot line.
3. Maximum Building Height: In accordance with requirements of the current City Airport Master Plan.
4. Maximum Lot Coverage: The total ground floor area of all buildings shall not exceed thirty five percent (35%) of the net site area.

D. Conditional Use Permits Required:

1. The establishment, expansion or change of any use, including principal permitted uses, shall be governed by the conditional use permit procedure, as set forth in section 3-2-18 of this chapter.
2. Similar uses determined to be functionally comparable to principal permitted uses in this zone.
3. For purposes of application of the conditional use permit procedure, "use expansion" shall be defined as any building expansion involving an addition of one thousand (1,000) square feet of the gross building footprint or an addition of five percent (5%) of the gross building footprint, whichever is greater.

#### E. Property Development Standards For Accessory Buildings:

1. Maximum Height: Regulations applicable to the principal building shall apply.
2. Location: Accessory buildings, whether attached or detached, shall be located in accordance with location on the lot as approved by the planning commission.

#### F. General Regulations:

1. **Site Plan Approval:** Prior to issuance of a permit, site plans shall be reviewed and approved by the city administrative staff.
2. **Outdoor Storage Prohibited:** The outdoor storage of goods or material shall be prohibited, except when enclosed by a screen wall in a location approved by the building inspector. (Ord. 805, 12-13-2016)

**3-2-9: CC, CT COMMERCIAL DISTRICTS:**

A. CC Convenience Commercial District: This district is intended to accommodate small scale convenience centers, which are under one roof and served by an adequate off street parking area, and which are designed to meet the incidental daily convenience needs of immediately adjacent residential areas.

1. Principal Uses Permitted:

Barber and beauty shops.

Retail establishments selling a line of convenience goods similar to that of supermarkets but more limited in scale.

Self-service laundry and self-service dry cleaning establishments: laundry or dry cleaning pick up outlets.

Similar commercial-retail activities.

2. Accessory Uses Permitted: No accessory buildings, structures or uses shall be permitted, except off street parking and loading, trash enclosures and accessory signs.

3. Property Development Standards For Permitted Principal Uses: Area, height, bulk and placement requirements:

District	Lot Area (Sq. Ft.)		Minimum Lot Dimensions		Minimum Setbacks For Principal Buildings			Maximum Building Height	Maximum Of Lot Coverage
	Minimum	Maximum	Width	Depth	Street	Rear	Interior Line Side Yard		

Convenience commercial	15,000	30,000	150'	100'	40'	25'	15'	25', 2 stories or in accordance with city airport master plan, whichever is the least	40%
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4. General Regulations:

- a. The outdoor storage of goods or materials shall be prohibited.
- b. Warehousing or the indoor storage of goods or material beyond that normally incidental to permitted uses shall be prohibited.
- c. The planning commission, subject to approval of the city council, may require landscaping to promote compatibility with the neighborhood.

5. Conditional Use Permits Required: All developments in CC zoning districts shall be subject to the conditional use permit procedure as set forth in section 3-2-18 of this chapter. (Ord. 256, 4-11-1978; amd. Ord. 460, 8-22-1995)

B. CT Commercial Transitional District:

1. Intent: The purpose of the CT zoning district is to establish a transitional zone between more intense commercial districts and residential districts, particularly along higher volume traffic corridors, and to promote a pattern of land use suitable for the development of professional and business offices and limited service, retail and commercial activities. The CT district is intended to protect established residential neighborhoods from the type of land use associated with high levels of noise, illumination and traffic that could be detrimental to the characteristics of the residential neighborhood.

2. Principal Permitted Uses:

Art studios.

Banks, financial institutions.

Barber and beauty shops.

Childcare centers.

Florists.

Healing art, healthcare facilities, including medical and dental offices.

Laboratories: medical, dental, optical.

Laundry or dry cleaning pick up outlets.

Lodges, fraternal organizations, recreation, social and service clubs.

Offices: both business and professional, including accountants, architects, collection agencies, chiropractors, employment agencies, engineers, health services, insurance agencies, law offices, real estate, stenographic services, title insurance firms.

Pharmacies when operated in conjunction with, and within the same building as, a medical clinic.

Photographic studios.

Schools for music, dance, teaching and creative arts.

Trade schools.

Travel agencies.

Uses determined to be functionally comparable to principal permitted uses in this zone.

3. Conditional Uses Permitted:

Churches, church facility complexes and places of religious worship.

Convalescent hospitals, sanatoriums, nursing homes, homes for the aged.

Funeral homes and mortuaries.

Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.

Restaurants, sandwich and beverage shops, delicatessens.

Theaters, indoor.

Similar uses determined to be functionally comparable to conditional permitted uses in this zone.

4. Property Development Standards:

- a. Lot Area: The minimum lot area shall be fifteen thousand (15,000) square feet.
- b. Lot Width: The minimum lot width shall be one hundred feet (100').
- c. Lot Coverage: The maximum lot coverage shall be fifty percent (50%).
- d. Front Yard: A minimum setback of thirty feet (30') shall be required.

e. Rear Yard: A minimum setback of ten feet (10') shall be required.

f. Interior Side: A minimum setback of zero feet (0') to five and one-half feet ( $5\frac{1}{2}'$ ) shall be required. Interior side yards which abut any residential district shall observe the five and one-half foot ( $5\frac{1}{2}'$ ) setback required as part of the R zoning district.

g. Exterior Side: A minimum setback of thirty feet (30') shall be required.

h. Building Height: Building height shall not exceed thirty five feet (35'), or requirements contained within the city airport master plan, whichever is the most restrictive.

5. General Regulations:

a. The outdoor storage of goods or materials shall be prohibited.

b. Warehousing or the indoor storage of goods or materials beyond that normally incidental to permitted uses shall be prohibited. (Ord. 460, 8-22-1995)

**3-2-10: PC, C COMMERCIAL DISTRICTS:**

A. PC Planned Commercial District:

1. Intent: The purpose of the planned commercial zoning district is to provide and preserve commercial areas appropriate primarily for planned commercial developments or planned shopping centers.

2. Principal Permitted Uses: Planned commercial development or shopping centers inclusive of retail, commercial, service, medical, professional office or similar business development characterized by an organized and concentrated grouping of retail/service outlets and establishments and served by common streets, access, circulation and parking system.

3. Standards: The following standards and policy shall apply to planned shopping centers:

a. Street Access Requirements: Such projects shall be permitted only on a site which abuts an arterial street or highway. Curb cut requirements shall be as follows:

(1) State highways: In accordance with Nevada highway department rules and regulations.

(2) City streets: One hundred feet (100') minimum between curb cuts.

b. Required Yards: All buildings and structures, including, but not limited to, service areas and access drives shall be set back not less than thirty feet (30') or one and one-half ( $1\frac{1}{2}$ ) times the height of the building or structure, whichever is greater, from the future or existing street right of way line of any abutting street or as otherwise determined by the planning commission as part of establishing a concept development plan.

c. Front And Exterior Side Yards: Required front yards and exterior side yards shall be limited exclusively for landscaping, driveways, internal circulation, walkways, parking signs and other related streetscape features. Materials storage within such yards shall be prohibited.

d. Landscaping:

(1) Provisions for landscaping shall be included in the development plan to be submitted for conditional use permit approval. These may include, but are not limited to, screen planting, lawn areas, trees, shrubs, fences and walls. Drought tolerant, low maintenance species in conjunction with decorative "hard surface" materials, such as, but not limited to, volcanic rock, gravel or stone are encouraged and may be utilized to fulfill landscape surface requirements.

(2) Minimum landscape area shall be provided equal to twenty five percent (25%) of the required yard areas or equal to two and one-half ( $2\frac{1}{2}$ ) square feet per linear foot of street frontage. Additionally, landscape areas shall be distributed throughout the project site, including required yard areas between buildings, structures and the adjacent street right of way line.

(3) It shall be the responsibility of the owner or developer to carry out this program and to provide such maintenance and care as is required to obtain the effect intended by the original plan.

e. Screening For Residential Property: In addition to other buffer requirements, when the back of the development is across the street from or adjoining property in a residential district, then a solid fence or hedge not less than six feet (6') in height, or an equivalent form of screening, shall be installed and maintained by the developer to screen the back of the project from the residential property. Such screening shall be approved by the planning commission.

f. Internal Traffic Circulation: All parking spaces within planned commercial district parking lots shall be provided with chocks or comparable traffic control devices to prevent undesired traffic movements and to facilitate the channeling of vehicular and pedestrian movement.

g. Parking Lot Lighting: Lighting of parking lots shall be required for safety and security purposes and shall have an illumination range of twenty five hundredths (0.25) of a foot- candle to one foot-candle.

h. Pedestrian Walkways: A system of pedestrian walkways shall be provided so as to separate vehicle and pedestrian movements.

i. Permit Required: A conditional use permit shall be required for all planned commercial developments to establish a concept development plan or to evaluate individual commercial uses not part of an approved development concept plan. The conditional use permit shall also evaluate other project features such as building heights, signs, lot size, preliminary grading, including drainage, manufactured slopes and slope restoration.

j. Parking Reduction: For planned commercial developments which by application of section 3-2-17 of this chapter require one hundred (100) or more parking spaces, the planning commission, upon demonstration of shared or alternating use of parking, may grant a reduction not to exceed ten percent (10%) of the collective requirement of parking spaces. (Ord. 509, 6-23-1998)

B. C General Commercial District:

1. Principal Uses Permitted: All commercial uses customarily found in a commercial area, including, but not limited to, the following uses:

Entertainment.

Lodging.

Offices.



Public and quasi-public.

Restaurants.

Retail sales and services.

2. Landscaping:

a. For every new construction in the C general commercial zoning district which is outside of the central business district (CBD), minimum landscape area shall be provided in an amount equal to fifteen percent (15%) of the surface area of the developed portion of the property for lot sizes one acre or greater and ten percent (10%) of the surface area of the developed portion of the property for lot sizes smaller than one acre, to include property consisting of multiple parcels which form a single development. Additionally, the city may, at its discretion, require that landscaped areas be distributed throughout the development, including yard areas between buildings, structures and the adjacent street right of way line. The landscaping may include, but is not limited to, screen planting, lawns, trees, shrubs, fences and walls. Drought tolerant, low maintenance species, in conjunction with decorative hard surface materials such as, but not limited to, volcanic rock, gravel or stone, are encouraged and may, where appropriate, be utilized to fulfill landscape surface requirements.

b. It shall be the responsibility of the owner or developer to carry out the requirements of this section and to provide proper maintenance and care of the landscaping.

3. Planned Shopping Centers: Within the C general commercial zoning district, planned shopping centers are permitted, subject to the following standards:

a. Street Access Requirements: A planned shopping center shall be permitted only on a site which abuts an arterial street or highway. Curb cut requirements shall be as follows:

(1) State highways: In accordance with Nevada highway department rules and regulations.

(2) City streets: One hundred feet (100') minimum space between curb cuts.

b. Required Yards: All buildings and structures, including, but not limited to, service areas and access drives, shall be set back not less than fifty feet (50') from side and rear property lines and not less than sixty feet (60') from the future or existing street right of way line of an abutting street.

c. Screening For Residential Property: In addition to other buffer requirements which may be required as part of a conditional use permit, when the rear of a planned shopping center is adjacent to property in a residential district, then a solid fence or hedge not less than six feet (6') in height shall be installed and maintained by the developer of the planned shopping center in order to screen the residential property from the planned shopping center.

d. Internal Traffic Circulation: All parking spaces within planned shopping center parking lots shall be provided with chocks to prevent unsafe or disorganized traffic movements and to facilitate the channelization of vehicular circulation.

e. Pedestrian Walkways: A system of pedestrian walkways shall be designed and constructed so as to separate vehicle and pedestrian movements.

f. Conditional Use Permit: A conditional use permit is required for the development of a planned shopping center, together with any requirements incident to the development, such as screen walls, pedestrian walkways and parking lot configuration.

4. Conditional Uses Permitted: The following uses are permitted in the C general commercial zoning district only with a conditional use permit:

Gas stations. Businesses where gasoline and oil are sold, including businesses with facilities for repairing or maintaining automobiles.

Mixed uses. Structures containing one or more residential dwelling units in which a significant portion of the space within the structure includes one or more principal permitted uses.

Mobile homes. One mobile home or manufactured home used for office quarters on a trailer, recreational vehicle, manufactured home or mobile home sales lot, provided it is properly connected to utilities. With the exception of the uses permitted in the preceding sentence, mobile homes shall not be permitted as offices, residences, temporary dwellings during construction projects or commercial structures in the C general commercial zoning district.

Parking lots and garages. Areas and structures used for parking vehicles, except where located on the same lot as and used in conjunction with another permitted use.

Recreational vehicle parks (RVPs). The rental of space for temporary short term, transient occupancy by two (2) or more recreational vehicles, including any accessory buildings, structures and uses customarily incidental thereto.

Residential uses. Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse or condominium or attached housing developments. Residential uses must meet the setback standards in subsection 3-2-5G of this chapter and development standards applicable to multiple-family residential developments set forth in subsection 3-2-5E6 of this chapter. Single-family residences, duplexes, triplexes and fourplexes are not permitted in the C general commercial zoning district.

Storage units. Commercial storage units.

Other uses. All other uses which do not meet the criteria for, but are similar in function and character to any of the principal uses permitted or to uses which are specifically identified as being permitted with a conditional use permit.

5. Central Business District (CBD): Within the C general commercial zoning district, the central business district (CBD) area of the city is intended to contain a high concentration of the community's commercial land use and activity, with the objective of having a clean, safe, aesthetic, diverse, integrated and mutually compatible mixture of commercial activities. Generally, the city CBD is bounded by the following streets: Court Street on the northwest, 12th Street on the northeast, Silver Street on the southeast, and 2nd Street on the southwest.

a. Within the CBD, commercial activities will be permitted, provided they meet the requirements applicable to both the C general commercial zoning district and the CBD, except where this code specifically provides otherwise.

b. Within the CBD, construction of a new structure which is intended to be located within one hundred fifty feet (150') of any residential zoning district will only be permitted if a conditional use permit is first issued pursuant to section 3-2-18 of this chapter.

c. Within the CBD, any new business involving activities which are reasonably likely to discourage other businesses through light, noise, odors, types and levels of activity, or the creation of a nuisance, such as (without limitation) auto and truck service and repair facilities; mobile home,

recreational vehicle and truck sales lots; gas service stations; miniwarehousing facilities; veterinary clinics; bars; and other uses determined by the city to have similar impacts, shall be required to first obtain a conditional use permit pursuant to section 3-2-18 of this chapter.

d. Within the CBD, any new business which involves light manufacturing activities, such as printing and newspaper production, saddle manufacturing and similar uses, shall be required to first obtain a conditional use permit pursuant to section 3-2-18 of this chapter.

e. Any use existing on the date of adoption of a new conditional use permit requirement under this section which, prior to said adoption, satisfied all then applicable zoning requirements, shall be considered as meeting the conditions which would otherwise be imposed upon such use by the new requirement, and its continuance shall not be subject to the new conditional use permit requirement.

6. Public, Quasi-Public: Within the C general commercial zoning district, all uses identified as principal permitted uses in the public, quasi-public (PQP) district shall be required to first obtain a conditional use permit pursuant to section 3-2-18 of this chapter.

7. Height Restrictions: All structures within the C general commercial zoning district must comply with the height and other requirements of the current city airport master plan, to the extent the plan applies to that location.

8. Commercial Zone Abutting Residential Zone: A conditional use permit pursuant to section 3-2-18 of this chapter is required for every new development on a lot or parcel in the C general commercial zoning district which abuts a residential zoning district. All such developments are subject to the screen wall requirements set forth in subsection 3-2-3J of this chapter.

9. Dog Grooming Businesses: Within the C general commercial zoning district, a business may be operated and maintained for dog grooming; provided, however, that there shall not be any overnight or other harboring of any dogs in such businesses. (Ord. 767, 2-12-2013)

### **3-2-11: IBP, IC INDUSTRIAL DISTRICTS:**

#### **A. IBP Industrial Business Park District:**

1. Intent: The purpose of the IBP Zoning District is to provide and preserve high profile areas appropriate for corporate office, research and development facilities, office parks and compatible light industrial uses with emphasis on special site design features that strengthen the City's economic base and contribute to a higher quality of appearance and standard of land use, and to preclude residential uses and also extensive commercial uses and development that may be detrimental to the character or quality of the business/industrial park environment.

2. Principal Uses Permitted: The primary permitted uses in the IBP Zoning District are listed as follows, plus other uses of a similar nature:

Advertising distribution.

Bakery.

Bottling plants.

Business schools, vocational and trade schools.

Catering services.

Childcare center.

Communication facilities.

Corporate and professional office, offices subordinate to and related to the principal industrial use.

Electronic manufacturing and assembly.

Financial institutions.

Indoor light manufacturing, processing, assembly, fabricating or storage of certain specified products and materials.

Laboratories, medical experimental and research.

Machine shops.

Newspaper and publishing plants.

Office supply stores.

Printing, blueprinting, photostating, and photo finishing facilities.

Recording studios.

Recreation and fitness centers.

Warehousing and distribution center.

Other commercial uses which are supportive and complementary to IBP uses and the intent of the district as determined by the Planning Commission.

#### **3. Conditions:**

a. Conditional Use Permit Required: Issuance of a conditional use permit following review by the Planning Commission and in accordance with this chapter is required for all fully integrated and planned IBP developments as part of a concept Master Plan or for individual IBP uses not part of an approved Master Plan.

b. Outside Storage: Any outside storage shall be suitably screened from the surrounding area by walls, planting, or other barrier to the satisfaction of the Planning Commission.

c. Signs: Advertising signs shall be reviewed as part of the plans submitted for conditional use permit review. The Planning Commission may require the reduction of any height or size of sign suggested by the developer, if the Planning Commission finds such reduction to be in keeping with the intent of this section.

d. Height Limitation: No structure may be allowed to exceed the elevation indicated in the current Airport Master Plan of the City.

e. Required Area And Width: Five (5) acre minimum development area with ten thousand (10,000) square feet minimum lot area within the development, one hundred fifty feet (150') average width, unless otherwise permitted by the Planning Commission.

f. Yards: Yards shall be set as follows:

- (1) Rear yard: Twenty foot (20') minimum setback unless the structure borders on an alley, in which event no setback is required.
- (2) Interior side yard: Ten foot (10') minimum setback.
- (3) Exterior side yard: Fifteen foot (15') minimum setback.
- (4) Front yard: Twenty foot (20') minimum setback.

g. Front And Exterior Side Yards: Required front yards and exterior side yards shall be limited exclusively for landscaping, driveways, internal circulation, walkways, parking, signs and other related streetscape features. Materials storage within such yards shall be prohibited.

h. Landscaping:

(1) Provisions for landscaping shall be included in the Development Master Plan to be submitted for conditional use permit approval. These shall include, but are not limited to, screen planting, lawn areas, trees, shrubs, fences and walls. Drought tolerant, low maintenance species in conjunction with decorative "hard surface" materials, such as, but not limited to, volcanic rock, gravel or stone are encouraged and may be utilized to fulfill landscape surface requirements.

(2) Minimum landscape area shall be provided equal to twenty five percent (25%) of the required front yard and exterior side yard equal to two and one-half ( $2\frac{1}{2}$ ) square feet per linear foot of street frontage.

(3) It shall be the responsibility of the owner or developer to carry out this program and to provide such maintenance and care as is required to obtain the effect intended by the original plan. All landscaping shall be planned and maintained to the satisfaction of the Planning Commission. A screen wall as set forth in subsection 3-2-3J of this chapter is required for all IBP uses within one hundred fifty feet (150') of an R district.

B. IC Industrial Commercial District:

1. Intent: The purpose of the IC Zoning District is to provide and preserve transitional areas characterized by surrounding commercial and industrial districts appropriate for a mixture of commercial uses and small scale industrial uses which are not associated with excessive levels of noise, dust, odor, vibration or smoke.

2. Principal Uses Permitted:

All general commercial principal permitted uses listed in subsection 3-2-10B of this chapter.

All light industrial principal permitted uses listed in subsection 3-2-12A of this chapter.

3. Conditional Uses Permitted: Any of the following uses may be permitted upon approval of a conditional use permit in accordance with provisions of this subsection and as set forth in section 3-2-18 of this chapter:

Gas service stations.

Mixed uses. Structures containing one or more residential dwelling units in which a significant portion of the space within the structure includes one or more principal commercial permitted uses.

Recreational vehicle parks.

4. Development Standards:

a. Minimum Area: There is no required minimum lot area.

b. Minimum Lot Width: There is no required minimum lot width.

c. Minimum Front And Rear Yard Setback: Required minimum front and rear yard setback shall be five feet (5').

d. Minimum Side Yard Setback: Required minimum side yard setback shall be five feet (5').

5. Height Restrictions: In addition to all other applicable requirements, all structures within the IC Industrial Commercial Zoning District must comply with the height and other requirements of the current City Airport Master Plan, to the extent the plan applies to that location.

6. IC Industrial Commercial Zone Abutting Residential Zone: A conditional use permit pursuant to section 3-2-18 of this chapter is required for every new development on a lot or parcel in the IC Industrial Commercial Zoning District which abuts a residential zoning district. All such developments are subject to the screen wall requirements set forth in subsection 3-2-3J of this chapter.

7. Outside Storage: Any outside storage of materials shall be suitably screened from surrounding area by fencing, walls, planting, or other comparable barrier.

8. Landscaping:

a. For every new construction in the IC Industrial Commercial Zoning District which is outside of the Central Business District (CBD), minimum landscape area shall be provided in an amount equal to fifteen percent (15%) of the surface area of the developed portion of the property for lot sizes one acre or greater and ten percent (10%) of the surface area of the developed portion of the property for lot sizes smaller than one acre, to include property consisting of multiple parcels which form a single development. Additionally, the City may, at its discretion, require that landscaped areas be distributed throughout the development, including yard areas between buildings, structures and the adjacent street right-of-way line. The landscaping may include, but is not limited to, screen planting, lawns, trees, shrubs, fences and walls. Drought tolerant, low maintenance species, in conjunction with decorative hard surface materials such as, but not limited to, volcanic rock, gravel or stone, are encouraged and may, where appropriate, be utilized to fulfill landscape surface requirements.

b. It shall be the responsibility of the owner or developer to carry out the requirements of this section and to provide proper maintenance and care of the landscaping. (Ord. 829, 5-22-2018)

### **3-2-12: LI, GI INDUSTRIAL DISTRICTS:**

A. LI Light Industrial District:

1. Intent: The purpose of the LI Zoning District is to provide and preserve areas reserved primarily for less intensive industrial use and activity normally associated with previously prepared materials and with minimal 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.

2. Area And Setback Requirements: All LI District uses shall be established in accordance with the following:
- a. Minimum Area: In an LI District, there is no required minimum lot area for a light industrial use.
  - b. Minimum Lot Width: In an LI District, there is no required minimum lot width.
  - c. Minimum Front And Rear Yard Setback: Required minimum front and rear yard setback in the Light Industrial (LI) District shall be ten feet (10').
  - d. Minimum Side Yard Setback: Required minimum side yard setback in the Light Industrial District shall be ten feet (10').
  - e. Maximum Building Height: The maximum allowable building height in the Light Industrial District shall not exceed the allowable elevation indicated in the current Airport Master Plan for the City.

3. Principal Uses Permitted: The primary permitted uses in the LI Zoning District are listed as follows, plus other uses of a similar nature:

Ambulance service.

Appliance repair.

Assayer.

Assembly of products and materials.

Auto and truck repair garage.

Auto parking lot.

Bakery.

Bottling plant.

Bus facilities or terminals.

Business machine service.

Cabinet manufacturing.

Clinics.

Contractor's services.

Corporate offices.

Dairy products distribution.

Drilling companies.

Electrician shop.

Equipment rentals and sales.

Fabricating of products and materials.

Financial institutions.

Fire stations.

Government facilities.

Health club.

Heavy equipment storage and sales.

Laboratories (medical, dental, optical, veterinarian, chemists).

Manufacturing of products and materials (limited in scale).

Medical offices.

Metallurgical lab.

Miniwarehousing.

Mobile homes. In the LI light industrial district, mobile homes shall be permitted as residences in accordance with the conditional use permit procedures. A mobile home must, for purposes of this subsection, qualify and constitute real property, as established by Nevada Revised Statutes chapter 361. In addition, there must be full compliance with all yard requirements of the R zoning district.

Municipal buildings.

Museums.

Park and ride facilities.

Plumbing shop.

Post office.

Professional offices.

Restaurants.

Storage units.

Trucking facilities or terminals.

Utility companies.

Veterinary clinics.

Warehousing.

Other commercial uses, which are supportive and complementary to LI uses and the intent of the district as determined by the planning commission.

4. Accessory Uses Permitted: The accessory permitted uses in the LI district are:

Residential or household units in the same building containing a permitted use in the LI district and which is occupied by the owner or employee of the permitted use.

5. Conditional Uses Permitted: Any of the following uses may be permitted upon approval of a conditional use permit in accordance with provisions of this subsection and those set forth in section 3-2-18 of this chapter:

Childcare center.

Gas service station.

Halfway house for recovering alcohol and drug abusers.

Humanitarian campgrounds.

Mobile homes or residential quarters for caretakers or watchmen.

6. Residential Uses: Residential uses are not allowed in the LI district as a permitted use or a conditional permitted use. Residential uses existing at the time of adoption of the ordinance codified herein may be allowed to continue in accordance with section 3-2-19 of this chapter.

7. Industrial Zone Abutting Residential Zone: When an industrial zone abuts a residential zone, a conditional use permit is required pursuant to section 3-2-18 of this chapter. All such developments are subject to the required screen wall in accordance with the provisions of subsection 3-2-3J of this chapter.

8. Requirements: All requirements set forth in section 3-2-17 of this chapter must be adhered to.

9. Screen Walls: A screen wall as set forth in subsection 3-2-3J of this chapter is required for all LI uses within one hundred fifty feet (150') of an R district.

10. Provisions For Landscaping:

a. Provisions for landscaping shall be part of the development plan and shall include, but are not limited to, screen planting, lawn areas, trees, shrubs, fences and walls. Drought tolerant, low maintenance species in conjunction with decorative "hard surface" materials, such as, but not limited to, volcanic rock, gravel or stone are encouraged and may be utilized to fulfill landscape surface requirements.

b. Minimum landscape area shall be provided equal to twenty five percent (25%) of the required front yard and exterior side yard, or equal to two (2) square feet per linear foot of street frontage.

c. It shall be the responsibility of the owner or developer to carry out this program and to provide such maintenance and care as is required to obtain the effect intended by the original plan.

B. GI General Industrial District:

1. Intent: The purpose of the GI zoning district is to provide and preserve areas reserved primarily for more intensive 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.

2. Principal Uses Permitted: The primary permitted uses in the GI zoning district include all uses permitted in the LI zoning district, plus other uses listed as follows:

Food processing facilities.

Manufacturing of products or materials.

Outdoor manufacturing, processing, assembly and fabrication.

Other commercial uses which are supportive and complementary to GI district uses and the intent of the district as determined by the planning commission.

3. Accessory Uses Permitted: The accessory permitted uses in the GI district are:

Residential or household units in the same building containing a permitted use in the GI district and which is occupied by the owner or employee of the permitted use.

4. Conditional Uses Permitted: Any of the following uses may be permitted upon approval of a conditional use permit in accordance with provisions of this subsection and those set forth in section 3-2-18 of this chapter:

Asphalt or concrete batch plant.

Gas service station.

Halfway house for recovering alcohol and drug abusers.

Humanitarian campgrounds.

Mobile homes or residential quarters for caretakers or watchmen.

Wrecking yard, salvage yard or junkyard.

Other similar uses or uses determined to be more noxious in character or operation.

5. Residential Uses: Residential uses are not allowed in the GI district as a permitted use or a conditional permitted use. Residential uses existing at the time of adoption of this section may be allowed to continue in accordance with section 3-2-19 of this chapter.

6. Height Regulations: In accordance with requirements of the current city airport master plan.

7. Yards:

a. Front Yard: There shall be a front yard having a depth of not less than ten feet (10'), or as determined through the process of variance procedure.

b. Side Yard: No side yard is required except where the premises adjoins a residential district, in which instance, there shall be a side yard having a width of not less than twenty five feet (25').

8. Industrial Zone Abutting Residential Zone: When an industrial zone abuts a residential zone, a conditional use permit is required pursuant to section 3-2-18 of this chapter. All such developments are subject to the required screen wall in accordance with the provisions of subsection 3-2-3J of this chapter.

9. Flammable And Combustible Liquids, Bulk Storage: All flammable and combustible liquids shall be governed by title 6, chapter 3 of this code. (Ord. 805, 12-13-2016)

### **3-2-13: AG GENERAL AGRICULTURE DISTRICT:**

This district is intended to comprise lands devoted to agriculture, related activities and other open uses. This district is further intended to constitute a "hold" district to retain land in less intensive use until the time is appropriate for more intensive development so as to prevent scattered development and the premature and costly extension of utility mains and services related thereto, and to regulate development of the city so that it occurs in stages according to market needs and progresses contiguously outward from the developed urban area. Regulations are designed to limit uses to those which are compatible with agriculture, to prevent encroachment by more intensive uses, and to preserve the open space characteristics of the district.

#### **A. Principal Uses Permitted:**

##### **1. Agricultural Uses:**

General agriculture on parcels not less than five (5) contiguous acres in area.

Commercial breeding, raising, training and feeding principally by grazing of horses, cattle, sheep, goats and hogs; provided, that pens, buildings, corrals and yards other than open pastures are not closer than five hundred feet (500') to any residence, except the residence of the property owner.

Dairies; poultry and egg farms; fur farms; public stable; provided, that pens, buildings and enclosures other than open pastures are not closer than five hundred feet (500') to any residence, except the residence of the property owner.

Oil wells.

Soil crops.

##### **2. General Uses:**

Guest ranches, on parcels having an area not less than ten (10) acres; provided, that pens, buildings and yards other than open pastures used for keeping of livestock are not closer than one hundred feet (100') to any street, highway or residential district.

Veterinary clinic or animal hospital.

##### **3. Conditional Uses Permitted:**

Churches and church facility complexes.

Public recreational uses, including public or quasi- public golf courses and similar activities.

Schools.

Water pumping plants and storage tanks.

#### **B. Accessory Uses Permitted:**

1. Accessory buildings, structures and uses customarily incidental to permitted principal or conditional uses.

2. Employee housing, servants' quarters, guesthouses.

3. Storage of petroleum products required for use on the premises; provided, that such storage shall not exceed one thousand (1,000) gallons and shall be subject to all applicable health and safety laws.

4. Home occupations.

#### **C. Property Development Standards For Principal Permitted Uses:**

1. Minimum lot or site area: Five (5) acres.

2. Minimum lot or site width: Four hundred feet (400').

3. Minimum setback from all street lines: One hundred feet (100').

4. Minimum side yards: One hundred feet (100').

5. Minimum Rear Yard: One hundred feet (100').

#### **D. Property Development Standards For Accessory Buildings:**

1. Maximum Height: In accordance with requirements of the current city airport master plan.

2. Minimum Space: The minimum space between a building used for sleeping or living purposes and any other detached building is twenty feet (20').

3. Minimum Side And Rear Setbacks: Minimum side and rear setbacks of buildings not used for keeping poultry or animals is twenty feet (20').

4. Accessory Buildings: Accessory buildings, whether attached or detached, shall not be erected in any required front or side yard, except as otherwise provided in this chapter.

E. Maintenance Of Stock Fences: All livestock and poultry kept shall be kept confined to the premises by erection and maintenance of a stock fence and necessary cattle guards. (Ord. 256, 4-11-1978)

**3-2-14: FP, SA OVERLAY DISTRICTS:**

A. FP Floodplain Overlay District: This overlay comprises areas subject to inundation by floodwaters according to limits established by the department of housing and urban development. It is the intent of this overlay to establish such regulations as are necessary to protect the public from the hazards and cost which may be incurred when unsuitable development occurs in such areas.

B. SA Special Area Overlay District: The purpose of the SA special area overlay district is to recognize certain areas as having unique or extraordinary features, characteristics, circumstances or history related to topography, streets and circulation, property sizes and configurations or established patterns of land use; and, to provide the opportunity to establish special development standards and regulations suitable for qualified special areas.

1. Standards Established: Special area and special area development standards are hereby established for the following described property:

Property zoned R on the east and west side of Lamoille Road, north of Wilson Avenue and inclusive of all R zoned property between Front Street on the north and Wilson Avenue on the south; property zoned R on the north and south side of Carlin Court and on the south side of Ouderkirk Avenue, west of Lamoille Road and inclusive of all R zoned property between Wilson Avenue on the north, Ouderkirk Avenue on the south and Lamoille Road on the east.

2. Property Development Standards:

- a. Area Requirements:

- (1) Minimum lot area: Four thousand (4,000) square feet.
- (2) Minimum lot width: Forty feet (40').
- (3) Minimum lot depth: Eighty feet (80').

- b. Land Use:

- (1) Single-family dwelling (SFD): Four thousand (4,000) square feet.
- (2) SFD or duplex: Six thousand (6,000) square feet.
- (3) SFD, duplex or triplex: Seven thousand (7,000) square feet.
- (4) SFD, duplex, triplex or fourplex: Eight thousand eight hundred (8,800) square feet.

3. Building Setbacks:

- a. Front Yard:

- (1) Single-story wall or elevation, twelve feet (12').
- (2) Two-story wall or elevation, fifteen feet (15').

- b. Rear Yard: Fifteen feet (15').

- c. Exterior Side Yard:

- (1) Single-story wall or elevation, seven and one-half feet ( $7\frac{1}{2}$ ').
- (2) Two-story wall or elevation, twelve feet (12').

- d. Interior Side Yard:

- (1) Single story wall or elevation, five feet (5').
- (2) Two-story wall or elevation, seven and one-half feet ( $7\frac{1}{2}$ ').

4. Off Street Parking:

- a. Single-family dwelling, two (2) spaces.
- b. Multiple-family dwelling, two (2) spaces per unit. (Ord. 512, 8-11-1998)

**3-2-15: PUD PLANNED UNIT DEVELOPMENT DISTRICT:**

The regulations set forth in this section, or set forth elsewhere in this chapter when referred to in this section, are the planned unit development (PUD) district regulations. The "planned unit development" is a concept as defined in section 3-2-2 of this chapter. A planned unit development may consist of attached or detached single-family units, townhouses, chapter units, condominiums, garden apartments or any combination thereof.

A. Purpose And Objective: The purpose is to establish procedures and standards for planned unit developments within the corporate limits of the city in order that the following objectives may be attained:

1. Accumulation of large areas of usable open space for recreation and preservation of natural amenities.
2. Flexibility in design to take the greatest advantage of natural land, trees, historical and other features.
3. Creation of a variety of housing types and compatible neighborhood arrangements that give the homebuyer greater choice in selecting types of environment and living units.
4. Allowance of sufficient freedom for the developer to take a creative approach to the use of land and related physical development, as well as utilizing innovative techniques to enhance the visual character of the city.
5. Efficient use of land which may result in reduction in development costs of street and utility systems.
6. Establishment of criteria for the inclusion of compatible associated uses to complement the residential areas within the planned unit development.

7. Simplification of the procedure for obtaining approval of proposed developments through simultaneous review by the city of proposed land use, site consideration, lot and setback considerations, public needs and requirements, and health and safety factors.

B. Use Regulations: Uses permitted in the planned unit development may include, and shall be limited to, the following; provided, that the uses permitted in this district shall be subject to the issuance of a conditional use permit after review by the planning commission and approval by the city council:

1. Public dedication to the city of the common open space. This method is subject to formal acceptance by the city.
2. Establishment of an association or nonprofit corporation of all individuals or corporations owning property within the planned unit development to ensure the maintenance of all common open space.
3. Retention of ownership, control and maintenance of all common open space by the developer.
4. All privately owned common open space shall continue to conform to its intended use and remain as expressed in the site plan through the inclusion of all deeds or appropriate restrictions to ensure that the common open space is permanently preserved according to the site plan. Said deed restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.
5. All common open space as well as public and recreational facilities shall be specifically included in the development schedule and be constructed and fully improved by the developer at an equivalent or greater rate than the construction of residential structures.
6. If the developer elects to administer common open space through an association or nonprofit corporation, said organization shall conform to the following requirements:
  - a. The developer must establish the association or nonprofit corporation prior to the sale of any lots.
  - b. Membership in the association or nonprofit corporation shall be mandatory for all residential property owners within the planned unit development and said association or corporation shall not discriminate in its members or shareholders.
  - c. The association or nonprofit corporation shall manage all common open space and recreational and cultural facilities that are not dedicated to the public, shall provide for the maintenance, administration and operation of said land and any other land within the planned unit development not publicly or privately owned, and shall secure adequate liability insurance on the land.
  - d. If the developer elects an association or nonprofit corporation as a method of administering common open space, the title to all residential property owners shall include an undivided fee simple estate in all common open space.
  - e. Said association or nonprofit corporation shall not be dissolved nor shall dispose of any common open space by sale or otherwise, without first offering to dedicate such common open space to the city, which offer shall be accepted or rejected within one hundred twenty (120) days.
  - f. Said association or nonprofit corporation may make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the planned unit development plan. The assessment shall be made ratably against the properties within the planned unit development that have a right of enjoyment of the common open space.
  - g. Said association or nonprofit corporation established for ownership and maintenance of common open space and receiving payments from owners of the property within the planned unit development shall:
    - (1) Immediately deposit such payments in a separate trust account maintained by it with some bank or recognized depository in this state.
    - (2) Keep records of all payments deposited therein and all disbursements therefrom.
7. The city, association, nonprofit corporation, developer or landowner who retains ownership, control and maintenance of a common open space shall have all rights of assessment, enforcement of assessment lien and other procedures available to said individual, corporation, association or other business entity as set forth in Nevada Revised Statutes chapter 278A.

C. Utilities And Services: Structures within the planned unit development shall be connected to city water and sewer lines and all utility lines shall be placed underground except for major electrical transmission lines. The road network of the planned unit development shall be of a suitable design and construction as to meet city specifications. The city shall have the right to require, prior to the approval of the site plan, such easements from the developer as are necessary for access by the city to privately owned acres of the planned unit development to permit the city to perform necessary police, health, safety and fire services.

D. Minimum Development Standards: A planned unit development must contain five (5) or more dwelling units and all lots within the planned unit development shall meet at least the following minimum requirements:

1. Minimum Site Area: Minimum site area shall be five (5) acres, except the planning commission, with approval of the city council, may waive this minimum when proper planning justification is shown.
2. Minimum Lot Size For Single-Family Detached Residences: The following minimum lot sized per dwelling unit shall apply to all lots containing a single-family detached residence, if said lots are located entirely within that section of the planned unit development that was previously located in an R zoning district:

7,500 square feet = 5.81

3. Lot Coverage: Maximum lot coverage shall be fifty percent (50%) for all lots within the planned unit development.
4. Setbacks: There shall be a minimum setback of ten feet (10') between any buildings which are forty feet (40') or less in height and all public or private access right of way designed for limited vehicular traffic, such as minor residential streets, cul-de-sacs, or dead end type streets. A minimum setback of twenty feet (20') shall apply to dwelling units located on collector streets and a minimum setback of thirty feet (30') shall apply to dwelling units located on arterial streets. The setback shall be increased two feet (2') for each additional story above forty feet (40') of height.
5. Distance Between Buildings: There shall be a minimum distance between detached buildings as follows: Twenty feet (20') for the first forty feet (40') of height. Two feet (2') additional for each additional story above forty feet (40') of height.
6. Access: All lots shall have access to either private or public roads within the planned unit development. Private roads are to be allowed within the planned unit development if they meet the minimum city construction standards. Private roads shall not be permitted along the perimeter of the planned unit development unless approved by the planning commission. All roads must be designated to tie in effectively with the city thoroughfare portion of the general plan. The city shall be allowed access on private roads and privately owned common open space to ensure the police and fire protection of the area to meet emergency needs, and to conduct city service.



7. Buffer Areas And Screening: Compatible and complementary buffer areas and/or screening shall be provided between primary residential uses and secondary nonresidential uses within the planned unit development and between conflicting uses located on the periphery of the development and surrounding developments or zoning districts. Sizes of buffer zones shall be determined during the process of conditional use permit approval.

8. Common Walls; Fire Resistance: Within the buildings, whenever common walls are proposed, they shall be two (2) hour fire resistant.

9. Drainage: Drainage on the internal private and public streets shall be as required by the public works department. All common driveways shall drain to either storm sewers or a street section.

10. Fire Hydrants: Fire hydrants shall be provided and installed as required by the fire department. Fire lanes shall be provided as required by the fire department. Fire lanes may be grass areas.

11. Exterior Lighting: Exterior lighting within the development shall be provided on private common drives, private vehicular streets and on public streets. The lighting on all public streets shall conform to the standards approved for regular use elsewhere in the city. (Ord. 256, 4-11-1978)

E. Open Space And Density:

1. In no instance shall the total amount of usable open space within the planned unit development be less than twenty percent (20%) of the gross acreage of the planned unit development. The following shall not be counted as usable open space: Land that has average slopes of greater than ten percent (10%); any streets, parking areas or other asphaltic or paved areas except for pedestrian and bicycle paths.

2. Density of the area shall be computed in the form of dwelling units per acre. The following maximum density shall apply to those sections of the planned unit development that were previously located in the following specified zoning districts:

R district specific density will be determined in process of conditional use permit review, however, in no instance shall the maximum density exceed twelve (12) units per acre.

F. Open Space And Related Incentives:

1. For each five percent (5%) increment of additional usable common open space above the twenty percent (20%) per gross acre minimum, the developer will be allowed a corresponding increase in density of ten percent (10%) above the density figure computed in subsection E of this section, subject to the maximum limitation of twelve (12) units per acre.

2. For each linear mile of bicycle path provided in the planned unit development, the developer will be allowed a corresponding increase in density of ten percent (10%) above the density figure computed in subsection E of this section, subject to the maximum limitation of twelve (12) units per area. The route of the bicycle path and its gradient must be reviewed by the planning commission and approved by the city council and shall be constructed according to the following specifications: width, at least eight feet (8') wide; paving, at least six inches (6") of compacted crushed stone base with two inches (2") of asphaltic concrete, whichever is suitable to the development. All site work, including drainage facilities, clearing and grading for the bicycle path shall be reviewed by the planning commission and approved by the city council. (Ord. 336, 12-14-1982)

G. Termination Of Planned Unit Development: Any owner of land which has been designated a planned unit development may apply to the city for the termination of the planned unit development use of that portion of his land in which construction has not been commenced pursuant to a site plan. The petition for termination of a planned unit development shall be accompanied by a zoning change application in accordance with the procedure specified in this chapter.

H. Building And Occupancy Permits: All building and occupancy permits shall be issued in conformance with an approved site plan for a planned unit development.

I. Procedures For Authorization Of Planned Unit Development: In order to provide an expeditious method for processing a plan for a planned unit development and to avoid delay and uncertainty, it is hereby declared that all procedures with respect to the approval or disapproval of a planned unit development and its continuing administration shall be consistent with the provisions set out in Nevada Revised Statutes sections 278A.440 through 278A.590, inclusive. (Ord. 256, 4-22-1978)

**3-2-16: RC RESTRICTED COMMERCIAL DISTRICT:**

A. Principal Uses Permitted:

1. Licensed houses of prostitution and limited residential uses associated therewith, and "sexually oriented business uses", as defined in section 3-2A-2 of this chapter, shall be permitted in restricted commercial zoned areas.

2. Development within the restricted commercial district shall be limited to the following areas:

The westerly  $\frac{1}{2}$  of Lot 9 and Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, of Block 47 in the Town of Elko Subdivisions; Lots 1, 2 and easterly 13.70 feet of Lot 3 of Block E of the Central Addition Subdivision.

B. Restricted Commercial District Use Permitted: It shall be unlawful to locate or relocate any house of prostitution in any area within the city except within a restricted commercial district.

C. Other Uses Permitted: General commercial, convenience commercial, light industrial and general industrial uses may be permitted in the RC zone, provided all requirements of section 3-2-12 of this chapter have been adhered to.

D. General Regulations:

1. The planning commission may require, with approval of the city council, landscaping sufficient to promote the compatibility with the neighborhood.

2. The outdoor storage of goods or materials shall be prohibited.

E. Conditional Use Permits Required: Houses of prostitution in the RC zoning district shall be subject to the conditional use permit procedure as set forth in section 3-2-18 of this chapter. (Ord. 439, 4-12-1994)

**3-2-17: TRAFFIC, ACCESS, PARKING AND LOADING REGULATIONS:**

It is the intent of this Chapter to secure optimum coordination and interaction between land use and transportation facilities. Preservation and improvement of the traffic function of abutting streets, and of the major street system as a whole are essential considerations in the project planning stage of land development. It is the purpose of this section to establish the regulations necessary to assure that every land use will be so located and planned as to minimize traffic congestion, hazards, and vehicular pedestrian conflicts. This Chapter also places the primary responsibility for reducing street parking on property owners and contains the regulations and minimum standards essential to the planning and development of adequate off-street parking.

A. Property Owner Responsibility: It shall be the duty and responsibility of each property owner to plan and develop his or her property in such a way that:

1. On-street space will not be required to satisfy parking or loading space needs;
2. Points of access from adjacent public streets will be minimized;
3. Driveway openings will be located and dimensioned to minimize disruption to passing traffic and the creation of traffic hazards; and
4. Driveways will be located to provide direct access from driveway openings to any required off-street parking.

B. Regulations Pertaining to Traffic: Every use of land shall conform to the following general standards, in addition to the special standards for certain specific uses of land as set forth in this Chapter:

1. Traffic Visibility: No obstructions to visibility at any street intersection that interfere with the ability of motorists to observe traffic signs, vehicles, and pedestrians, including but not limited to structures, signs, parked vehicles, or vegetation shall be allowed or permitted to remain in any zoning district between the heights of two and one-half feet (2 1/2') and eight feet (8') above the ground.

2. Driveway Openings: "Driveway openings" means the transition area from a public road or public street within a right-of-way or easement extending to a private property line for the purpose of allowing ingress and egress of vehicular traffic. With the exception of driveway openings that were in conformance with this Code at the time of their installation or modification and are permitted to continue as legal nonconforming uses, all driveway openings that are installed, altered, changed, replaced, or extended shall comply with the requirements set forth in this Chapter and be approved by the City prior to installation or modification. All driveway openings subject to this section shall satisfy the following requirements.

a. Pedestrian or Vehicular Traffic Hazards:

Driveway openings which contribute to or result in the creation of pedestrian or vehicular traffic hazards shall not be approved absent extenuating circumstances. The following factors shall be considered in determining whether a condition creates a pedestrian or vehicular traffic hazard:

- (1) Obstructions to visibility at the intersection of a public street and proposed driveway.
- (2) Traffic congestion and the risk of vehicular pedestrian conflicts at the intersection of a public street and proposed driveway.
- (3) Multiple proposed driveway openings or added driveway openings combined with existing driveway openings which increase vehicular traffic conflict points in the public street.

b. Single-Family Residential Driveway Openings.

- (1) Driveway openings shall not exceed:

A. Twenty (20) feet in width at single-family residences for off-street parking pertaining to accessory uses in conformance with Section 3-2-5.

B. The width of the garage or carport for covered parking (such as detached garage or carport).

C. Thirty (30) feet in width or the width of the garage or carport, whichever is greater, for attached parking, as measured at the street line, exclusive of curb returns or tapers; provided, no driveway opening shall conflict with the requirements set forth in Section B(3)(c), below.

(2) Driveways shall be designed with a minimum slope of 0.5% and a maximum slope of 14%. Slopes between 10% and 14%, inclusive, may be allowed under unique circumstances only if the developer/contractor can demonstrate a hardship which would make a slope less than 10% impractical.

c. For commercial and industrial uses, driveway openings shall not exceed forty-five feet (44') in width measured at the street line, exclusive of curb returns or tapers. However, in the event the City determines that public safety would best be served by a multiple lane driveway opening configuration, the City may approve a driveway opening greater than the maximum width prescribed in this section.

d. Driveway openings for vehicular entrances and exits to drive-in theaters, stadiums, racetracks, funeral homes and similar uses generating very heavy, periodic traffic conflicts shall be located not closer than two hundred feet (200') to any intersection or any pedestrian entrance or exit to or from a school, college, university, church, hospital, public emergency shelter or other place of public assembly.

3. Access:

a. Roadway Classifications: All roadway classifications shall be determined in accordance with the Transportation component of the City of Elko Master Plan.

b. Private Access: No direct private access shall be permitted to an existing or proposed right of way of any freeway, interstate highway, expressway, or controlled access arterial street without the written permission of the City or other governmental entity having jurisdiction over the location where the access is proposed.

c. Public or Private Access: Direct public or private access shall meet the minimum standards set forth in this section based on the applicable roadway classifications; provided: (1) the Nevada Department of Transportation (NDOT) shall be granted access through existing NDOT rights of way; and (2) NDOT may be granted access through property owned by the City; further provided, the City may, in its discretion, modify the minimum standards set forth in this section if the property owner demonstrates that physical site conditions and/or the location of existing rights-of-way render strict compliance impractical or impossible. Except as otherwise provided in this subsection, the following access standards shall apply based on the applicable roadway classification:

(1) The City may grant a private property owners access from a principal or major arterial street if there is no other reasonable access to the parcel, in which event access shall be restricted to right turns only and shall be located no less than three hundred fifty feet (350') from all other intersections and points of access. Access from principal or major arterial streets shall be shared with adjacent properties where feasible.

(2) Access from minor arterial streets shall be permitted so long as it is located no less than two hundred fifty feet (250') from intersections and other points of access. Access from minor arterial streets shall be shared with adjacent properties where feasible.

(3) Access to collector streets from residential parcels shall be permitted so long as the design does not force or encourage vehicles to back into streets, further provided the access is located no less than seventy five feet (75') from intersections and twenty five feet (25') from other points of access.

(4) Access to collector streets from nonresidential parcels shall be permitted so long as the access is located no less than one hundred fifty feet (150') from intersections and other points of access.

(5) Access to local streets from residential parcels shall be permitted so long as the access is located no less than thirty feet (30') from all other intersections and no less than ten feet (10') from other points of access.

(6) Access to local streets from nonresidential parcels shall be permitted so long as the access is located no less than fifty feet (50') from intersections and thirty feet (30') from all other points of access.

d. Points of Access, Driveways, and Parking Spaces: Except for single-family dwellings and two-family dwellings, point of access, driveway, and parking space location and design shall include a paved turning area that allows vehicles to turn around and travel into a public street. Except as provided above, under no circumstance shall any off street parking lot be so arranged or designed as to necessitate backing a vehicle into a public street.

e. Civil Improvements Required: All civil improvements required pursuant to the City Code (to include, without limitation, Title 8, Chapter 18, "Public Improvement Standards") shall be completed on the full frontage of the lot, parcel, or tract of real property prior to granting access to any City right-of-way or easement from the lot, parcel, or tract. Civil improvements shall satisfy the public improvement standards and requirements set forth in Chapters 3 and 5 of this Title as applicable, and shall satisfy all other applicable requirements of the City Code. All civil improvements must be approved by the City constructed by a properly licensed contractor, and certified by a properly licensed engineer.

f. Revocation of Access: Permission to access City rights-of-way or easements may be revoked if conditions identified in the approval of the civil improvement plans are not satisfied or if a person attempts to access City rights-of-way or easements without prior approval by the City following the submittal of civil improvement plans.

4. Traffic Counts: All developers shall provide calculations in accordance with the Institute of Traffic Engineers (ITE) "Traffic Generation Manual" for the anticipated traffic load created by the development. In the event the City determines that a proposed development is likely to create a traffic load exceeding one thousand (1,000) vehicles per day (vpd), or if the City determines that the resulting increase in traffic from a proposed development will likely decrease the level of service (LOS) of a roadway based on the current traffic counts on that roadway to an LOS of D or worse as determined in accordance with the "Highway Capacity Manual" and the AASHTO publication entitled "Geometric Design Of Highways and Streets", the developer shall complete and submit to the City a traffic study prior to submitting plans for civil improvements. The City may take the traffic study into consideration in approving or rejecting any civil improvement plans related to the proposed development.

C. General Off-Street Parking Regulations: In all zoning districts, off-street parking areas must be provided in accordance with the provisions of this section for: 1) new buildings, establishments, or uses of land; and 2) existing buildings, establishments, or uses of land which are extended, enlarged or altered.

1. Buildings, establishments, or uses of land established and in operation prior to June 12, 2002 that were in compliance with this Chapter on that date shall be exempt from the requirements of this section; provided, however, that whenever such buildings, establishments, or uses of land are extended, enlarged, modified, increased, or altered, off-street parking facilities shall be provided for the extended, enlarged, modified, increased or altered area in accordance with the provisions of this section; further provided, any extension, enlargement, modification, increase, or alteration of a building, establishment, or use of land shall be subject to any additional parking requirements contained in this Title or required by the City in accordance with the City Code, to include, without limitation, additional parking requirements contained in a conditional use permit.

2. No person required to provide off-street parking under this section may discontinue or reduce any existing required parking without first providing replacement parking in accordance with provisions of this section.

3. Except as otherwise provided in Subsection 4, below, required off-street parking spaces used in connection with any establishment or business which are located within any public street or right of way and thus, nonconforming with the requirements of this section, shall be deemed abandoned within ninety (90) days upon the automatic termination of the legal nonconforming use of parking caused by any one of the following events:

a. A change in use of any building or land owned, leased, or used by the establishment or business;

b. Any enlargement, expansion, or addition to any building owned, leased, or used by the establishment or business that is in excess of four hundred (400) square feet of gross floor area; or

c. The occupancy by the establishment or business of a building that has not been occupied or used for a period of at least twelve (12) consecutive months.

4. Parking spaces used in connection with an establishment or business that are located within any public street or right of way shall be automatically deemed abandoned unless the establishment or business obtains a revocable permit for use of the parking spaces from the City Council. In order to obtain any such revocable permit, the applicant must first present an application for a revocable permit to the Planning Commission for consideration. The recommendation of the Planning Commission must then be submitted to the City Council. If the City Council grants any such revocable permit, it may be granted subject to any terms or conditions required by the City Council which the City Council deems to be in the best interest of the City.

#### D. Location and Placement of Required Off-Street Parking:

1. General: Every part of every off-street parking facility shall be set back from every lot line a sufficient distance to assure that no part of any parked vehicle can project over the lot line.

##### 2. Residential Uses:

a. In any residential zoning district other than the RMH-1 district, no required off-street parking space shall be located in a required front yard or side yard.

b. Required off-street parking shall be located on the same lot or parcel as the use it is intended to serve; provided, however, that:

(1) Parking for cooperative or condominium type multi-family dwellings, fraternities, sororities and rooming houses, may be provided in a parking lot not farther than two hundred feet (200') from the entrance to the dwelling unit it is intended to serve.

(2) Required parking for multi-family dwellings in excess of one space per dwelling unit may be located on a separate, abutting lot or parcel in a parking lot not more than three hundred feet (300') from the dwelling units it is intended to serve.

##### 3. Nonresidential Uses:

a. Required off-street parking shall be located within three hundred feet (300') of the real property it is intended to serve as measured along the sidewalk from the nearest point of the building or structure to the nearest point of the parking lot; provided, however, that parking facilities for a stadium, auditorium, outdoor sports arena, or similar use, may be located not farther than one thousand three hundred feet (1,300') from the nearest point of such building or structure.

b. Every nonresidential parking lot abutting a residential district shall be set back a distance not less than the minimum required setback for abutting principal residential buildings in that residential district; for example, the parking lot setback must be equal to or greater than the interior side yard setback if abutting an interior side yard.

4. Documentation Required: Whenever the use of a separate lot or parcel is proposed for fulfillment of minimum parking requirements, the owner shall submit as a part of an occupancy certificate satisfactory assurance that the separate lot or parcel is permanently committed to parking use by deed restriction or other enforceable legal measure.

E. Methods of Providing Required Off-Street Parking: Required off-street parking may be provided by any one or combination of the following methods:

1. By providing the required parking space on the same lot as the building or use being served.
2. By the collective provision of required parking for two (2) or more buildings or uses, whereupon the total of such parking shall be not less than the sum of the requirements for the several buildings or uses computed separately; provided, however, that if two (2) or more such buildings or uses have operating hours which do not overlap, the Planning Commission, upon appeal, may grant a reduction of the collective requirement based upon the special circumstances involved. A written agreement for joint use of such facilities shall be executed between the parties concerned and a copy shall be filed with the Planning Department and recorded with the County Recorder's Office.
3. By securing the consent to use off-street parking facilities under another's ownership which are not otherwise used during the principal operating hours of the building or use in question; provided, however, that such consent shall be in written form and a copy shall be filed with the Planning Department and recorded with the County Recorder's Office.
4. In any zoning district and for cause shown, the Planning Commission may waive all or any portion of an off-street parking requirement, provided such waiver does not conflict with the purpose and intent of this chapter. In conjunction with the review and consideration of a parking waiver, the City shall notify all adjacent property owners as listed on the County Assessor's records not less than ten (10) days prior to the date of the Planning Commission meeting. Any decision of the Planning Commission associated with a request to waive an off-street parking requirement may be appealed to the City Council. Application for parking waiver shall be filed with the Planning Department on a form provided for such purpose and shall include payment of a filing fee in an amount established by resolution of the City Council.

F. Schedule of Required Off-Street Parking: The minimum number of off- street parking spaces required for specific uses shall be determined according to the following schedule. Requirements for a specific use not listed shall be the same as those for the most similar use listed, or as required by the Planning Commission or the City Council.

Use	Minimum Spaces Required	
Use	Minimum Spaces Required	
Commercial recreation:		
	Billiard parlors	1 per 2 billiard tables, plus 1 per each 2 employees on the shift with the most employees
	Bowling alleys	4 per bowling lane, plus 1 per each 2 employees on the shift with the most employees
	Gymnasiums, health studios, private golf clubs, swimming pools, tennis clubs, and similar uses	1 per 400 square feet of usable floor area, plus 1 per each employee on the shift with the most employees
	Skating rinks, dance halls, dance studios	1 per 3 persons of maximum capacity permitted by Building Code
Commercial sales and services:		
	Automobile/truck, mobile home, RV, boat, or trailer sales and service	1 per each 800 square feet of sales area for first 4,000 square feet, plus 1 per additional 2,000 square feet
	Banks, credit unions	1 per 300 square feet of usable floor area
	Barbershops, beauty shops	2 per service chair
	Bus depot	1 per 150 square feet of waiting room space, plus requirements for auxiliary commercial uses as elsewhere listed
	Car wash/wash line	1 per each employee on the largest shift, plus reservoir spaces equal to 5 times the capacity
	Casino, gaming	1 per every 200 square feet of usable floor area, plus 1 space per employee
	Childcare center	1 per every 10 students based on licensed occupancy, plus 1 per each employee on the shift with the most employees, plus 1 per each facility vehicle
	Drive-through facility (bank, fast food, retail)	Requirements for uses elsewhere specified herein, plus stacking capacity for 5 vehicles. Drive-through lanes must be independent of access lanes required for parking space backup area and for general and emergency vehicle circulation
	Furniture and appliance stores (sales and repairs)	1 per 800 square feet of usable floor area
	Gas stations	1 per employee on the shift with the most employees

	Gas stations with convenience stores	1 per 2 gasoline pumps
	General Retail	1 per 300 square feet of usable floor area
	Greenhouse, garden center	1 per 500 square feet of sales area for the first 2,000 square feet, plus 1 per additional 2,000 square feet
	Large machinery/equipment sales or rental	1 per 800 square feet of gross area
	Mortuaries, funeral homes	1 per 3 fixed chapel seats, or 1 per 50 square feet of assembly area, whichever is greater, plus 1 per employee, plus 1 per commercial funeral vehicle
	Restaurants, bars, cocktail lounges	1 per 100 square feet of usable floor area, plus 1 per each employee on the shift with the most employees
	Self-service laundries	1 per 4 machines
	Supermarkets, drugstores	1 per 300 square feet of usable floor area
Hotels, motels:		
	Auxiliary uses, i.e., restaurants	1 per 100 square feet of usable floor area of dining room, bar, plus 1 per each 2 employees on the shift with the most employees
	Commercial accessory use	1 per 400 square feet of usable floor area
	Overnight guests	1 per guestroom, or suite, plus 1 per each 2 employees on the shift with the most employees
	Convention/meeting rooms	1 per 6 fixed seats or 1 per 24 square feet of unfixed seating space
Institutional uses:		
	Hospitals	1 per 2 beds, plus 1 per each employee on the shift with the most employees, plus 1 per 225 square feet of auxiliary medical office floor area
	Sanatoriums, children's homes	1 per 5 beds, plus 1 per each employee on the shift with the most employees
	Manufacturing and industrial uses	1 per 500 square feet of gross floor area, or 1 per each employee on the shift with the most employees, whichever is greater
Offices:		
	Medical and dental offices and clinics	1 per 225 square feet of usable floor area
	Offices; professional, governmental	1 per 300 square feet of usable floor area
Places of public assembly:		
	Auditoriums, exhibition halls, theaters, convention facilities, meeting rooms	1 per 5 fixed seats, or 1 per 40 square feet of unfixed seating space, plus 1 per each 2 employees on the largest shift
	Churches, for primary seating only	1 per 5 fixed seats, or 1 per 40 square feet of unfixed seating space, plus 1 per each 2 employees on the shift with the most employees
	Library, art gallery, or museum	1 per 1,000 square feet of usable floor area
	Movie theater	1 per 5 seats, plus 1 per employee on the largest shift
	Social clubs such as Elks, Moose, VFW, etc.	1 per 200 square feet of usable floor area
	Stadium, outdoor sports arenas	1 per 5 seats, plus 1 per each 2 employees on the shift with the most employees
Public and quasi-public uses:		
	Elementary schools	1 per 6 students
	Golf course, open to public	4 per hole, plus 1 per each employee on the shift with the most employees
	High schools	1 per 4 students, plus 1 per employee
	Junior colleges, colleges and universities	1 per 3 enrolled full time day students, plus 1 per employee
	Middle school/junior high school	1 per 10 students, plus 1 per employee
	Trade schools, business colleges	1 per 150 square feet of gross floor area
Residential uses:		

	Mobile home parks and lodges	See mobile home parks, mobile home, manufactured home subdivisions and recreational vehicle (RV) parks (chapter 5 of this title)
	Multiple-family dwellings (studio unit)	1 per dwelling unit
	Multiple-family dwellings (1 and 2 bedroom unit)	1-1/2 per dwelling unit, plus 1 per 3 units for guest parking
	Multiple-family dwellings (3 or more bedrooms)	2 per dwelling unit, plus 1 per 3 units for guest parking
	Rooming houses, fraternities, sororities, resident clubs, lodges	1 per sleeping room or 1 per bed, whichever is greater
	Senior citizen housing development	1 per unit, plus 1 per 5 units for guest parking
	Single-family residence, duplex, triplex, fourplex	2 per dwelling unit
	Townhouses, condominiums	2 per dwelling unit, plus 1 per 3 units for guest parking
	Wholesaling and warehousing uses	1 per 1,700 square feet of usable floor area, or 1 per each employee on the largest shift, whichever is greater, plus 1 per company owned motor vehicle
	All other uses not specifically listed	In accordance with the most recent applicable parking generation rates established by the Institute Of Transportation Engineers (ITE)

G. Parking Lot Design Standards: Design standards associated with secondary access, landscaping, lighting, and provision of snow storage and trash receptacle enclosure areas, are intended to apply to the development and construction of new parking lots and facilities.

1. Minimum Design Dimensions: The layout of every off-street parking lot shall conform to the following minimum standards:

Angle Of Parking	One-Way Access Lane Width	Two-Way Access Lane Width	Parking Space Width	Parking Space Length
90°	24 feet	24 feet	9 feet	20 feet
75° - 89°	22 feet	24 feet	9 feet	20 feet
54° - 74°	18 feet	22 feet	9 feet	20 feet
30° - 53°	15 feet	20 feet	9 feet	20 feet
Parallel	12 feet	20 feet	8 feet	23 feet

Parking which is adjacent to a building face, or which is adjacent to improvements such as landscaping and sidewalks located directly adjacent to a building face shall provide access for fire equipment and personnel in conformance with the fire code adopted in title 6 of this code.

2. Measurement of Existing Unmarked Lots: In measuring unmarked parking lots in use or operation on the effective date hereof, each parking space shall be considered to require a minimum of three hundred (300) square feet, inclusive of access lanes. For single-family, duplex, triplex and fourplex residential land uses, the square footage of each required parking space shall be not less than one hundred eighty (180) square feet (9 feet x 20 feet).

3. Secondary Access or Interior Turnarounds: Secondary access or interior turnarounds shall be provided for parking lots of ten (10) or more parking spaces, interior turnarounds shall also be designed in accordance with the currently adopted fire code set forth in title 6 of this code.

4. Driveways and parking areas shall be designed to include paved turnaround areas to prevent the use of striped parking stalls as turning areas and drive aisles for backing movements.

5. Landscaping: Five percent (5%) of any off-street parking lot of twenty (20) or more parking spaces shall be reserved for landscaping improvements, except for parking lots and facilities not directly associated with or serving adjacent commercial or industrial development. Where landscaping is required under other provisions of the City Code, landscaped areas in parking lots shall be considered in calculating landscaping requirements. Landscape areas should be distributed throughout the project site and should contribute to the screening and softening of the off-street parking lot. Landscape materials may include, but are not limited to, screen planting, lawn areas, trees, shrubs, fences and walls. Drought tolerant, low maintenance species in conjunction with decorative "hard surface" materials, such as, but not limited to, volcanic rock, gravel or stone are encouraged and may be utilized to fulfill landscape surface requirements.

a. For off-street parking lots of twenty (20) or more parking spaces, provision of the required five percent (5%) of landscaping may be accompanied by a five percent (5%) reduction in the amount of required parking spaces.

b. Parking spaces which abut and overhang a sidewalk exceeding seven feet (7') in width or a landscape planter area at least six feet (6') in width may reduce space lengths from the required twenty feet (20') to eighteen feet (18').

c. Selection and installation of plant materials shall be done with the intent to screen and soften rather than conceal in order to maintain visibility for facility security. Preference shall be given to the use of low lying ground cover and shrubs and the use of trees with elevated canopies over the selection and use of densely compacted trees and shrubs.

d. Planter areas should be distributed throughout the off street parking lot and are encouraged to be used as a traffic control device to promote safe orderly vehicular and pedestrian circulation within the off street parking lot.

e. It shall be the responsibility of the owner or developer to carry out this program and to provide maintenance and care as required to obtain the effect intended by the original plan.

f. Landscaping requirements contained in this chapter are not intended to supplement or compound landscaping provisions contained in other sections of this title.

g. The City shall not be responsible for maintenance, repair or replacement of any landscaping or related materials placed or constructed within the public right-of-way pursuant to this Section. No landscaping shall be constructed within the public right-of-way without a revocable permit issued by the City following any required approval by the City Council with the exception of public rights-of-way in which the City Council has granted administrative approval authority. Revocable permits may be granted with or without conditions.

h. No obstructions to visibility at any street intersection shall be located within a sight triangle determined in accordance with American Association of State Highway And Transportation Officials (AASHTO) publication of "A Policy On Geometric Design Of Highways And Streets", including any amendments thereto.

6. Snow Storage Areas: Snow storage areas shall be provided for parking lots of twenty (20) or more parking spaces. Landscape areas may be utilized to fulfill this requirement.

7. Lighting: Off-street parking areas shall satisfy the following lighting requirements: Eighty percent (80%) of the parking lot shall have a minimum illumination level of twenty five hundredths (0.25) of a foot-candle. Levels of illumination should be distributed throughout the parking lot.

8. Trash Receptacle/Dumpster Areas: Trash receptacle/dumpster areas, enclosed by a screen wall, shall be provided for parking lots directly associated with industrial, commercial or multiple-family residential development and which contain twenty (20) or more parking spaces.

9. Parking Lot Access:

a. Access from Alley: An alley may be used for principal access to any parking lot, and for direct access to parking spaces; provided, however, that every such alley shall be dedicated full width to the public, fully improved with an all-weather, dust free surface, and properly drained to prevent impoundment of surface water.

b. Access from Street: No entrance or exit to a parking lot shall be located closer than fifteen feet (15') to any abutting residential district without prior approval from the City.

10. Surfacing, Curb and Drainage: Every parking lot and parking access shall be:

a. Properly graded to prevent impoundment of surface water;

b. Surfaced with asphaltic concrete or cement concrete at least two inches (2") thick;

c. Parking spaces shall be clearly striped;

d. Continuous six inch (6") concrete curbs or a comparable alternative shall be installed around the perimeter of the paved parking area and as protection for planted areas, islands, and walls within the parking lot area. Noncontinuous curbing may be allowed in circumstances where perimeter planted areas are part of the approved storm runoff and drainage plan.

11. Required Screen Walls: Where the interior side lot line or rear lot line of a nonresidential parking lot abuts a residential district and is not separated therefrom by an alley, a solid, continuous screen wall not less than five feet (5'), nor more than six feet (6') in height above grade, shall be installed and maintained abutting the residential district line; provided, however, that such wall shall extend no closer to the street line than the minimum required setback for residential properties in the same block.

12. Plans Required for Off-Street Parking and Loading Spaces: Site plans are required for off-street parking and loading and shall show how the required parking and loading spaces are to be located and arranged on the site. In addition, such plans shall demonstrate safe and efficient internal circulation and traffic flow and show how drives and parking lots are to be graded and drained, as well as the location and design of all screen walls, landscaping and lighting. Such plans must be reviewed and approved by the Planning and Engineering Departments.

H. Park and Ride Facilities: Park and ride facilities shall satisfy the design standards set forth in subsection G of this section, unless specifically discussed in this subsection H, as follows:

1. Location: Park and ride facilities shall be located in either Light Industrial (LI) or General Industrial (GI) zoning districts and shall be located adjacent to roadways classified as commercial/industrial collector, arterial, or principal arterial in the City of Elko Master Plan.

2. Stand Alone Use: A park and ride facility shall be a stand-alone use located on a single parcel that does not contain any other use.

3. Area Requirements: Park and ride facilities shall be located on lots with a minimum lot size of three (3) acres and not more than fifteen (15) acres.

4. Lighting: Park and ride facilities shall satisfy the following lighting requirements: Fifty percent (50%) of the parking lot shall have a minimum illumination level of twenty-five hundredths (0.25) of a foot-candle. Levels of illumination must be distributed throughout the parking lot.

5. Trash Receptacle/Dumpster Areas: Every park and ride facility must contain at least one area, enclosed by a screen wall, for the placement of trash receptacles and/or dumpsters. There must be no less than one trash receptacle for every acre of a park and ride facility. The trash receptacle areas shall be evenly placed through the park and ride facility. In addition to the foregoing, trash receptacles shall be located at each bus loading zone and at least one enclosed dumpster must be placed in a location that can be accessed from a paved surface.

6. Traffic Study: All developers of new park and ride facilities shall provide calculations in accordance with the Institute of Traffic Engineers (ITE) "Traffic Generation Manual" for the anticipated traffic load created by the park and ride facility. In the event the city determines that a proposed park and ride facility is likely to create a traffic load exceeding two thousand (2,000) vehicles per day (vpd), or if the City determines that the resulting increase in traffic from a proposed park and ride facility will likely decrease the level of service (LOS) of a roadway based on the current traffic counts on that roadway to an LOS of D or worse as determined in accordance with the "Highway Capacity Manual" and the AASHTO publication entitled "Geometric Design Of Highways And Streets", the developer of the proposed park and ride facility shall complete and submit to the city a traffic study prior to submitting plans for civil improvements. The City may take the traffic study into consideration in approving or rejecting any civil improvement plans related to the proposed development.

7. Surfacing and Drainage: Every new park and ride facility shall:

a. Be properly graded to prevent impoundment of surface water;

b. Be surfaced with compacted type II road base with a minimum thickness of six inches (6");

c. Contain parking spaces which are clearly delineated either with striping on paved surfaces or with the use of parking bumpers on unmarked areas;

d. Contain asphaltic surfacing with a minimum thickness of two inches (2") over the route leading from each entrance into the parking lot for a minimum of forty feet (40'); and

e. Contain asphaltic surfacing with a minimum thickness of two inches (2") over the route intended for the loading and unloading of commuters on and off buses (if applicable).

I. Exceptions for Certain Multi-Family Residential Developments:

1. In the case of a multi-family residential development which contains five (5) or more units proposed to be occupied by elderly persons or individuals with disabilities, the Planning Commission may grant a twenty-five percent (25%) reduction in the required off-street parking.

J. Central Business District Regulations:

1. All principal permitted uses which are situated on property located within four hundred feet (400') of the Central Business District (CBD) public parking corridor, are exempted from providing required off street parking. Residential uses shall provide required off street parking in accordance with the provisions of this chapter.

a. Residential uses in a mixed-use building with no more than four (4) residential units located within two hundred (200) feet of the Downtown Parking Corridor are exempt from the requirement to provide off-street parking. All other residential uses shall provide the required off-street parking in accordance with the provisions of this Chapter.

2. Overnight parking in conjunction with occupancy of recreational vehicles within the Central Business District (CBD) public parking corridor shall be prohibited.

3. Parking of all unlicensed or unregistered vehicles within the Central Business District (CBD) public parking corridor shall be prohibited.

4. Parking of any type of trailer that is disconnected from the pulling vehicle within the Central Business District (CBD) public parking corridor shall be prohibited unless otherwise authorized by special event or other permit.

5. Within the Central Business District (CBD) public parking corridor, parking or storage of any properly licensed vehicle shall be temporary and limited to seventy-five (72) hours, unless an exemption is authorized pursuant to a special event permit or other permit issued in advance by the City.

6. It shall be unlawful for any person, including a business, to utilize the Central Business District (CBD) public parking corridor for the purposes of storing or parking a vehicle while shuttling employees or car-pooling to or from places of employment.

7. It shall be unlawful to store, park, or idle any semis with trailers within the Central Business District (CBD) public parking corridor.

8. Police officers are authorized to remove vehicles parked in violation of this Code from the Central Business District (CBD) subject to the provisions of this section.

9. Whenever any police officer determines that a vehicle is parked in violation of this Code, such officer may cause to be moved or remove such vehicle in any manner provided by law, or require the driver or person in charge of the vehicle to move the vehicle to a location or in such a manner as to render it no longer in violation.

10. Any police officer may cause to be removed any vehicle or part of a vehicle parked in violation of this Code, or may cause such vehicle to be removed, to the nearest garage or other location for storage if:

a. The vehicle has been involved in an accident and is so disabled that its normal operation is impossible or impractical and/or the person or persons in charge of the vehicle are incapacitated by reason of physical injury or other reason to such an extent as to be unable to provide for its removal or custody, or are not in the immediate vicinity of the disabled vehicle; or

b. The person driving or in actual physical control of the vehicle is arrested for any alleged offense providing that the officer is required by law to take the person arrested before a proper magistrate without unnecessary delay.

11. In any prosecution charging a violation of any provision of this subsection I, proof that the particular vehicle described in the complaint was found in violation thereof, together with proof that the defendant named in the complaint or citation was at the time of such complaint or citation the registered owner, owner or party in the care or custody of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner, owner or party in the care or custody of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

12. To the extent there should exist any actual conflict with other traffic laws of the City, the provisions of this subsection J shall be controlling concerning the parking of vehicles within the Central Business District (CBD) public parking corridor.(Ord. 864, 8-24-2021)

**3-2-18: CONDITIONAL USE PERMITS:**

It is the intent of this section to provide for the issuance of conditional use permits to allow for the specialized use within zoning districts of certain normal and complementary uses to that of the principal use of the zoning district.

A. General Regulations:

1. Certain uses of land within designated zoning districts shall be permitted as principal uses only upon issuance of a conditional use permit. Subject to the requirements of this chapter, other applicable chapters, and where applicable to additional standards established by the Planning Commission, or the City Council, a conditional use permit for such uses may be issued.

2. Any building, structure or use existing on the effective date of this chapter for the zoning district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by the zoning district, and its continuance shall not be subject to issuance of a conditional use permit; however, to the extent that such use fails to conform to the requirements of the zoning district, it shall be considered nonconforming and its continuance shall be governed by all nonconforming use regulations applicable thereto.

3. Conditional use permits for development or for the extension, enlargement or change of a nonconforming use or which are otherwise required under the terms of this chapter shall be transferable and shall run with the land upon the issuance of an occupancy permit signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied. The maintenance of special conditions imposed by the permits, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.

4. Every conditional use permit issued, including a permit for a mobile home park, shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.



5. Every conditional use permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.

6. Conditional use permits shall be reviewed from time to time by City personnel. Conditional use permits may be formally reviewed by the Planning Commission. In the event that any or all of the conditions of the permit or this chapter are not adhered to, the conditional use permit will be subject to revocation.

B. Conditional Use Permit Application Filing: Application for a conditional use permit shall be filed with the City Planning Department by the owner or lessee of the proposed building, structure or use, on forms furnished for the purpose; provided, however, that the owner must "approve" lessee's application. A filing fee shall be paid by the applicant to defray the costs for reviewing and reporting of the facts, in accordance with a fee schedule maintained by the City.

C. Conditional Use Permit Application Filing: The application shall be full and complete and shall be accompanied by a detailed site plan showing all information necessary to demonstrate that the proposed use will comply with special conditions as well as other regulations and requirements of this chapter. If the property is developed, the application shall include a site plan prepared by a properly licensed surveyor depicting the proposed conditional use permit site, drawn to scale and showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other information needed to demonstrate that the proposed use will be compliant with this Code. If the property is not developed, the application shall include a site plan provided by a properly licensed design professional, drawn to scale and showing property lines, proposed buildings, building setbacks, parking and loading areas, driveways and other information needed to demonstrate that the proposed use will be compliant with this Code. In addition the applicant shall furnish the Planning Commission any additional information it may consider relevant to its investigation of the application.

D. Planning Commission Review And Investigation: The Planning Commission shall review the application and supporting data, and make such site inspections and other investigations as it deems necessary.

E. Planning Commission Findings And Actions: It is the express intent of this chapter that any use for which a conditional use permit is required shall be permitted as a principal use in the particular zoning district; provided, that all special conditions and requirements of this chapter are met. Therefore, the action of the Planning Commission shall be one of recommending approval or denial based upon its judgment as to whether the specific conditions have been or will be met. The Planning Commission may consider not only the nature of the use and the special conditions influencing its location in the particular district, but also the proposed location of buildings, parking and other facilities within the site, the amount of traffic likely to be generated and how it will be accommodated, and the influence that such factors are likely to exert on adjoining properties. The Planning Commission may make such suggestions it considers desirable and may provide guidance to the applicant in his preparation of application, plans, and data in such a manner as to satisfy the intent of this section. The Planning Commission shall make the final determination on the conditional use permits, subject to the right of appeal as set forth in section 3-2-25 of this chapter.

1. If the Planning Commission approves the application, it shall issue a conditional use permit setting forth all conditions and requirements governing such use, and shall make the approved site plan a part of the record of the case. Failure of the applicant to comply with the conditions and safeguards which are a part of the terms under which a conditional use permit is granted shall be deemed a violation of this chapter, and grounds for revocation of the conditional use permit.

2. If the Planning Commission finds that the application and supporting data does not indicate that all applicable conditions and requirements for a conditional use permit will be met, it shall deny the permit. Notice of denial, including reasons therefor, shall be mailed to the applicant at the address shown in the application.

3. At any time following receipt of notice of denial of application for conditional use permit, the applicant shall have the privilege of reactivating the case by making such modifications of proposal or plans or submitting such additional information, as the Planning Commission may have determined was required for approval, or shall have the right to appeal to the City Council as set forth in section 3-2-25 of this chapter.

F. Public Hearing Required: The Planning Commission shall first hold a public hearing prior to approval or denial of a conditional use permit other than a home occupation permit. Upon the filing of an application for a conditional use permit other than a home occupation, the City staff shall set the matter for hearing not later than thirty five (35) days thereafter. After the time and place have been established by the City staff, notice of the hearing shall be sent by mail at least ten (10) days before the hearing to the owners of the property within three hundred feet (300') of the exterior limits of the property involved as shown by the latest assessment roles of the City. Notice by mail to the last known address of the real property owners as shown by the Assessor's records shall be sufficient. Applications must be filed at least twenty (20) days before the Planning Commission hearing. Legal notice shall be placed in a newspaper of general circulation within the City at least ten (10) days prior to the date of the public hearing.

G. Conditional Use Permit For Home Occupation:

1. Every conditional use permit issued for a home occupation shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. Conditional use permits for home occupations are not transferable, do not run with the land, and must satisfy all other applicable requirements set forth in this Code.

2. All applications and application fees for home occupation conditional use permits, as established by resolution of the City Council, shall be filed with the Planning Department and reviewed to determine conformance with the criteria as set forth in subsection G3 of this section.

a. The City Planner or a duly authorized representative shall make a determination on the application no later than ten (10) days after receipt of a complete application.

b. All decisions of an application for home occupation shall be attested by the City Clerk, or a duly authorized representative. Any denial of an application by the City Planner or duly authorized representative shall include in writing the reason for such denial.

c. The decision to grant or deny a home occupation permit may be appealed by the applicant to the City Manager. A written appeal shall be filed with the City Clerk within ten (10) days of the date of the ruling. The City Manager shall make a determination on the appeal no later than ten (10) days after filing of the written appeal.

d. The decision of the City Manager may be further appealed to the City Council. A written appeal shall be filed with the City Clerk within ten (10) days of the ruling of the City Manager to the City Council for a final ruling. In the event of such an appeal, the notice requirements and procedures set forth in section 3-2-25 of this chapter shall be followed.

e. The City Council shall hear and consider evidence and form facts from any persons and shall consider written communications from any persons relative to the home occupation request. The City Council shall make a decision on the application after hearing all evidence and facts presented.

3. Permits issued for home occupation shall adhere to the following criteria:

- a. Not more than one (1) home occupation is allowed in any dwelling unit.
- b. The permitted use shall be confined to the dwelling unit and shall not include areas outside the dwelling unit, such as yards or accessory structures.
- c. Only natural persons who are occupants of the permitted dwelling unit may be permittees; provided, nothing herein shall prevent a permittee from being affiliated with a business association or other entity that is not a natural person in connection with the home occupation.
- d. No employee, other than the permittee or other occupants of the permitted dwelling unit, shall be permitted to report to work or perform work related to the home occupation in the permitted dwelling unit.
- e. Permittees shall not allow more than five (5) customers or other business invitees to enter the permitted dwelling unit to examine or purchase goods or services on any single day. The foregoing prohibition applies to promotional events and business related parties at the permitted dwelling unit. The foregoing prohibition does not apply to or limit transaction conducted by telephone or over the internet.
- f. No forms of advertising related to the home occupation may be placed on the exterior of the dwelling unit or in a location visible from a public street, sidewalk or alley. This prohibition includes, without limitation, yard signs or signs visible from windows.
- g. No addition, alteration or remodeling that changes the residential character of the dwelling unit shall be permitted in connection with a home occupation.
- h. The home occupation shall not generate additional vehicular traffic at the or in the vicinity of the permitted dwelling unit that is measurably in excess of that normally associated with the residential use.
- i. No home occupation which produces noise, odors, dust, smoke or electrical disturbances or in any way interferes with the quiet, peace, and enjoyment of surrounding residential uses shall be permitted.
- j. The appearance of the property upon which the home occupation is permitted shall be maintained in a clean and orderly manner.
- k. There shall be no commercial delivery of products or materials to or from the property upon which the home occupancy is permitted more than once every two (2) days or through the use of vehicles with three (3) or more axles.
- l. A permittee may park or use no more than one (1) motor vehicle in connection with a home occupation on the property subject to the conditional use permit; provided, in no event shall the permittee utilize on-street parking for the aforementioned motor vehicle; further provided, the permittee must comply with all off-street parking requirements as set forth in section 3-2-17 of this chapter. The foregoing parking restrictions do not limit permitted nonconforming uses allowed under section 3-2-19 of this chapter.

4. Home occupation permits may be periodically reviewed at the discretion of the City Planner or its designee in order to ensure compliance with the terms and conditions of the home occupation permit and the provisions of this section. In the event a permittee violates the terms and conditions of the home occupation permit or the provisions of this section, the City Planner or its designee may suspend or revoke the permit. The decision of the City Planner or its designee may thereafter be appealed to the City Council. The notice requirements and procedures set forth in section 3-2-25 of this chapter apply to and shall be followed for an appeal of a decision by the City Planner or its designee to suspend or revoke a home occupation permit. (Ord. 818, 4-25-2017)

### **3-2-19: NONCONFORMING USES:**

A. Permitted: A use lawfully existing on the effective date of enactment of this chapter or any amendment to this chapter, but which is not in accordance with the provisions and requirements currently contained in this chapter, shall be known as a nonconforming use and, if not abandoned, may be allowed to continue; provided, however, that such nonconforming uses may not be extended, enlarged or changed to other nonconforming uses, except by variance or conditional use permit.

B. Uses Included: A nonconforming use is a property use which existed lawfully on the effective date of the enactment of this chapter or any amendment to this chapter, but which is no longer in accordance with the provisions and requirements contained in this chapter, and has been continued and not abandoned since becoming inconsistent with the requirements of this chapter. Nonconforming uses are not limited to, but may include and consist of the following:

A nonconforming use of property, such as any commercial, industrial or residential use not listed as a principal, permitted use within the existing underlying zoning district; nonconforming structures or buildings such as any building or structure that is noncompliant with area, height or setback requirements of the existing underlying zoning district; and nonconforming development standards, such as noncompliant off street parking, including:

1. Quantity of spaces;
2. Paving;
3. Security lighting; and
4. Landscaping.

C. Nuisance Declared: It shall be unlawful for any person to continue a nonconforming use of any kind in any zoning district established by this chapter more than one (1) year after its passage when such nonconforming use has been declared to constitute a nuisance or to be detrimental to public health, safety or welfare by a majority vote of the City Council. The City Council shall have written notice served on the person last known to be the owner of the property on which such nonconforming use exists or which constitutes a nonconforming use. The written notice shall order the nonconforming use to be discontinued within one (1) year thereafter. If the owner does not reside in the City at the time, the notice may be mailed to the person by registered mail at the last known address. This subsection shall not be construed as limiting the right of the City of any person to abate a nuisance under any existing laws or ordinances.

D. Abandonment or Discontinuance: A nonconforming use of a building or land which is operationally abandoned or discontinued for a period of twelve (12) consecutive months or more shall be considered abandoned and shall not be resumed. Nonconforming buildings which have been damaged or destroyed by natural calamity may be repaired or reconstructed within one (1) year from the date of damage, so long as the repaired building is appropriate for the previous use. In considering whether a use is abandoned, the City may consider one or any combination of the following factors:

- a. Failure to maintain regular business hours that are typical or normal for the use;
- b. Failure to maintain equipment, supplies or stock-in-trade that would typically be present in the building or on the land for the active operation of the use;

- c. Failure to maintain utilities that would typically be required for the active operation of the use;
- d. Failure to pay taxes, including but not limited to sales tax, workers' compensation taxes or business taxes that would be required for the active operation of the use;
- e. Failure to maintain required local, state or federal licenses or other approvals, to include business licenses, that would be required for the active operation of the use; and/or
- f. Other indicia of abandonment, such as the presence of a nuisance. (Ord. 861, 5-25-2021)

### **3-2-20: ENFORCEMENT:**

The provisions of this chapter shall be enforced by the building inspector as the City Council so direct.

#### **A. Duties Of Building Inspector: The building inspector shall:**

- 1. Receive and examine applications for and issue zoning compliance certificates and occupancy permits;
- 2. Make such inspections of buildings, structures and premises as are necessary to enforce the provisions of this chapter;
- 3. Revoke any zoning compliance certificate or occupancy permit wherein he may have erroneously authorized a use not permitted in the district or a structure which does not meet the regulations of this chapter, whereupon such permit shall be void; and
- 4. Carry out the orders of the city council and/or the planning commission issued in accordance with the provisions of this chapter.
- 5. Under no circumstances shall the building inspector:
  - a. Grant exceptions to the actual meaning of any clause, order or regulation contained in this chapter;
  - b. Make changes in or vary the terms of this chapter.

**B. Zoning Compliance Certificates Required:** It shall be unlawful to commence any excavation for, or erection, alteration, enlargement, extension or moving of, any building or structure, or part thereof, or to change or extend the use of any lot, or to change the use or type of occupancy of any building or structure, except as may be provided elsewhere in this chapter until a zoning compliance certificate for such action has been issued by the building inspector. It shall also be unlawful to change the type of use on any lot on which there is a nonconforming use, until the building inspector has issued a zoning compliance certificate for such intended use. Accessory buildings or structures, when proposed for erection at the same time as the principal building and included on the application therefor, shall not require a separate certificate. No zoning compliance certificate shall be issued except in conformity to the provisions of this chapter, and by written order of the city council.

#### **1. Applications:**

a. Applications for zoning compliance certificates shall be filed with the building inspector on forms provided for the purpose. In cases where a building permit is also required by the city building code, application for a zoning compliance certificate shall be made coincidentally with application for building permit. In all other cases, it shall be made prior to the date when a new or enlarged use of a building or premises, or part thereof, is intended to begin.

b. When the building inspector receives an application for a zoning compliance certificate for a use which requires a permit from the city council, such application, together with all supporting data, shall be transmitted by the building inspector to the planning board and the city council.

c. When the building inspector receives an application for a zoning compliance certificate for a use which required a conditional use permit, or for which site plan approval by the planning commission is required, such application shall be transmitted to the planning commission and a zoning compliance certificate shall not be issued by the building inspector until the planning commission and the city council have approved the site plans.

**2. Site Plan Required:** Application for zoning compliance certificates shall be accompanied by site plans, which shall be filed in the building inspector's office, showing the following and any such additional information as may be required to assure conformity of the proposed building, structure or use to the provisions of this chapter:

- a. Legal description of the property by township, range and section coordinates, and by metes and bounds, or if the property is a part of a recorded plat, by name, book and page number of plat and lot number or parcel designation;
- b. Name, address and telephone number of the property owner of the person who prepared the site plan;
- c. Dimensions of all lot and property lines showing the relationship of the property to abutting properties; boundaries of all lots or parcels under separate ownership contained therein, or abutting thereon;
- d. Precise location, dimensions, height and use of all buildings and structures existing on the property;
- e. Location, alignment and right of way width of all streets, alleys and utility easements existing in or abutting the property;
- f. Location and dimensions and number of spaces contained in all existing and proposed off street parking lots and loading areas;
- g. Location, right of way width and alignment of all proposed public streets, alleys and utility easements in or abutting the site, and location and width of all access drives to the property from public streets;
- h. Precise location, size and height of all buildings and structures proposed to be erected or altered;
- i. Proposed uses of buildings, structures and land, including the number of dwelling units, amount of usable floor area, etc.; and
- j. Any additional information required to show how all special regulations pertaining to the proposed use are to be met.

**3. Site Plans For Part Of Complex:** In the case of an application for a zoning compliance certificate for any part of a building complex or use of land, which complex or use is proposed to be completed at a later date, a preliminary site plan drawn to scale for the entire complex or use shall be submitted for approval in addition to and at the same time as the submission of detailed site plans required above. Such preliminary site plans shall show how the part for which a zoning compliance certificate is sought will be related to the part(s) to be constructed at a later date.

**4. Site Plan Review And Approval:** All site plans, except those submitted as part of an application for a conditional use permit, a special use permit, a temporary use permit, or indicated as requiring planning commission approval, shall require review and approval by the building inspector prior to issuance of a zoning compliance certificate. If site plans are found to be deficient or require modification in any respect to meet the requirements of this chapter, the building inspector shall call in the applicant and/or the person preparing the plan for clarification of site plan requirements and regulations pertaining to the particular use.

#### **5. Issuance Of Zoning Compliance Certificates:**

a. If review of the application and site plan indicates that the proposed use will meet all requirements and comply with all regulations pertaining thereto, the building inspector shall, within ten (10) days after receipt of the application, issue a zoning compliance certificate to the applicant.

b. If, in the opinion of the building inspector, the proposed use will not meet all requirements and comply with all regulations pertaining thereto, he shall within ten (10) days after receipt of the application, refuse to issue a zoning compliance certificate. When a certificate is refused, the building inspector shall so inform the applicant in writing stating his reasons for refusal, and shall retain a copy of the action in his files.

c. The building inspector shall return one copy of submitted site plans to the applicant marked either "approved" or "disapproved" and attested by his signature. The second copy of plans, similarly marked and signed, shall be retained in the files of the building inspector.

d. A zoning compliance certificate shall remain in force until the building, structure or use has been completed and an occupancy permit has been issued therefor. All buildings must be completed within two (2) years from the date of issuance of the occupancy permit.

6. Site Plan Revisions: From time to time, before or during the course of construction, the person holding a zoning compliance certificate may request and the building inspector may approve minor revisions of an approved site plan; provided, however, that such revisions shall not propose any change in standards nor reduce the degree of compliance with any requirements of this chapter. All such revisions shall be approved in writing by the building inspector and a complete record of such action shall be filed in his office.

C. Occupancy Permits: It shall be unlawful to use or occupy, or permit the use or occupancy of, any building or structure, or any change or extension of a use of land, unless and until an occupancy permit has been issued therefor by the building inspector.

1. Issuance Of Occupancy Permits: Within five (5) regular workdays after receipt of notice that the building, structure or premises, or part thereof, has been completed and is ready for use or occupancy, the building inspector shall make a final inspection thereof to determine whether construction has been completed in conformity with provisions of this chapter. If he finds construction in conformity, he shall issue an occupancy permit to the owner of the building, structure or premises.

2. Temporary Occupancy Permits: The building inspector may issue a temporary occupancy permit for a part of a building, structure or use prior to completion of the entire building, structure or use; provided, that such part has been completed in conformity with all provisions of this chapter and is considered safe and suitable for use or occupancy. Such temporary occupancy permit shall then remain in force until the entire building, structure or use has been completed and inspected, and an occupancy permit has been issued therefor. (Ord. 256, 4-11-1978; amd. Ord. 274, 5-22-1979)

### **3-2-21-A: AMENDMENTS TO ZONING DISTRICT BOUNDARIES:**

The city council may change the boundaries of any zoning district by ordinance. The change may be initiated by the city council or the planning commission on the motion of either body, or by application by one or more owners of real property within the area proposed to be changed.

#### **A. Application for Change of District Boundaries:**

1. An application for a change of district boundaries submitted by an owner of real property within the area proposed to be changed shall be filed with the planning department on a form provided for that purpose. Any such form shall be rejected if not complete. The application shall contain the following information: a map of the area depicting the area to be changed with a statement of the proposed zone change, as follows: area to be change from "x" to "y"; (LI to R, for example); a plot plan depicting existing conditions that have been surveyed by a properly licensed surveyor, to include: property lines, existing buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other existing construction or improvements on the subject property; a complete legal description of the boundary, including area to the center line of the street(s), of the proposed zone change and a statement of the existing and proposed zoning of the property, including a brief summary of the intent of the proposed zone change.

2. If the property to be rezoned is adjacent to a public right-of-way, the proposed zone change must go to the center of the corresponding right-of-way.

3. Except as provided below, at the time the application is filed, the applicant shall pay a filing fee in an amount established by resolution of the city council.

4. No part of the filing fee shall be refunded once paid.

5. Notwithstanding the above, no filing fee shall be required if the applicant is a governmental entity.

#### **B. Planning Commission Stage:**

##### **1. Notice of Hearing:**

a. The City Council or, is authorized by the City Council, the planning commission or planning department, shall set a date for a public hearing on any application to change district boundaries within forty-five (45) calendar days of the date the application is filed. In addition to any applicable notice requirements contained in Chapter 241 of the Nevada Revised Statutes, notice of the time, date and place of the hearing shall be published at least once in a newspaper of general circulation in the city at least ten (10) calendar days prior to the hearing date. The notice shall include a legal description and a physical description or map of the property proposed to be rezoned, and a statement of the existing and proposed zoning of the property, including a brief summary of the proposed zone change.

b. In addition to publication of the notice of the hearing, a notice shall be sent by mail at least ten (10) calendar days before the hearing to the following:

(1) The applicant;

(2) Each property owner, as listed on the county assessor's records, of real property located within three hundred feet (300') of the exterior boundary of the property being considered for the zone change;

(3) The owners, as listed on the county assessor's records, of at least thirty (30) parcels nearest to the exterior boundary of the property being considered for the zone change;

(4) Each tenant of a mobile home park if the park is located within three hundred feet (300') of the exterior boundary of the property being considered for the zone change; and

(5) Any advisory board which has been established by the city council for the affected area or any area within three hundred feet (300') of the exterior boundary of the property being considered for the zone change.

2. Hearing Before the Planning Commission: At the public hearing on the application, the planning commission shall review the proposed change to the district boundaries and shall hear evidence offered by the applicant and persons having an interest in the change, if any.

3. Planning Commission Action: After the conclusion of the public hearing on the application but prior to consideration by the city council, the planning commission shall file a written report with the city council recommending either that the application should be granted as requested, granted subject to conditions, or denied. The planning commission's written report shall be transmitted to the city clerk and a copy mailed to the applicant. Failure by the planning commission to file a report with the city council in accordance with this subsection shall be deemed a recommendation by the planning commission to grant the application without conditions.

C. City Council Stage:

1. Adoption of Zone Change by Ordinance: All changes to zoning district boundaries shall be made by ordinance.

2. First Reading: After the city council receives the planning commission's recommendation on the application, a date shall be set for a first reading of the proposed ordinance to change the zoning district boundaries. At the first reading, the city council shall consider the planning commission's recommendation, and shall hear comments from the applicant (if any) and any persons interested in the proposed zone change. The first reading shall comply with Section 2.110(1) of the City Charter. At the first reading, the city council may approve or reject the planning commission's recommendation in whole or in part. The city council may also take any of the following actions:

- a. Approve the proposed zoning ordinance;
- b. Place conditions on the proposed zoning ordinance;
- c. Modify the proposed zoning ordinance; or
- d. Disapprove the proposed zoning ordinance in its entirety.

3. Second Reading:

a. If the city council approves any or all of the proposed zoning ordinance at the first reading, with or without modifications or conditions, the proposed ordinance shall proceed to a second reading. The second reading shall be a public hearing that satisfies the requirements of NRS 278.260, including notice requirements, and that complies with Section 2.110(2) of the City Charter.

b. At the conclusion of the second reading, the city council shall either approve the zoning ordinance as approved at the first reading (subject to minor technical or nonsubstantive revisions, or the removal of conditions that have been satisfied) or shall disapprove the zoning ordinance in its entirety.

c. The failure of an applicant for a zoning change to satisfy conditions imposed by the city council in the proposed ordinance adopted at the first reading may be grounds for disapproval at the second reading.

d. The city council may enact a zoning ordinance even if the applicant has not satisfied conditions in the proposed zoning ordinance adopted at the first reading. Alternatively, the city council may table the second reading to the next meeting, and to subsequent meetings thereafter, for the purpose of allowing an applicant to satisfy conditions.

e. The city council may rescind approval of any zoning change for any reason permitted by law, to include the failure of an applicant to satisfy conditions bearing a substantial relationship to the future use of the land, so long as no person has acquired a vested right in reliance on the zoning change; provided, any such rescission shall promote the public health, safety, morals or general welfare, and shall encourage the most appropriate use of the land.

4. Limitation on Reconsideration of Denied Application: In the event an application to change district boundaries is denied by the city council, the city council shall not reconsider an application to change the same district boundaries, or any part thereof, within a period of one (1) year from the date of the city council's decision. (Ord. 861, 5-25-2021)

**3-2-21-B: AMENDMENTS TO ZONING REGULATIONS:**

The city council may amend Title 3, Chapter 2 of the Elko City Code (hereinafter the "zoning regulations" by ordinance, subject to the provisions of this section. The amendment may be initiated by the city council or the planning commission on the motion of either body. If the proposed amendment is initiated by the planning commission, the planning commission shall file a written report with the city council containing a description of the proposed amendment and the reasons therefor. If the proposed amendment is initiated by the city council, the proposed amendment shall be presented to the planning commission, which shall then provide a recommendation to the city council. The city council may thereafter amend the zoning regulations by ordinance in accordance with Sections 2.090, 2.100 and 2.110 of the Elko City Charter. (Ord. 861, 5-25-2021)

**3-2-22: VARIANCES:**

The planning commission shall hear and decide variances from regulations and requirements and all matters referred to it or properly of concern in the administration of this chapter. All actions of the planning commission shall be limited to administrative actions only in order to ensure the intent and purpose of this chapter shall apply in special cases as herein defined. Any action that has in effect changed the uses or overall density permitted in any zoning district of this chapter shall be deemed a violation of their powers and be of no force and effect; however, the planning commission may recommend to the city council that an amendment of this chapter be considered, in accordance with procedures specified in this chapter for amendments. (Ord. 256, 4-11-1978)

A. City Planner, Powers And Duties: The city planner shall submit to the planning commission a written report of his findings on each application for variance.

B. Procedure: Any person requesting a variance by the planning commission shall include:

1. The provision or regulations of this chapter from which the property or building is sought to be excepted.
2. A legal description of the property involved.
3. Plot plans showing the location of all existing and proposed buildings.
4. Elevations of all proposed buildings or alterations in sufficient detail to meet the requirements of the planning commission.
5. Evidence of the ability and intent of the applicant to proceed with actual construction in accordance with submitted plans within one year of the date of approval of the variance.
6. Filing fees shall be deposited in accordance with procedures adopted by the city.

C. Application Requirements: Each such application shall be signed by the owner of the land and/or buildings affected by, or by his acknowledged agent. In order for the planning commission to grant a variance, adequate evidence demonstrating conformance to the following criteria shall be presented by the applicant:

1. There are special circumstances or features, i.e., unusual shape, configuration, exceptional topographic conditions or other extraordinary

situations or conditions applying to the property under consideration.

2. The special circumstance or extraordinary situation or condition results in exceptional practical difficulties or exceptional undue hardships, and where the strict application of the provision or requirement constitutes an abridgment of property right and deprives the property owner of reasonable use of property.

3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.

4. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor be detrimental to the public interest, health, safety and general welfare.

5. The granting of the variance will not substantially impair the intent or purpose of the zoning ordinance or effect a change of land use or zoning classification.

6. The granting of the variance will not substantially impair affected natural resources. (Ord. 474, 8-13-1996)

D. Hearing:

1. Notice: Upon the filing of an application, the city staff shall set the matter, not later than thirty five (35) days thereafter, for a public hearing. After the time and place have been established by the city staff, the city shall send, by mail, notice of such time and place and purpose of hearing, at least ten (10) days before the hearing to the owners of property within three hundred feet (300') of the exterior limits of the property involved, as shown by the latest assessment rolls of the city. Notice by mail to the last known address of the real property owners, as shown by the assessor's records, shall be sufficient. Applications must be filed at least twenty (20) days before the planning commission hearing on the variance. Legal notice shall be placed in a newspaper of general circulation within the city at least ten (10) days prior to the date of the public hearing. The planning commission shall comply with Nevada Revised Statutes chapter 241 "notice requirements" in calling the meeting. (Ord. 367, 10-14-1986)

2. Evidence: The planning commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communications from any person relative to the variance. The right to present such evidence shall not be denied because of nonrequirements of notification as herein stipulated. (Ord. 362, 4-9-1985)

E. Findings: The planning commission shall, within thirty (30) days from the date of the hearing, return a decision. Any decision of the planning commission to grant a variance shall adhere to variance criteria as set forth in subsection C of this section. Whenever the planning commission denies a variance, written notice of denial, including reasons therefor, shall be mailed to the applicant at the address shown in the application. Failure to render such a decision shall be deemed approval of the application. (Ord. 474, 8-13-1996)

F. Conditions: The planning commission, in approving any variance, may require conditions under which the lot or parcel may be used or the buildings constructed, which in the planning 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 variance. Further use shall constitute a violation of this chapter and shall be punishable as herein provided. All variances shall carry the following conditions: (Ord. 256, 4-44-1978)

1. Commencement within one year and completion within eighteen (18) months. (Ord. 474, 8-13-1996)

2. Conformance to plans approved as a part of the variance.

3. Subject to review in two (2) years if determined necessary by the planning commission.

G. Rehearing: Not later than five (5) days after the planning commission renders its decisions, the applicant, or any person who was notified at the hearing or who appeared and testified or presented written testimony at the original public hearing, may apply for rehearing. As a basis for the request for rehearing, such petition shall set forth in detail new facts or conditions not previously known or considered. Applications for a rehearing shall be accompanied by a fee prior to rehearing. Said fee shall be set by the city council.

H. Appeal: The applicant or any person or entity with standing shall have a right to appeal any decision made by the planning commission, in regard to an application for a variance, to the city council as set forth in section 3-2-25 of this chapter. (Ord. 256, 4-11-1978)

### **3-2-23: VIOLATIONS AND PENALTIES:**

A. Violations: Any structure upon which construction is started, or any structure which is altered, enlarged or repaired, or any use of land which is begun or changed after enactment of this chapter, and which is in violation of any of its provisions, may be declared a nuisance. Any court of competent jurisdiction may order such nuisance abated and the owner or agent in charge of such building or premises shall be adjudged guilty of maintaining a nuisance. Any person who violates any provision of this chapter, the owner of any structure or land or part thereof, and any person, architect, builder, contractor, plumber or agent employed in connection therewith, who has assisted knowingly in the commission of any such violation, shall be guilty of a separate offense, and upon conviction thereof, be liable to the penalties herein provided.

B. Penalties: Any person violating any provisions of this chapter shall, upon conviction, be punished as provided in title 1, chapter 3 of this code. Each day that a violation is wilfully permitted to exist shall constitute a separate offense. The imposition of any sentence shall not exempt the offender from compliance with the requirements of this chapter. (Ord. 256, 4-11-1978)

### **3-2-24: REPEAL AND SAVING CLAUSE:**

Ordinance 78 and all amendments thereto are hereby repealed. All rights or remedies of the city are expressly saved as to any and all violations of ordinance 78 and all amendments thereto. As to all violations that have accrued to the effective date of this ordinance, the court shall have all the powers that existed prior to the effective date of this ordinance. All existing violations of ordinance 78 and all amendments thereto, which may otherwise become nonconforming uses under this ordinance, are hereby declared to be violations of this ordinance in the same manner that they were violations of ordinance 78. (Ord. 256, 4-11-1978)

### **3-2-25: APPEALS:**

A. Time Limit; Fee: Any decision of the planning commission or any other person appointed or employed by the city who is authorized to make administrative decisions regarding the use of land, may be appealed in writing to the city council by any person aggrieved by such a decision. All appeals shall be filed, in writing specifying with particularity the grounds for appeal, with the city clerk no later than ten (10) calendar days after the decision. Appeals shall include payment of a filing fee in an amount established by resolution of the city council and a statement therein of the reasons why the decision should be amended, modified or reversed. All appeals, once filed, may not be withdrawn from consideration and decision by the city council. The city council shall hear and render a decision on any properly made appeal within sixty (60) calendar days after the city clerk has received the written appeal.

B. Hearing:

1. On appeals of planning commission decisions granting or denying conditional use permits or variances, the city council shall hold a public hearing prior to rendering any decision. After the time and place for the public hearing has been established by the city clerk, notice of the hearing

shall be sent by mail at least ten (10) calendar days before the hearing to the appellant, applicant, property owner, property owners located within three hundred feet (300') of the exterior boundaries of the property involved, and any person who presented oral or written testimony, if any, before the planning commission. Said hearing notice shall also be published one time in a newspaper of general circulation at least ten (10) calendar days before the hearing.

2. On appeals of all other decisions regarding the use of land, the city clerk shall give notice of the time and place of the hearing by mailing a notice of hearing at least ten (10) calendar days prior to the hearing to the appellant, applicant, property owner, and any other person who presented oral or written testimony.

3. The procedures pursuant to which the city council will hear an appeal are as follows:

- a. The appellant shall be first to provide comment and present the grounds for appeal.
- b. Other persons shall be given an opportunity to speak and provide comment.
- c. The city may respond to appellant's appeal, after which appellant may present any rebuttal argument or evidence.
- d. Appellant and the city are entitled to be represented by counsel, present testimony, evidence and argument on all issues raised on appeal.
- e. The city council may, if it appears helpful to a clear understanding of the issues, consider evidence or other matters not raised at the planning commission level or with the administrative officer.

C. Conduct Of Hearing; Decision: The city council shall consider all evidence presented to the planning commission or administrative officer at the original hearing, including oral and written testimony, and any recommendations and findings of the planning commission or administrative officer as shown by the official record, and may affirm, modify or reverse the decision of the planning commission or administrative officer. In reviewing a decision on an appeal, the governing body will be guided by the statement of purpose underlying the regulation of the improvement of land expressed in Nevada Revised Statutes section 278.020. Decisions of the city council shall be considered the final decision for the purpose of judicial review.

D. Judicial Review: Any person who:

1. Has appealed a decision to the city council in accordance with this section; and
2. Is aggrieved by the decision of the city council, may appeal that decision to the fourth judicial district court, in and for the county of Elko, state of Nevada, by filing a petition for judicial review within twenty five (25) days after the date of filing of notice of decision with the city clerk. (Ord. 577, 12-11-2001)

### **3-2-26: AGREEMENTS CONCERNING DEVELOPMENT OF LAND:**

A. Intent: This section applies only to developments of five (5) acres or more in the aggregate or residential subdivisions with twenty five (25) or more lots. The purpose of this section is to provide a mechanism for the development of land which permits the developer to rely on existing city code provisions and obtain limited deviation from city code requirements, while ensuring that the city will receive certain commitments from developers consistent with the overall intent of the applicable zoning codes.

B. Application: Upon application of any person having a legal or equitable interest in land, the city may enter into an agreement with that person concerning the development of that land.

1. Applications to enter into agreements concerning the development of land must be filed with the city clerk. Applications shall be filed on a form provided for such purpose and shall be complete.
2. Applications shall include payment of a filing fee in an amount established by a schedule adopted by resolution of the city council and filed in the office of the city clerk.

C. Content And Form Of Agreements: At a minimum, agreements concerning the development of land shall include the following:

1. A description of the land which is the subject of the agreement.
2. The duration of the agreement.
3. The permitted uses of the land.
4. The density or intensity of use of the land.
5. The maximum height and size of proposed buildings.
6. Any provisions for the dedication of any portion of the land for public use.
7. Provide for a period of time within which construction must commence and provide for an extension of that deadline.

D. Commitments And Safeguards: The following commitments and safeguards shall apply to any agreement concerning the development of land:

1. Unless the agreement otherwise provides, or permits or requires a deviation from an otherwise applicable city code requirement, the ordinances, resolutions or regulations applicable to that land and governing the permitted uses of that land, density and standards for design, improvements and construction are those in effect at the time the agreement is made.
2. Entering into an agreement concerning the development of land does not prohibit the city from adopting new ordinances, resolutions or regulations applicable to that land which do not conflict with those ordinances, resolutions and regulations in effect at the time the agreement is made. However, any subsequent action by the governing body must not prevent the development of the land as set forth in the agreement. The governing body is not prohibited from denying or conditionally approving any other plan for development pursuant to any ordinance, resolution or regulation in effect at the time of that denial or approval.
3. An agreement may include provisions which supersede limitations on time for action on tentative or final maps or for presentation and recordation of a final map or series of final maps.

E. Procedure: Consideration of an agreement concerning the development of land by the planning commission:

1. The planning commission shall set a date for public hearing of the application to enter into an agreement concerning the development of land. Such public hearing shall be held after a public notice of time, date and place of such hearing has been given in accordance with any requirements of Nevada Revised Statutes. Such notice shall include a legal description of the land which is the subject of the agreement, a statement of existing zoning and current use of the property, and a general description of the proposed content of the agreement.

2. Within forty (40) days after the conclusion of the public hearing, the planning commission shall file a written report containing the commission's recommendation to the city council, which shall include a finding of conformance or nonconformance with the master plan.

3. Upon receipt of the planning commission's recommendation to the city council, the council shall set a date for public hearing of the matter concerning the agreement for the consideration of the city council, subject to the same notice requirements contained within this section.

4. At the conclusion of the public hearing, or within thirty (30) days thereafter, the city council may, if it finds that the provisions of the agreement are consistent with the master plan, approve the agreement by ordinance.

5. Within a reasonable time after approval of the agreement, the city clerk shall cause the original agreement and a certified copy of the local ordinance adopting the agreement to be filed with the county recorder for record. Upon recordation, the agreement binds all parties and their successors in interest for the duration of the agreement.

**F. Amendment Or Cancellation:**

1. The agreement for development of land may be amended or canceled, in whole or in part, by mutual consent of the parties to the agreement or their successors in interest, except that if the governing body determines, upon a review of the development of the land held at least once every twenty four (24) months, that the terms or conditions of the agreement are not being complied with, it may cancel or amend the agreement without the consent of the breaching party.

2. Notice of intention to amend or cancel any portion of the agreement shall be subject to any notice requirements required by Nevada Revised Statutes. The governing body, after conducting a public hearing, may approve any amendment to the agreement by ordinance if the amendment is consistent with the master plan. The original of the amendment must be filed for recording with the county recorder. (Ord. 753, 7-10-2012)

**3-2-27: OPERATION OF FACILITIES UTILIZING EXPLOSIVES:**

A. Conditional Use Permit Required: Operation of a facility where an explosive, or other similar substances listed in Nevada Revised Statutes section 459.3816 will be used, manufactured, processed, transferred or stored, shall first obtain a conditional use permit therefor from the city council.

B. Application; Hearing: An application for a conditional use permit must be filed with the planning commission. The planning commission shall, within ninety (90) days after the filing of an application, hold a public hearing to consider the application.

**C. Notice Requirements:**

1. The planning commission shall, at least thirty (30) days before the date of the hearing, cause notice of the time, date, place and purpose of the hearing to be sent by mail to or, if requested by a party to whom notice must be provided pursuant to this subsection, by electronic means if receipt of such an electronic notice can be verified, to:

- a. The applicant;
- b. Each owner or tenant of real property located within one thousand feet (1,000') of the property in question;
- c. The property owner, as listed on the county assessor's records, of each of the thirty (30) separately owned parcels nearest the exterior boundary of the property in question, to the extent this notice does not duplicate the notice given pursuant to subsection C1b of this section;
- d. If a mobile home park or multiple-unit residence is located within one thousand feet (1,000') of the property in question, each tenant of that mobile home park or multiple-unit residence;
- e. Any advisory board that has been established for the affected area by the governing body;
- f. The administrator of the division of environmental protection of the state department of conservation and natural resources;
- g. The state fire marshal; and
- h. The administrator of the division of industrial relations of the department of business and industry; and

2. The notice required by subsection C1 of this section must:

- a. Be written in language that is easy to understand;
- b. Include a physical description or map of the property in question and a description of all explosives, and all substances that will be located at the facility; and
- c. Be published in a newspaper of general circulation within the city or county in which the property in question is located.

**D. Consideration By Planning Commission:**

1. In considering the application, the planning commission shall consult with:

- a. Local emergency planning committees, if any;
- b. The administrator of the division of environmental protection of the state department of conservation and natural resources;
- c. The state fire marshal;
- d. The administrator of the division of industrial relations of the department of business and industry; and
- e. The governing body of any other city or county that may be affected by the operation of the facility; and

2. The planning commission shall consider fully the effect the facility will have on the health and safety of the residents of the city, county or region.

E. Recommendation: The planning commission shall, within a reasonable time after the public hearing, submit to the governing body its recommendations for any actions to be taken on the application. If the planning commission recommends that a conditional use permit be granted to the applicant, it shall include in its recommendations such terms and conditions for the operation of the facility as it deems necessary for the protection of the health and safety of the residents of the city, county or region.

F. Hearing; Decision: The governing body shall, within thirty (30) days after the receipt of the recommendations of the planning commission, hold a public hearing to consider the application. The governing body shall:

1. Cause notice of the hearing to be given in the manner prescribed by subsection C of this section; and



2. Grant or deny the conditional use permit within thirty (30) days after the public hearing. (Ord. 577, 12-11-2001)

### **3-2-28: HILLSIDE DEVELOPMENT REGULATIONS AND GUIDELINES:**

A. Purpose: It is the intent of this section to recognize that certain areas of the city are characterized by steep terrain, native vegetation, natural drainage courses and other physical features, and to establish standards of development for these areas that help to protect the public health, safety and welfare by minimizing potential for erosion, sedimentation, flooding and landslides, while at the same time protecting and enhancing the visual quality of the city's natural landscape. Specific regulations and guidelines are intended to address the following:

1. To protect the public and property from hazards and problems associated with storm water runoff, flooding and erosion.
2. To minimize the threat and consequential damage of landslides in hillside areas.
3. To minimize the threat and consequential damage of fire in hillside areas.
4. To control and minimize the infestation of noxious weeds into the community and outlying neighboring areas.
5. To control and mitigate dust and other nuisances that may have adverse affects on neighboring properties and the air quality of the community.
6. To provide for safe and efficient pedestrian and vehicular access and circulation, including transportation linkages to outlying areas.
7. To enhance the visual and aesthetic quality of the city through the use of grading, revegetation and development techniques that help to improve the appearance of slopes exposed to roadways, preserve prominent natural features and vistas and provide for adequate open space in hillside areas.
8. To offer, promote and encourage a variety of alternative development designs and concepts appropriate for hillside areas.

#### **B. Definitions:**

**AVERAGE SLOPE:** Average slope shall mean and be determined by the use of the following formula:

$$AS = \frac{.00229 (I) (L)}{A}$$

A

AS = Average slope in percent.

.00229 = The conversion factor of square feet to acres.

I = Contour interval in feet. The contour interval may not exceed ten feet (10').

L = Summation of the length of all contour lines, in feet, within the parcel.

A = Total number acres in the parcel.

**BUILDABLE LOT AREA:** That portion of land within a lot or development site, exclusive of building setback area, and manufactured or natural slope area in excess of thirty percent (30%) gradient.

**CAP:** A concrete or cement feature placed on top of a wall that promotes watershed and limits infiltration of water into concrete cells.

**CLEARING:** The removal of vegetation and topsoil or other surface materials from a site.

**CONSTRUCTION:** Any grading or clearing of land, installation of improvements, erection or placement of structures, or assembly of equipment or materials to be used in any of those activities.

**CUT:** The removal of earth material by artificial or mechanical means.

**DEVELOPMENT:** Any construction or any division of land.

**EROSION:** The process whereby soil particles are detached and transported by water, wind, ice or gravity.

**EXCAVATION:** The mechanical removal of earth material.

**FILL:** The deposit of earth material by artificial or mechanical means.

**GRADIENT:** The vertical rise of a slope over a horizontal distance, expressed as a percentage (rise over run).

**GRADING:** Any excavating, cutting, filling or other earth moving operation.

**HILLSIDE AREA:** Any parcel having an average slope of fifteen percent (15%) or greater.

**IMPERVIOUS SURFACE:** Roads, buildings, tennis courts, roofs, driveways, patios, decks, parking lots and other similar water shedding surfaces.

**MANUFACTURED SLOPE:** Any slope created through cut, fill or excavation and which is steeper than 5:1.

**NATURAL SLOPE:** The form of the land surface within a hillside area as it exists before clearing or grading.

**NATURAL VEGETATION:** Plant materials which exist on the site before clearing or grading.

**OPEN SPACE:** Land area which is not covered by buildings, parking lots, accessory structures or other similar impervious surfaces.

**RETAINING WALL HEIGHT:** The vertical height as measured from the lowest finished grade to the top of the retaining wall.

**REVEGETATION:** The stabilization of disturbed or graded soils after construction by replanting with indigenous plant species or other drought tolerant, low water consumptive plant materials appropriate for the climatic zone.

**RUNOFF:** That part of precipitation which flows over the land without filtering into the soil.

**SEDIMENTATION:** The process of depositing soil particles detached and transported by erosion.

**SLOPE:** A natural slope or manufactured slope steeper than 5:1.

#### **C. Development Standards:**

1. Slopes Adjacent To Streets And Roadways:

- a. Manufactured slopes shall not be steeper than 3:1.
- b. Maximum continuous slope height shall not exceed twenty feet (20'). Continuous slope heights may be broken by bench areas having a minimum horizontal dimension of not less than ten feet (10'); and provided said bench areas are placed within the middle one-third ( $\frac{1}{3}$ ) of the slope.
- c. Retaining wall heights shall not exceed ten feet (10').
- d. No slope or retaining wall may be placed or constructed in a street right of way.
- e. No retaining wall may be placed or constructed within a public utility, access or drainage easement which abuts a public street right of way.
- f. Slopes five feet (5') or less in height shall observe a two and one-half foot ( $2\frac{1}{2}'$ ) setback from the back edge of sidewalk. Slopes greater than five feet (5') in height shall observe a five foot (5') setback from the back edge of sidewalk.
- g. Retaining walls adjacent to streets and roadways must be capped with an architecturally compatible concrete or cement material.
- h. Guard railings, when required by the uniform building code, shall be installed on the top of any retaining wall.
- i. All manufactured slopes adjacent to streets and roadways shall be subject to an erosion control and revegetation program.

2. Other Interior Slopes:

- a. Manufactured slopes shall not be steeper than 2:1.
- b. Maximum continuous slope height shall not exceed thirty feet (30'). Continuous slope heights may be broken by bench areas having a minimum horizontal dimension of not less than fifteen feet (15'); and provided said bench areas are placed within the middle one-third ( $\frac{1}{3}$ ) of the slope.
- c. Retaining wall heights for walls abutting interior property lines shall not exceed six feet (6'). Retaining wall heights for other walls shall not exceed twenty feet (20').
- d. Retaining walls greater than six feet (6') in height shall observe an interior property line setback equivalent to the height of the retaining wall.
- e. The toe of any slope shall observe an interior property line setback equivalent to one-half ( $\frac{1}{2}$ ) of the height of the slope.
- f. The top of any slope shall observe an interior property line setback equivalent to one-fifth ( $\frac{1}{5}$ ) of the height of the slope.
- g. All manufactured interior slopes shall be subject to an erosion control and revegetation program.

3. Lot Dimensions:

- a. For all residential zoning districts subject to a six thousand (6,000) square foot minimum lot size or greater, a minimum buildable lot area of three thousand (3,000) square feet shall be required.
- b. For hillside area subdivisions, minimum residential lot size shall be ten thousand (10,000) square feet, exclusive of any manufactured slope area contained within the lot.
- c. For hillside area subdivisions, minimum interior side yard setbacks shall be ten feet (10').

4. Exceptions:

- a. Manufactured slopes intended and designed to be located within a public street right of way and associated with the construction or widening of the roadway or other related public improvements.
- b. Minor deviations from maximum manufactured slope heights associated with rounding, meandering or blending tops or bottoms of slope sections with adjacent ungraded areas.

5. Modification Of Standards: Regulations contained within this section may be varied or modified by the planning commission, where just cause and circumstance warrants, in conjunction with a review of a conditional use permit, subdivision preliminary plat, final plat or an application for site plan review, pursuant to subsection 3-2-3C6 of this chapter.

D. Erosion Protection, Slope Stabilization, Slope Revegetation: Any development requiring a grading permit shall be required to submit a specific area restoration and landscape plan to address erosion, slope stabilization and revegetation for the review and approval of the engineering and planning departments.

1. Slopes Adjacent To Streets And Roads:

- a. Landscaping improvements shall be required to include the following material: ground cover consisting of plant material, appropriate seed mix or landscape rock, gravel or comparable material; shrubs, consisting of not less than one minimum two (2) gallon sized planting for each fifty (50) square feet of slope area; trees consisting of not less than one minimum fifteen (15) gallon sized planting for each one thousand (1,000) square feet of slope area. (Note: Tree plantings may be clustered.)
- b. Installation of permanent irrigation system.
- c. Slope revegetation permanently established.

2. Interior Slopes:

- a. Installation of appropriate seed mix with jute mat, or installation of rip rap, landscape rock, gravel or comparable material.
- b. Satisfy uniform building code requirements for paved interceptor drains and terrace swales.
- c. Drains down the face of slopes are to be discouraged; but, if used, are to include rip rap or concrete three feet (3') wide by one foot (1') deep, or other acceptable means. Thickness and size of rip rap or concrete is to be based on water velocity.

- d. Application of seed mix during fall months (September through December) with or without installation of an irrigation system.
  - e. Slope revegetation permanently established.
3. Nonslope Areas Affected By Clearing, Grading Or Excavation In Excess Of One Acre:
- a. Installation of native grass mix (crested wheat).
  - b. Installation of temporary irrigation system or application of seed mix during fall months (September through December) without installation of irrigation system.
  - c. Revegetation permanently established on affected areas.
4. Performance Guarantee:
- a. Revegetation of slopes and other areas affected by clearing, grading or excavation are considered permanently established when more than fifty percent (50%) of area coverage has been achieved.
  - b. Revegetation of slopes and other areas affected by clearing grading or excavation must be permanently established in accordance with one of the following time frames:
    - (1) Prior to final occupancy of the building or premises.
    - (2) Within two (2) years after issuance of final occupancy of the building or the premises subject to execution of a performance agreement with the city to include bonding or other form of security to guarantee completion of the required work.
    - (3) Prior to final certification of grading compliance.
    - (4) Within two (2) years after completion of grading activity subject to execution of a performance agreement with the City to include bonding or other form of security to guarantee completion of the required work.
- E. Development Guidelines: The following items are recommended guidelines and standards to help achieve the purpose of this section:
1. Locate property lines at tops of slopes, when feasible.
  2. Vary steepness of the slope.
  3. Meander tops and toes of slopes.
  4. Round and blend top and bottom sections of slopes with adjacent ungraded area.
  5. Lay back top one quarter section of the slope.
  6. Use of terracing and retaining or slough walls when appropriate.
  7. Establish thirty foot (30') fire protection zone surrounding all combustible structures in hillside areas.
  8. Fire protection zones should include fire resistant landscaping and/or hardscape material.
  9. Increase side yard building setbacks in hillside subdivisions to fifteen feet (15').
  10. Minimize steepness of slopes adjacent to streets as a means of improving access for emergency and fire personnel.
  11. Recommend and encourage the installation of drought tolerant, low maintenance ground cover, shrubs and trees in combination with installation of a permanent drip type irrigation system to promote low water usage. (Ord. 579, 2-26-2002)

### **3-2-29: MARIJUANA ESTABLISHMENTS AND MEDICAL MARIJUANA ESTABLISHMENTS PROHIBITED:**

A. Notwithstanding any other provision of this Code, marijuana establishments and medical marijuana establishments are not allowed, and shall be unlawful as a permitted use, conditional use or accessory use in any zoning district within the incorporated area of the City of Elko. For purposes of this section, the term "marijuana establishment" shall have the definition ascribed to it in Nevada Revised Statutes 453D.030, as amended from time to time, and the term "medical marijuana establishment" shall have the definition ascribed to it in Nevada Revised Statutes 453A.116, as amended from time to time.

B. The prohibitions of marijuana establishments and medical marijuana establishments, respectively, are not intended to interfere with the individual rights of persons to the lawful use and possession of marijuana as permitted by chapters 453A and 453D of the Nevada Revised Statutes. (Ord. 825, 2-13-2018)

## **ARTICLE A. SEXUALLY ORIENTED BUSINESS ZONING ORDINANCE**

### **SECTION:**

#### **3-2A-1: Title**

#### **3-2A-2: Definitions**

#### **3-2A-3: Zoning Of Sexually Oriented Business Uses**

#### **3-2A-4: Injunction**

#### **3-2A-5: Exemption From Location Restrictions**

#### **3-2A-1: TITLE:**

This article shall be known and may be cited as the *ELKO SEXUALLY ORIENTED BUSINESS ZONING ORDINANCE*. (Ord. 439, 4-12-1994)

#### **3-2A-2: DEFINITIONS:**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ACCESSORY SEXUALLY ORIENTED USE: A. The offering of retail goods for sale which are classified as sexually oriented business uses on a

limited scale and which are incidental to the primary activity and goods and/or services offered by the establishment. Examples of such items include the sale of adult magazines, the sale and/or rental of adult motion pictures, the sale of adult novelties, and the like.

B. Dancing or live entertainment characterized by an emphasis on the presentation of "specified sexual activities" or "specified anatomical areas", if such live entertainment is only presented as an occasional activity of the business operation.

C. Occasional activity as used in connection with an accessory sexually oriented use means dancing or live entertainment characterized by an emphasis on presentation of "specific sexual activities" or "specified anatomical areas" if such live entertainment is only presented as an occasional activity of the business operation as herein regulated.

PERSON: An individual, proprietorship, partnership, corporation, association or other legal entity.

PRINCIPAL SEXUALLY ORIENTED USE: The offering of goods and/or services which are classified as sexually oriented business uses as a primary or sole activity of a business or establishment and include, but are not limited to, the following:

A. Sexually Oriented Adult Video And/Or Adult Bookstore: A building or portion of a building used for the barter, rental or sale of items consisting of printed matter, pictures, slides, records, audio tape, videotape or motion picture film if such building or portion of a building is not open to the public generally but only to one or more classes of the public, excluding any minor by reason of age or if a substantial or significant portion of such items are distinguished or characterized by an emphasis on the depiction or description of "specified sexual activities" or "specified anatomical areas".

B. Sexually Oriented Barbershop: Any barbershop which is licensed to cut hair, but features sexual exhibits or displays:

1. Persons who appear in a state of nudity or seminude; 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 depict or describe "specified sexual activities" or "specified anatomical areas".

C. Sexually Oriented Beauty Salon: Any beauty salon which is licensed to cut hair, or hairstyling or manicuring, but features sexual exhibits or displays:

1. Persons who appear in a state of nudity or seminude; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas".

D. Sexually Oriented Body Painting Studio: An establishment or business which provides the service of applying paint or other substance, whether transparent or nontransparent, to or on the body of a patron when such body is wholly or partially nude in terms of "specified anatomical areas".

E. Sexually Oriented Cabaret: A building or portion of a building used for providing dancing or other live entertainment, if such building or portion of a building excludes minors by virtue of age and if such dancing or other live entertainment is distinguished or characterized by an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas".

F. Sexually Oriented Companionship Establishment: A companionship establishment which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation, talk or discussion between an employee of the establishment and a customer, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

G. Sexually Oriented Conversation/Rap Parlor: A conversation/rap parlor which excludes minors by reason of age, or which provides the service of engaging in or listening to conversation talk or discussion, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

H. Sexually Oriented Health/Sport Club: A health/sport club which excludes minors by reason of age, or if such club is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

I. Sexually Oriented Hotel Or Motel: A hotel or motel from which minors are specifically excluded from patronage and wherein material is presented which is distinguished or characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas".

J. Sexually Oriented Massage Parlor, Health Club Or Studio: A massage parlor or health club which restricts minors by reason of age, and which provides the services of massage, if such service is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

K. Sexually Oriented Mini-Motion Picture Theater: A building or portion of a building with a capacity for less than fifty (50) persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age, or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

L. Sexually Oriented Modeling Studio: An establishment whose major business is the provision, to customers, of figure models who are so provided with the intent of providing sexual stimulation or sexual gratification to such customers and who engage in "specified sexual activities" or display "specified anatomical areas" while being observed, painted, painted upon, sketched, drawn, sculptured, photographed or otherwise depicted by such customers.

M. Sexually Oriented Motion Picture Arcade: Any place to which the public is permitted or invited wherein coin or slug operated or electronically, electrically or mechanically controlled or operated still or motion picture machines, projectors or other image reproducing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by an emphasis on depicting or describing "specified sexual activities" or "specified anatomical areas".

N. Sexually Oriented Motion Picture Theater: A building or portion of a building with a capacity of fifty (50) or more persons used for presenting material if such building or portion of a building as a prevailing practice excludes minors by virtue of age or if such material is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.

O. Sexually Oriented Novelty Business: A business which has as a principal activity the sale of devices which stimulate human genitals or devices which are designed for sexual stimulation.

P. Sexually Oriented Sauna: A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the

purpose of bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

Q. Sexually Oriented Soda Pop Or Nonalcoholic Beverage Clubs: A night club, bar, restaurant or other commercial establishment that does not serve alcoholic beverages but features sexual exhibits or displays:

1. Persons who appear in a state of nudity or seminude; or
2. Live performances which are characterized by the exposure of "specified anatomical areas" or by "specified sexual activities"; or
3. Films, motion pictures, video cassettes, slides or other photographic reproductions which depict or describe "specified sexual activities" or "specified anatomical areas".

R. Sexually Oriented Steam Room/Bathhouse Facility: A building or portion of a building used for providing a steam bath or heat bathing room used for the purpose of pleasure, bathing, relaxation or reducing, utilizing steam or hot air as a cleaning, relaxing or reducing agent if such building or portion of a building restricts minors by reason of age or if the service provided by the steam room/bathhouse facility is distinguished or characterized by an emphasis on "specified sexual activities" or "specified anatomical areas".

SEXUALLY ORIENTED BUSINESS USES: Sexually oriented business uses include adult bookstores, adult motion picture theaters, adult mini-motion picture theaters, adult massage parlors, adult steam room/bathhouse/sauna facilities, adult companionship establishments, adult rap/conversation parlors, adult health/sport clubs, adult cabarets, adult novelty businesses, adult motion picture arcades, adult modeling studios, adult hotels/motels, adult body painting studios, "soda pop" or nonalcoholic beverage club, adult barbershops, adult beauty salons, and other premises, enterprises, establishments, businesses or places open to some or all members of the public, at or in which there is an emphasis on the presentation, display, depiction or description of "specified sexual activities" or "specified anatomical areas" which are capable of being seen by members of the public. Activities classified as obscene as defined by Nevada Revised Statutes section 201.235 et seq., are not included. As used in this article, for zoning purposes, "sexually oriented business uses" do not include houses of prostitution which are zoned, licensed, controlled and operated under title 4, chapter 9 of this code.

SPECIFIED ANATOMICAL AREAS: A. Less than completely and opaquely covered human genitals, pubic region, buttock, anus or female breast(s) below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: A. Actual or simulated sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, direct physical stimulation of unclothed genitals, flagellation or torture in the context of a sexual relationship, or the use of excretory functions in the context of a sexual relationship, and any of the following sexually oriented acts or conduct: anilingus, buggery, coprophagy, coprophilia, cunnilingus, fellatio, necrophilia, pederasty, pedophilia, sapphism; or

- B. Clearly depicted human genitals in the state of sexual stimulation, arousal or tumescence; or
- C. Use of human or animal ejaculation, sodomy, oral copulation, coitus or masturbation; or
- D. Fondling or touching of nude human genitals, pubic region, buttocks or female breast; or
- E. Situations involving a person or persons, any of whom are nude, clad in undergarments or in sexually revealing costumes, and who are engaged in activities involving the flagellation, torture, fettering, binding or other physical restraint of any such persons; or
- F. Erotic or lewd touching, fondling or other sexually oriented contact with an animal by a human being; or
- G. Human excretion, urination, menstruation, vaginal or anal irrigation. (Ord. 439, 4-12-1994)

### **3-2A-3: ZONING OF SEXUALLY ORIENTED BUSINESS USES:**

A. General: "Sexually oriented business uses", as defined in section 3-2A-2 of this article, shall be subject to the following general provisions:

1. Activities classified as obscene as defined in Nevada Revised Statutes section 201.235 et seq., are not permitted and are prohibited.
2. Sexually oriented business uses, either principal or accessory, shall be prohibited from locating in any building which is also utilized for residential purposes.
3. Principal sexually oriented business uses, except sexually oriented cabarets, nightclubs or bars, shall be prohibited from locating in any building which is also used to dispense or consume alcoholic beverages.
4. A sexually oriented business use which does not qualify as an accessory use shall be classified as principal sexually oriented use.

B. Principal Sexually Oriented Uses:

1. A person commits an offense if that person operates or causes to be operated a principal sexually oriented business in any zoning district other than the areas zoned light industrial, general industrial or restricted commercial, as defined and described in the general zoning ordinance, chapter 2 of this title.
2. A person commits an offense if the person operates or causes to be operated a principal sexually oriented business in a light or general industrial zoned district within one thousand feet (1,000') of:
  - a. A church; or
  - b. A public or private elementary or secondary school; or
  - c. A public or private daycare center, preschool, nursery, kindergarten or similar use; or
  - d. A public park.

This distance restriction does not apply to the location of a sexually oriented business in a restricted commercial zoned district.

3. A person commits an offense if the person operates or causes to be operated a principal sexually oriented business in a light or general industrial zoned district within five hundred feet (500') of any existing single- or multiple-family dwelling structure. This distance restriction does not apply to the location of a sexually oriented business in a restricted commercial zoned district.

4. For the purposes of subsections B2 and B3 of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as a part of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a church, a public or private elementary or secondary school, a public or private daycare

center, preschool, nursery, kindergarten or school bus stop or similar use, or to the nearest boundary of an affected public park, residential district or residential lot. The presence of city, county or other political boundaries shall be irrelevant for purposes of calculating and applying the distance requirements of this article.

5. Any principal sexually oriented business that fails to comply with subsection B1, B2 or B3 of this section on the date of the adoption hereof, but which was lawfully operating before this article took effect, shall not be deemed to be in violation of this article when this article takes effect and shall be deemed a nonconforming use. Any such nonconforming use may be allowed to continue; provided, however, that such a nonconforming use may not be extended, enlarged or altered and may not be changed to any other nonconforming principal sexually oriented business use.

It shall be unlawful for any person to continue any such nonconforming use more than one year after its passage when such nonconforming use has been declared to constitute a nuisance or to be detrimental to public health, safety or welfare by a majority vote of the city council. This section shall not be construed as limiting the right of the city or any person to abate a nuisance under any existing laws or ordinances.

A nonconforming sexually oriented business use which is operationally abandoned or discontinued for a period of six (6) consecutive months or more shall be considered abandoned and shall not be resumed.

6. A principal sexually oriented business lawfully operating is not rendered in violation of this article by the location, subsequent to the grant or renewal of the sexually oriented business license, of a church, public or private elementary or secondary school, public park, residential district or residential lot within one thousand feet (1,000') or five hundred feet (500'), whichever is applicable, of the principal 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 been revoked or not renewed.

7. Principal sexually oriented business uses shall, in addition to other sign requirements established by this code, also adhere to the following sign regulations:

- a. Sign messages shall be generic in nature and shall only identify the type of business which is being conducted.
- b. Shall not contain material classified as advertising as to building content or activities.
- c. Shall comply with the requirements of size and number for the district in which they are located.

**C. Accessory Sexually Oriented Business Uses And Location Thereof:**

**1. Accessory sexually oriented business uses shall:**

- a. Comprise no more than ten percent (10%) of the floor area of the establishment in which it is located and comprise no more than twenty percent (20%) of the gross receipts of the entire business operation; and
- b. Not involve or include any activity except the sale or rental of merchandise; or
- c. Not involve any dancing or live entertainment characterized by an emphasis on the presentation of "specified sexual activities" or "specified anatomical areas", unless such live entertainment is only presented as an occasional activity of the business operation. To qualify as an accessory sexually oriented business use, said activity or event shall be limited to no more than ten (10) consecutive days taking place at minimum thirty (30) day intervals following a similar activity or event and such activities or events occurring no more than four (4) times within a calendar year.

2. Accessory sexually oriented business uses shall be restricted from and prohibit access to minors by the physical separation of such items from areas of general public access:

- a. **Movie Rentals:** Display areas shall be restricted from general view and shall be located within a separate room, the access of which is in clear view and under the control of the persons responsible for the operation or shall be in catalogs under the direct control and distribution of the operation.
- b. **Magazines:** Publications classified or qualifying as sexually oriented business uses shall not be physically accessible to minors and shall be covered with a wrapper or other means to prevent display of any material other than the publication title.
- c. **Other Uses:** Accessory sexually oriented business uses not specifically cited shall comply with the intent of this section subject to the approval of the chief of police.

3. Accessory sexually oriented business uses shall be prohibited from both internal and external advertising and signage of sexually oriented materials and products.

4. Accessory sexually oriented business uses activities shall be prohibited at any public show, movie, caravan, circus, carnival, theatrical or other performance or exhibition presented to the general public where minors are admitted.

5. A person commits an offense if that person operates or causes to be operated an accessory sexually oriented business use in any zoning district other than the areas zoned light industrial, general industrial, general commercial, convenience commercial or restricted commercial, as defined and described in the general zoning ordinance, chapter 2 of this title. (Ord. 439, 4-12-1994)

**3-2A-4: INJUNCTION:**

A person who operates or causes to be operated a sexually oriented business use without having a valid permit due to locational restrictions is subject to a suit for injunction as well as prosecution for the criminal violation. Such violation shall be punishable by a fine of one thousand dollars (\$1,000.00) and/or thirty (30) days' imprisonment, and if an injunction must be sought, attorney fees and costs will be assessed at the discretion of the court against the sexually oriented business use. (Ord. 439, 4-12-1994)

**3-2A-5: EXEMPTION FROM LOCATION RESTRICTIONS:**

A. **Request:** If the city denies the issuance of a license to an applicant because the location of the sexually oriented business use is in violation of section 3-2A-3 of this article, then the applicant may, not later than ten (10) calendar days after receiving notice of the denial, file with the city clerk a written request for an exemption from the locational restrictions of section 3-2A-3 of this article.

B. **Hearing:** If the written request is filed with the city clerk within the ten (10) day limit, the city council shall hear and consider the request. The city council shall set a date for the hearing within sixty (60) days from the date the written request is received.

C. **Conduct Of Hearing:** The city council shall hear and consider evidence offered by any interested person. The formal rules of evidence do not apply.

D. **Findings:** The city council may, in its discretion, grant an exemption from the locational restrictions of section 3-2A-3 of this article if it makes the following findings:

1. The location of the proposed sexually oriented business use will not have a detrimental effect on nearby properties or be contrary to the

public safety or welfare; and

2. The location of the proposed sexually oriented business use will not downgrade the property values or quality of life in the adjacent areas or encourage the development of blight; and

3. The location of a sexually oriented business use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any efforts of neighborhood renewal or restoration; and

4. All other applicable provisions of this article and the city code will be observed.

E. Validity Of Exemption: If the city council grants the exemption, the exemption is valid for two (2) years from the date of city council action. Upon the expiration of an exemption, the sexually oriented business use is in violation of the locational restrictions of section 3-2A-3 of this article until the applicant applies for and receives another exemption.

F. Reapplication Upon Denial: If the city council denies the exemption, the applicant may not reapply for an exemption until at least twelve (12) months have elapsed since the date of the city council action. (Ord. 439, 4-12-1994)

## CHAPTER 3

### DIVISIONS OF LAND

#### SECTION:

##### **3-3-1: Purpose And Intent**

##### **3-3-2: Definitions**

##### **3-3-3: Stages Of Subdivision Planning And Approval**

##### **3-3-4: Preapplication Stage (Stage I)**

##### **3-3-5: Tentative Map Stage (Stage II)**

##### **3-3-6: Content And Format Of Tentative Map Submittal**

##### **3-3-7: Final Map Stage (Stage III)**

##### **3-3-8: Content And Format Of Final Map Submittal**

##### **3-3-9: General Requirements For Subdivision Design**

##### **3-3-10: Street Location And Arrangement**

##### **3-3-11: Street Design**

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##### **3-3-19: Construction And Inspection**

##### **3-3-20: Required Improvements**

##### **3-3-21: Agreements To Install Improvements**

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##### **3-3-25: Modification Of Standards**

##### **3-3-26: Reversions To Acreage**

##### **3-3-27: Prohibition Against Sale In Violation**

##### **3-3-28: Mergers And Resubdivision Of Land**

##### **3-3-29: Violations And Penalties**

##### **3-3-30: Appeals Of Certain Decisions Regarding Use Of Land**

##### **3-3-1: PURPOSE AND INTENT:**

The purpose of this chapter is to provide for the orderly growth and harmonious development of the City; to ensure adequate traffic circulation through coordinated subdivision street systems in relation to major thoroughfares, adjoining subdivisions, and public facilities to achieve individual property lots of optimum utility and livability; to secure adequate provisions for water supply, drainage, sanitary sewerage, and other health requirements; to facilitate reservation of adequate sites for schools, recreation areas, and other public facilities; to promote the conveyance of land by accurate legal description and to provide logical procedures for the achievement of this purpose; safeguard the public health, safety and general welfare; and to ensure development in conformance with the City master plan. In its interpretation and application, this chapter is intended to

provide a common understanding and a sound and equitable working relationship between public and private interests so that both independent and mutual objectives can be achieved in the division of the land. (Ord. 834, 11-27-2018)

### **3-3-2: DEFINITIONS:**

All terms defined in Nevada Revised Statutes chapter 278, to include Nevada Revised Statutes 278.010 through 278.0195, are incorporated herein by this reference unless the terms are otherwise defined in this chapter.

The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, unless their context clearly indicates that they are intended to have some other meaning.

Words used in the present tense include the future; the plural includes the singular; the word "shall" is always mandatory; the word "may" denotes a use of discretion in making a decision; and the words "used" or "occupied" shall be considered to be followed by the words "or intended, arranged, or designed to be used or occupied".

**AGREEMENT TO INSTALL IMPROVEMENTS:** An agreement that satisfies the requirements of section 3-3-21 of this chapter and other applicable provisions of this chapter, typically requiring a subdivider to install public improvements, dedicate rights-of-way and perform other acts for the benefit and protection of the City and the public in relation to a subdivision.

**ALLEY:** A passage or way, open to public travel and dedicated to public use, affording generally a secondary means of vehicular access to abutting lots and not intended for the general traffic circulation.

**BLOCK:** A piece or parcel of land, or group of lots, entirely surrounded by natural or artificial barriers, such as public rights-of-way, streams or watercourses, railroads, parks, or a combination thereof.

**BUILDING:** Any structure, regardless of whether it is affixed to real property that is used or intended for supporting or sheltering any human use or occupancy.

**BUILDING LINE:** A line demarcating the area between a building or other structure and the street right-of-way line beyond which no building or structure or portion thereof shall be erected, constructed, or otherwise established.

**CITY COUNCIL:** The City Council of the City of Elko.

**CODE:** The Elko City Code.

**COMMISSION:** The City of Elko Planning Commission.

**COMMUNICATION LINES:** Conduit, cables, fiber and/or other apparatus for the distribution and provision of telecommunications and/or broadband communications.

**COMMUNICATION SERVICE LINES:** Communication lines.

**CONDITIONAL APPROVAL:** A decision by the Planning Commission or City Council to approve a tentative map, provided certain specified conditions are satisfied.

**CONSTRUCTION PLANS:** Plans, profiles, cross-sections and other drawings showing required details for the construction of subdivision improvements, prepared in conjunction with the final map, and submitted by a properly licensed engineer in compliance with standards of design and construction approved by the City.

**CUL-DE-SAC:** A street opening at one end and having a turnaround at the other end.

**DEDICATION:** The deliberate appropriation of land by its owner for any general or public use, reserving unto himself no other right than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been appropriated.

**DENSITY:** A number, represented in units of lots per acre, calculated by dividing the number of lots in the subdivision by the total acreage of the subdivision.

**DEVELOPER:** A real property owner who divides land into two (2) or more parcels for transfer or development.

**DEVELOPMENT MASTER PLAN:** A comprehensive long-term strategic planning document for a subdivision prepared in accordance with section 3-3-4 of this chapter.

**EASEMENT:** An interest in land that confers a right of use for a special purpose.

**ENGINEER'S ESTIMATE:** An estimate of the total cost of public improvements prepared by the subdivider's engineer and provided to the City.

**EXCEPTION:** Any parcel of land that is located within the exterior boundaries of a subdivision but which is not included in the tentative or final map.

**FINAL MAP:** A map prepared in accordance with the provisions of Nevada Revised Statutes 278.325, 278.360 to 278.460, inclusive, 278.472, 278.4725 or 278.4955 and any applicable provisions of this Code, which, after approval and certification by the City, is recorded with the Office of the Elko County Recorder.

**FINAL MAP APPROVAL:** Final or conditional authorization by the City Council to obtain final map certification; provided, all applicable requirements of this chapter, to include sections 3-3-21 and 3-3-22 of this chapter, must be satisfied prior to final map certification; further provided, if final map approval is conditional, all conditions imposed by the City Council in conjunction with the approval must be satisfied prior to final map certification.

**FINAL MAP CERTIFICATION:** Unconditional approval of the final map by the City Council as evidenced by certification on the map by the Mayor of the City of Elko. Final map certification constitutes authorization to record the map with the Elko County Recorder.

**FULL FRONTAGE:** All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right-of-way, to include lots, parcels or tracts containing multiple borders or edges, such as corner lots.

**GRADING:** The removal of the vegetative cover from the surface of any land, and is a result of activity associated with new construction.

**LED:** Light-emitting diode.

**LOT:** A distinct part or parcel of land which has been divided, including the following:

A. Corner Lot: A lot abutting on two (2) or more intersecting streets.



B. Double Frontage Lot: A lot abutting two (2) parallel or approximately parallel streets.

C. Interior Lot: A lot having but one side abutting on a street.

D. Key Lot: An interior lot, one side of which is contiguous to the rear line of a lot.

LOT DEPTH: The shortest distance, measured on a line parallel to the axis of the lot, between points on the front and rear lot lines.

LOT LINE: A line bounding a lot, including the following types of lot lines:

A. Front Lot Line: The lot line coinciding with the street line; or, in the case of a corner lot, the shorter of two (2) lot lines coinciding with street lines; or, in the case of a double frontage lot, both lot lines coinciding with street lines.

B. Rear Lot Line: The lot line opposite and farthest from the front lot line; for a pointed or irregular lot, the rear lot line shall be an imaginary line, parallel to and farthest from the front lot line, not less than ten feet (10') long and wholly within the lot.

C. Side Lot Line: Any lot line other than a front or rear lot line; in the case of a corner lot, the lot line abutting the side street is designated as the exterior side lot line; all other side lot lines are designated as interior side lot lines.

LOT WIDTH: A. In the case of a rectangular lot or a lot abutting on the outside of a street curve, the distance between side lot lines measured parallel to the street or to the street chord and measured on the street chord.

B. In the case of a lot abutting on the inside of a street curve, the distance between the side lot lines measured parallel to the street or the street chord at the rear line of the dwelling, or, where there is no dwelling, thirty feet (30') behind the minimum front setback line.

MASTER PLAN: A comprehensive, long-term general plan for the physical development of the City prepared in accordance with Nevada Revised Statutes 278.150, et seq.

OWNER: Any person who holds title to land or who is contractually obligated to purchase land.

PARCEL MAP: A map required for the division of land for transfer or development into four (4) lots or less in the manner set forth in Nevada Revised Statutes 278.461, 278.462, 278.463, 278.464 or 278.466, and this Code.

PEDESTRIANWAY: A public or private walk through a block from street to street or from a street to a school, park, recreation area or other public facility.

PERFORMANCE AGREEMENT: An agreement to install improvements.

PERFORMANCE GUARANTY: The financial security required to guarantee the construction of public improvements and other matters as set forth in section 3-3-22 of this chapter.

PERSON: A natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.

PUBLIC IMPROVEMENT: Street work, utilities and other improvements to be installed on land dedicated or to be dedicated for streets and easements as are necessary for local drainage, local traffic and the general use of property owners in the subdivision.

PUBLIC IMPROVEMENT STANDARDS: A set of standards adopted by the City Council regulating the design and construction of public improvements. These standards are contained in the latest edition of the "Standard Specifications for Public Works Construction" also known as the "Orange Book", which is distributed to the cities and counties of northern Nevada by the Regional Transportation Commission of Washoe County.

PUBLIC UTILITIES: Underground, aboveground or overhead facilities furnishing to the public, electricity, gas, steam, communications, water, drainage, sewage disposal, flood control, irrigation or refuse disposal, owned and operated by any person, firm, corporation, Municipal department or board duly authorized by State or Municipal regulations. The term "public utilities", as used herein, may also refer to such persons, firms, corporations, departments or boards, as the context indicates.

REQUIRED IMPROVEMENTS: Enhancements to land to make the land more usable for public and/or private purposes, as more specifically set forth in section 3-3-20 of this chapter.

RIGHTS-OF-WAY: All public and private rights-of-way and all areas required for public use in accordance with any master plan or parts thereof.

SETBACK LINE: Building line.

STREET: Any existing or proposed street, avenue, boulevard, road, lane, parkway, place, bridge, viaduct or easement for public vehicular access; or, a street shown in a map heretofore approved pursuant to law; or, a street in a map duly filed and recorded in the County Recorder's Office. A street includes all land within the street right-of-way, whether improved or unimproved, and includes such improvements as pavement, shoulder, curbs, gutters, sidewalks, parking space, bridges, viaducts, lawns and trees. For purposes of this chapter, the following definitions apply to specific types of streets:

Alley: A public way providing secondary vehicular access and service to properties which also abut a street.

Arterial And Minor Arterial Streets: A general term describing large major streets, including freeways, expressways and interstate roadways, and State and/or County highways having City and regional continuity.

Collector Residential And Local Residential Streets: City streets serving the primary function of providing access to abutting property:

A. Cul-De-Sac Street: A short collector residential and local residential street having one end permanently terminating in and including a vehicular turning area.

B. Marginal Access Street: A collector residential and local residential street parallel to and abutting an arterial street which provides access to abutting property, intercepts other collector residential and local residential streets, and controls access to the arterial street.

Collector Street: A street generally with limited continuity serving the primary function of moving traffic between arterial streets and local residential streets, and the secondary function of providing access to abutting properties.

STREET LINE: A line demarcating the limits of a street right-of-way.

STREET, PRIVATE: A nondedicated, privately owned right-of-way or limited public way that affords the principal means of emergency and limited vehicular access and connection to and from the public street system to properties created through the division of land.

**STREET, PUBLIC:** A dedicated public right-of-way that is part of the public street system and which affords the principal means of emergency and general vehicular access to abutting property.

**SUBDIVIDER:** A developer who commences or is engaged in the process required by Nevada Revised Statutes chapter 278 and this chapter for dividing land into parcels or creating a subdivision.

**SUBDIVIDER'S ENGINEER:** A professional engineer, properly licensed by the State of Nevada and retained, contracted or employed by the subdivider for the purpose of satisfying the requirements of section 3-3-21 of this chapter, and to oversee and certify the subdivision in the manner required by this chapter.

**SUBDIVISION:** Any land, vacant or improved, which is divided or proposed to be divided into five (5) or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted by Nevada Revised Statutes 278.320 or any other applicable statute.

**SUBDIVISION IMPROVEMENT:** An improvement to land that a subdivider is required to construct and complete at its own expense, pursuant to the requirements of this chapter and an agreement to install improvements.

**SUBDIVISION REVIEW COMMITTEE:** A committee consisting of representatives of the City Manager's Office, the City Engineering Department, the City Utility Department, the City Planning Department, the City Development Department, the City Public Works Department, the City Fire Department, and the Planning Commission Chair or Vice Chair.

**TENTATIVE MAP:** A map made to show the design of a proposed subdivision and the existing conditions in and around it.

**TENTATIVE MAP APPROVAL:** Approval of a tentative map by the City Council. Tentative map approval constitutes authorization to proceed with preparation of construction plans and the final map.

**TRACT:** An area of land proposed to be divided pursuant to this chapter.

**TRANSPORTATION COMPONENT OF THE MASTER PLAN:** A plan adopted by the Planning Commission and City Council which provides for development of a system of major streets and highways. (Ord. 834, 11-27-2018)

### **3-3-3: STAGES OF SUBDIVISION PLANNING AND APPROVAL:**

Any person who divides or proposes to divide land into five (5) or more lots, parcels, sites, units or plots, for the purpose of any transfer or development, or any proposed transfer or development, unless exempted under chapter 278 of the Nevada Revised Statutes or this Code, must follow the three-stage approval process outlined in this chapter. These stages, among other things, set forth specific requirements pertaining to the preparation, submission and review of, and official action on, maps and other documents.

These stages are as follows:

A. Stage I - Preapplication Stage: During stage I, the subdivider provides preliminary information about the proposed subdivision to the City, some of which is provided to City staff in a conference held to discuss land use, street and lot arrangement, lot sizes, buildable lot areas, conformity with the master plan, easements, the provision of utilities, storm drainage, street improvements and other issues pertinent to the proposed development.

B. Stage II - Tentative Map Stage: Stage II includes preparation, submission, revision, and Planning Commission and City Council action on the tentative map. During this stage, the City will review the tentative map submittal to ensure that it conforms to all applicable requirements. At the conclusion of this stage, the City Council determines whether to approve, conditionally approve or disapprove the tentative map. The City uses the tentative map submittal to evaluate the subdivision. Approval of the tentative map permits the subdivider to proceed with stage III, but does not authorize the subdivider to commence construction activities.

C. Stage III - Final Map Stage: Stage III includes the final design and engineering of the subdivision, official action on the construction plans, and official action on the final map. During this stage, except as otherwise permitted in this chapter, the subdivider must post security for completion and maintenance of public improvements, and the subdivider and the City must enter into a performance agreement. (Ord. 834, 11-27-2018)

### **3-3-4: PREAPPLICATION STAGE (STAGE I):**

A. Overview And General Requirements: The preapplication stage of subdivision planning (stage I) includes an investigatory period that takes place prior to submittal of the tentative map by the subdivider. During this stage, the subdivider must meet with the City to discuss and provide general information about the proposed subdivision, and the City will provide the subdivider with general information about City subdivision requirements. During this stage, the City will also determine whether a change in zoning will be required for the proposed subdivision. If the City determines that a zoning change is required for the proposed subdivision, the subdivider must initiate the necessary application for a change of zoning district boundaries. This process must be commenced prior to the submission of the tentative map (stage II). In addition, during stage I the subdivider and the City shall satisfy the following requirements:

1. Conference: During stage I, the subdivider shall schedule and attend a conference with the Subdivision Review Committee for the purpose of discussing the proposed subdivision. At least five (5) business days prior to the conference, the subdivider shall provide the City with plans, sketches and other documentation showing proposed land uses, street and lot configuration, proposed lot sizes and the proposed density of the development. At the meeting, the subdivider and/or his/her authorized representative shall present the Subdivision Review Committee with tentative proposals regarding water supply, sewage disposal, storm drainage, street improvements and any potential changes to zoning district boundaries.

2. General Information Provided: During the conference with the Subdivision Review Committee, the City will provide general information to the subdivider regarding the requirements of this chapter, to include required procedures, design and improvement standards, and tentative and final map requirements, together with the following:

a. Check existing zoning of the location of the proposed subdivision and of abutting properties, and determine whether a change of zoning district boundaries is necessary or desirable.

b. Determine conformance of the proposed subdivision to the land use component of the Master Plan.

c. Examine the adequacy of parks and other public facilities.

d. Determine the relationship of the site to major streets, utility systems and adjacent land uses, and determine whether there are any potential problems related to topography, utilities, drainage or flooding.

e. Determine Fire Department access and suppression requirements.

f. Determine whether a Development Master Plan must be approved by the City prior to consideration of a tentative map.

B. Development Master Plan: The Planning Commission may, in its discretion, determine that the proposed subdivision has certain

characteristics that necessitate the preparation of a Development Master Plan. These characteristics may include size, impact on neighborhoods, density, topography, utilities, and/or existing and potential future land uses. If a Development Master Plan is required, it must be submitted to the Planning Commission for review and possible approval at least twenty one (21) days prior to the Planning Commission meeting at which the Development Master Plan will be reviewed.

1. Preparation: The Development Master Plan shall be prepared on a sheet twenty four inches by thirty six inches (24" x 36"), shall be accurate in accordance with industry standards, and shall clearly indicate:

- a. General street patterns, with particular attention to the location and general alignment of collector streets and to the maximization of convenient circulation throughout the neighborhood.
- b. General locations and sizes of schools, parks and other public facility sites.
- c. Locations of shopping centers, multi-family residential units and other proposed land uses.
- d. Methods proposed for sewage disposal, water supply and storm drainage.

2. Approval: A tentative map must be consistent with a Development Master Plan that encompasses its territorial limits. The Development Master Plan shall establish the general approach to the subdivision design in the tentative map. Accordingly, the subdivision must be compatible with and not frustrate the goals and policies set forth in the approved Master Plan. If development of a subdivision is proposed to take place in several stages, the Development Master Plan shall be submitted as supporting data for each tentative map. The Development Master Plan shall be kept up to date by the subdivider as modifications occur or become necessary. (Ord. 834, 11-27-2018)

### **3-3-5: TENTATIVE MAP STAGE (STAGE II):**

The tentative map stage (stage II) includes preparation, submission, review, and Planning Commission and City Council action on the tentative map. The subdivider can help expedite processing of the tentative map by submitting all information needed to determine consistency with this Code and the Elko Master Plan.

A. Zoning Amendments: The tentative map shall be designed to meet the specific requirements of the zoning district in which it is located. However, in the event a change of zoning district boundaries is necessary, an application for a change in zoning consistent with section 3-2-21 of this title shall be submitted and processed in conjunction with the tentative map. If a change in zoning district boundaries is required, the City will not continue processing the tentative map until the application for change of zoning district boundaries is submitted.

The application for change of zoning district boundaries shall be heard by the Planning Commission at the same meeting as the tentative map is considered, but shall be acted upon as a separate item. The application for change of zoning district boundaries shall be heard prior to the action item for possible approval of the tentative map. When a tentative map constitutes only one unit of a larger development intended for progressive maps, the change of zoning district boundaries may be limited to the area contained in the tentative map application. Any required change of zoning district boundaries shall have been approved by the City Council prior to tentative map approval. A change of zoning district boundaries required under this section must, without limitation, conform to all applicable master plan(s) adopted by the City.

B. Sanitary Sewerage, Water Supply, Storm Drainage And Solid Waste Disposal: As a prerequisite to tentative map review by the Planning Commission, the subdivider shall provide adequate information to enable the City to determine whether it conforms to this Code, to include, without limitation, all applicable requirements for public improvements, such as grading, installation of a sanitary sewer and sewerage disposal, water supply, storm drainage, solid waste disposal and the provision of other public utilities to the proposed subdivision.

C. Tentative Map Submittal: The following requirements apply to submission of the tentative map for review and filing of the tentative map:

1. Tentative Map Submittal; Application: Three (3) copies of the tentative map and any required supporting information and/or data in readable pdf format (unless otherwise requested by the City), prepared in accordance with the requirements of this chapter, together with any required filing fee (collectively referred to as the "tentative map submittal"), shall be filed with the City Planning Department at least forty two (42) calendar days prior to the Planning Commission meeting at which the recommendation to approve, conditionally approve or disapprove the tentative map will be considered. Upon receipt of the tentative map submittal, the City Planning Department will record the date of receipt and filing. The tentative map submittal shall be deemed the subdivider's application for approval of the tentative map.

2. Initial Review Of Tentative Map Submittal For Completeness Upon Filing: Upon filing, the City will perform an initial review of the tentative map submittal to determine if it is complete and satisfies the requirements of the Nevada Revised Statutes, the Nevada Administrative Code and section 3-3-6 of this chapter. The tentative map submittal must be consistent with the information provided by the subdivider to the City at the preapplication stage (stage I) meeting. The Planning Commission will not consider the application for tentative map approval unless adequate information has been submitted to permit the City to determine that the tentative map complies with this Code. Upon request by the City, the subdivider shall furnish additional copies of any documents required by the City to perform its review.

3. Information Required Under Nevada Administrative Code For Review Of Tentative Map: In addition to any other requirements set forth in this Code, without limitation, a subdivider shall submit the following documents or other information to the City:

- a. A map showing the topographic features of the subdivision, including contours at intervals of two feet (2') for slopes of ten percent (10%) or less and intervals of five feet (5') for slopes of over ten percent (10%).
- b. Two (2) copies of the map showing the tentative design of the subdivision, including the arrangement of lots, the alignment of roads and easements.
- c. A statement of the type of water system to be used and the water source, for example, private wells or a public water system.
- d. Unless water for the subdivision is to be supplied from an existing public water system, a report of the analyses, performed pursuant to NAC 278.390, of four (4) samples taken in or adjacent to the subdivision from different wells. The analyses must show that the water meets the standards prescribed in NAC 445A.450 to 445A.492, inclusive.
- e. A map of the 100-year floodplain for the applicable area. The map must have been prepared by recognized methods or by an appropriate governmental agency for those areas subject to flooding.
- f. A description of the subdivision in terms of 40-acre parts of a designated section, township and range, or any other description which provides a positive identification of the location of the subdivision.
- g. A map of the vicinity of the subdivision, showing the location of the proposed subdivision relative to the City of Elko or a major highway.
- h. The names and addresses of the owners and developers of the subdivision.
- i. A master plan showing the future development and intended use of all land under the ownership or control of the developer in the vicinity of the proposed subdivision.

4. Filing; Acceptance Or Rejection: If, following the initial review, the tentative map submittal is determined to conform to the foregoing requirements, the City will accept the tentative map submittal for filing and will assign it a file number. Otherwise, the City will reject the tentative map submittal and inform the subdivider of the deficiencies that resulted in the rejection. If the subdivider does not correct an incomplete tentative map submittal within ninety (90) calendar days from the date of filing with the City, the tentative map submittal will automatically expire and may not be re-filed without payment of a new filing fee.

5. Filing Fee: The subdivider shall, at the time of filing a tentative map submittal, pay to the City a filing fee based upon the number of lots shown on the tentative map. The filing fee shall be set by resolution by the City Council.

D. Tentative Map Review By Departments: Upon filing, the tentative map will be distributed and reviewed as follows:

1. Departmental Review Of Tentative Map Submittals: Unless the tentative map submittal is rejected in accordance with subsection C2 of this section, following the initial review, the Planning Department will transmit copies of the tentative map submittal to the City Engineering, Utility, Public Works, Fire and Development Departments for their respective reviews. In reviewing the tentative map submittal, these departments will each make a determination as to the completeness and adequacy of the tentative map submittal and its conformity to the requirements of this Code, to include any standardized codes adopted by reference. If any reviewing department determines that a tentative map submittal is incomplete, inadequate or noncompliant with this Code, the application will be rejected and the subdivider will be notified of the deficiencies that resulted in the rejection.

2. Distribution Of Tentative Map Submittals To Other Governmental Entities, Irrigation Ditch Owners And Utilities: If, following the foregoing departmental review, the City determines that the tentative map submittal is complete, adequate and in conformity with the requirements of this Code and the stage I submittal, the City Planning Department will transmit copies of the tentative map submittal for review to the following, if required by Nevada Revised Statutes chapter 278 or this Code: a) the Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources; b) the District Board of Health acting for the Division of Environmental Protection to review and certify proposed subdivisions and to conduct construction or installation inspections; c) if the subdivision is subject to the provisions of Nevada Revised Statutes 704.6672, the Public Utilities Commission of Nevada; d) the Board of Trustees for the Elko County School District; e) the Board of Trustees for any general improvement district or irrigation district in which the subdivision is located; f) the owner of an irrigation ditch located within the proposed subdivision to the extent required under Nevada Revised Statutes 278.3485; g) the Nevada Department of Transportation, if the subdivision encompasses or is adjacent to any State roads, highways or rights-of-way; h) Elko County, if the proposed subdivision is adjacent to property located outside the Elko City Municipal boundaries; i) any public utilities that are reasonably likely to provide service to the subdivision. All comments received in response to the foregoing distributions will be provided to the Planning Commission and the City Council at the respective meetings during which the application is considered.

3. Planning Commission Review: The Planning Commission shall review the tentative map submittal for compliance with applicable provisions of the Nevada Revised Statutes, the Nevada Administrative Code and this Code, to include this chapter and this title, and shall consider the recommendations of City departments, non-City governmental agencies and others that have reviewed the tentative map submittal pursuant to this chapter. It shall be the responsibility of the subdivider to provide any necessary data and any other information necessary for the Planning Commission to conduct a comprehensive review of the proposed subdivision.

4. Public Hearing; Notices: Prior to taking any action to recommend approval, conditional approval or disapproval of a tentative map, the Planning Commission shall hold a public hearing to receive information about the proposed subdivision and to consider modifications to the tentative map. The public hearing shall be set not later than sixty (60) days from the date a complete tentative map submittal that satisfies the requirements of this Code is filed with the City. At least ten (10) calendar days prior to the public hearing, notices of the public hearing shall be sent by mail to all property owners adjacent to the area proposed to be subdivided. The names and addresses of the adjacent property owners shall be determined by examining the latest assessment rolls of the Elko County Assessor. Notice by mail to the last known addresses of the real property owners as shown by the Elko County Assessor's records shall be sufficient for purposes of this subsection. Legal notice shall be placed in a newspaper of general circulation within the City at least ten (10) calendar days prior to the date of the public hearing.

5. Modifications To Tentative Maps: In the event the Planning Commission requires modifications to the tentative map prior to making a recommendation of approval or conditional approval, the Planning Commission shall so inform the subdivider. The Planning Commission may, in its discretion, provide recommendations to the subdivider regarding the correction of any deficiencies in the tentative map submittal. The Planning Commission may, in its discretion, table or continue a public hearing on a tentative map for a period of time sufficient to permit the subdivider to make any required modifications to the tentative map submittal. Notwithstanding the foregoing, in the event the Planning Commission requests that a subdivider make modifications to a tentative map submittal, the subdivider must present to the Planning Commission a modified tentative map submittal that complies with the Planning Commission's request no more than sixty (60) calendar days from the date of the request. Notwithstanding any other provision in this chapter, the failure of a subdivider to present a properly modified tentative map submittal to the Planning Commission in accordance with the preceding sentence shall result in the automatic expiration of the application for tentative map approval and the subdivider shall not be entitled to any refund or credit of the filing fee.

E. Action On Tentative Map By Planning Commission And City Council: Upon review by City and other agencies and entities as set forth in the preceding subsection, the Planning Commission and City Council will take action on the tentative map as follows:

1. Planning Commission Recommendation: Unless modifications to the tentative map are required pursuant to subsection D of this section, after accepting a tentative map submittal as a complete application, the Planning Commission shall, within sixty (60) days of the date the tentative map submittal is filed, recommend approval, conditional approval or disapproval of the tentative map in a written report filed with the City Council. Notwithstanding the foregoing, unless a longer time is provided in a development agreement entered into pursuant to Nevada Revised Statutes 278.0201, the time limit for acting and reporting on a tentative map may be extended by mutual consent of the subdivider and the Planning Commission; provided, if no action is taken within the time limits set forth in Nevada Revised Statutes 278.010 to 278.630, inclusive (subject to any permitted extensions), a tentative map as filed shall be deemed to be approved without conditions, and the Planning Commission shall certify the tentative map as approved. If the Planning Commission recommends conditional approval or disapproval of a tentative map, the Planning Commission's report to the City Council shall either state the conditions under which the tentative map would have been approved or state that approval was withheld because the land proposed to be subdivided is not suitable for the proposed development, stating the reasons why the land was not considered suitable.

2. Action By City Council To Approve, Conditionally Approve Or Disapprove Tentative Map; Factors Considered: Except as otherwise provided in Nevada Revised Statutes chapter 278 and this chapter, the City Council shall approve, conditionally approve or disapprove a tentative map within sixty (60) days from the date of receipt of the Planning Commission's recommendations. Before approving a tentative map, the City Council shall make such findings as are not inconsistent with the provisions of Nevada Revised Statutes sections 278.010 through 278.630, inclusive, or this Code, which findings shall include consideration of the following factors:

a. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

b. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

- c. The availability and accessibility of utilities;
- d. The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
- e. Conformity with the zoning ordinances and the City's master plan, except that if any existing zoning ordinance is inconsistent with the City's master plan, the zoning ordinance takes precedence;
- f. General conformity with the City's master plan of streets and highways;
- g. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- h. Physical characteristics of the land, such as floodplain, slope and soil;
- i. The recommendations and comments of those entities and persons reviewing the tentative map pursuant to this chapter and Nevada Revised Statutes 278.330 to 278.3485, inclusive;
- j. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and
- k. The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of Nevada Revised Statutes and for compliance with the disclosure and recording requirements of subsection 5 of Nevada Revised Statutes 598.0923, if applicable, by the subdivider or any successor in interest.

3. Approval Of Tentative Map Without Conditions: The City Council may approve the tentative map without conditions; provided, the approval must include findings that the tentative map meets all requirements of this chapter and the applicable requirements set forth in the Nevada Revised Statutes and Nevada Administrative Code.

4. Approval Of Tentative Map With Conditions: The City Council may approve the tentative map with conditions, in which event the City Council shall, as a requisite to final approval, require the subdivider to submit proof that the conditions have been satisfied to either or both City staff and/or the City Council at a subsequent meeting. The City Council may place a deadline on the time required to satisfy the conditions, after which, unless: a) the subdivider has submitted proof to the City that the conditions have been satisfied, b) the subdivider and the City have entered into a development agreement pursuant to Nevada Revised Statutes 278.0201 and this chapter that extends the time for satisfying the conditions, or c) the City has granted an extension of time to satisfy the conditions consistent with this chapter, the tentative map will be automatically deemed disapproved.

5. Disapproval Of Tentative Map: The City Council may disapprove a tentative map, in which event the City Council shall state the reasons for the disapproval. In the event a tentative map is disapproved, any new filing of a tentative map for the same property, or any part thereof, shall follow the procedure set forth in this chapter for a new tentative map application, to include payment of a new filing fee.

F. Limited Authorization To Proceed Upon Approval With Conditions: If the City Council approves a tentative map with conditions, the subdivider may commence preparing a final map and engineering construction plans; provided, nothing in this subsection shall be interpreted as a waiver of any conditions imposed by the City Council or a commitment that the City will approve a final map or construction plans.

G. Intent To Serve Letters: Upon approval of a tentative map with or without conditions, the City Utility Department shall provide a water and sewer "intent to serve" letter to the applicable State agencies.

H. Construction Of Subdivision Improvements: Notwithstanding any other provision contained herein, approval of a tentative map, with or without conditions, does not constitute authorization to commence any construction activities associated with the subdivision to include, without limitation, public improvements. (Ord. 834, 11-27-2018)

### **3-3-6: CONTENT AND FORMAT OF TENTATIVE MAP SUBMITTAL:**

A. Form And Scale: The tentative map must be graphically depicted on one or more plan sheets with supporting data either placed directly on the tentative map or attached to the tentative map in drawings, spreadsheets or other documents that comply with the requirements of this chapter and are consistent with industry standards. All maps accompanying the tentative map shall be drawn to the same standard engineering scale; provided, the scale shall not be more than one hundred feet (100') to one inch (1"). Whenever practicable, the plan scale shall result in an overall sheet measuring twenty four inches by thirty six inches (24" x 36").

B. Identification Data: The tentative map shall contain the following information:

- 1. Proposed subdivision name, location and section, township and range, with reference by dimension and bearing to a section corner or quarter-section corner.
- 2. Name, address, telephone number and email address of subdivider(s).
- 3. Name, address, telephone number, email address and Nevada State Board of Professional Engineers and Land Surveyors license number for each professional engineer or land surveyor who prepared the tentative map.
- 4. Scale.
- 5. North point.
- 6. Date of initial preparation and dates of any subsequent revisions.
- 7. A small scale location map showing the relationship of the tract to existing community facilities which serve or influence it, including: arterial streets, railroads, shopping centers, parks and playgrounds, and churches.
- 8. Legal description defining the boundaries of the proposed subdivision.

C. Physical Conditions: The tentative map shall contain the following information about existing physical conditions:

- 1. Topography shown with contours at intervals of no more than two feet (2') and corresponding to the coordinate system maintained by the City. Topographic information shall be adequate to show the character and drainage of the land.
- 2. Location of water wells, streams, private ditches, washes and other water features, including direction of flow, and the location and extent of areas subject to frequent periodic or occasional inundation.
- 3. The location of flood zones designated by the Federal Emergency Management Agency (FEMA) and/or any special flood hazard areas.
- 4. Within or adjacent to the proposed subdivision, the locations, widths and names of all streets, railroads, utility rights-of-way of public record, public areas, permanent structures that will remain after development of the subdivision, and Municipal corporate boundaries.

5. Dimensions of all subdivision boundaries.
6. Gross and net acreage of the subdivision.

D. Recorded Map Information: The tentative map shall indicate the title or description, book and page number(s) of each recorded map for property adjacent to the proposed subdivision, to include property adjacent to boundary roads, streets and rights-of-way.

E. Existing Zoning: The tentative map shall indicate the existing zoning classification of the proposed subdivision and adjacent properties.

F. Proposed Improvements And Other Features: The tentative map shall show the following planned improvements and other features within and, where indicated, adjacent to the subdivision:

1. Street layout, including location and width of each street, right-of-way, alley, sidewalk, pedestrianway and easement, together with access routes to adjacent existing subdivisions (including routes through parcels that are not subdivided), the proposed names of all streets, and the approximate grades of all rights-of-way.
2. Lot layout with consecutively numbered lots, indicating the dimensions and area of each lot, and the total number of lots.
3. Location, width and proposed use of easements.
4. Location, extent and proposed use of all land to be dedicated or reserved for public use, including school sites or parks.
5. Locations and boundaries of all proposed zoning districts.

G. Proposed Deed Restrictions: All proposed deed restrictions shall be indicated on or appended to the tentative map.

H. Preliminary Grading Plan: The subdivider shall provide to the City a preliminary grading plan indicating areas proposed for cut-and-fill, the type and estimated quantity of material to be graded, the estimated finished grades (which must be adequate to establish the general grading trend), the proposed methods of erosion control, and the general location of and specifications for any manufactured (cut or fill) slopes.

I. NPDES Permit Compliance: The subdivider shall comply with all applicable provisions of the City's National Pollutant Discharge Elimination System (NPDES) general permit for discharges from small Municipal separate storm sewer systems, permit no. NV040000.

J. Utility Methods And Requirements:

1. Sewage Disposal: The subdivider shall provide the City with a proposed design for sewage disposal that connects to the City sewer system.
2. Water Supply: The subdivider shall provide the City with information sufficient to demonstrate adequate volume and quality of water from the City water system.
3. Storm Drainage: The subdivider shall provide the City with preliminary drainage calculations and a proposed layout of the storm drainage system, including the locations of outlets. The proposed storm drainage system shall comply with the City's NPDES permit requirements, this Code and all applicable Federal and State laws and regulations.
4. Communication, Electrical And Natural Gas Lines: The subdivider shall provide the City with a proposed layout for the locations of communication lines, electrical lines and natural gas lines.
5. Traffic Impact Study: The City may, in its discretion, require a traffic impact study if it determines that additional traffic in the area due to the subdivision may exceed existing roadway capacities, warrant traffic signal improvements, warrant the construction of additional travel lanes or impact State highways. (Ord. 834, 11-27-2018)

### **3-3-7: FINAL MAP STAGE (STAGE III):**

A. Overview: The final map stage (stage III) includes the final design and engineering of the subdivision, and the preparation, submission and review of and official action on the final map and construction plans.

B. Requirements For Presentation Of Final Map Or Series Of Final Maps; Extensions Of Time:

1. Unless a longer time is provided in an agreement entered into pursuant to this chapter, or unless the time is extended by mutual agreement of the subdivider and the City Council, the subdivider shall present to the City Council within four (4) years after the approval of a tentative map: a) a final map, prepared in accordance with the tentative map, for the entire area for which a tentative map has been approved; or b) the first of a series of final maps covering a portion of the approved tentative map. If the subdivider elects to present a successive map in a series of final maps, each covering a portion of the approved tentative map, the subdivider shall present to the City Council on or before the second anniversary of the date on which the subdivider recorded the first in the series of final maps: 1) a final map, prepared in accordance with the tentative map, for the entire area for which the tentative map has been approved; or 2) the next final map in the series of final maps covering a portion of the approved tentative map. If the subdivider fails to comply with the provisions of the preceding sentence, all proceedings concerning the subdivision are terminated.

2. The City Council may grant an extension of not more than two (2) years for the presentation of any final map after the 2-year period for presenting a successive final map has expired.

3. Any request for an extension of time to present a final map, to include a map presented in a series of final maps, shall be submitted in writing to the City prior to the expiration of time for presenting the final map.

C. Pre-Submission Requirements: Before a final map is submitted to the City for approval, the following requirements must be satisfied:

1. Zoning: The final map shall meet all requirements of the zoning district in which it is located, and any necessary changes to zoning district boundaries shall have been adopted by the City Council;

2. Preparation Of Final Map: The subdivider shall prepare a final map that does not materially differ from the approved tentative map and conforms to all applicable requirements of the Nevada Revised Statutes, the Nevada Administrative Code and this chapter.

D. Utility Easements: The subdivider shall obtain a letter or letters from all public utilities with utility easements located within the proposed subdivision indicating approval of the subdivision, which approvals shall be indicated in an affidavit on the final map.

E. Proposed Agreement To Install Improvements: The City shall provide to the subdivider a proposed agreement to install improvements prepared in accordance with the requirements of this chapter.

F. Final Map Submittal; Filing: The final map submittal shall consist of three (3) copies and a readable electronic file in pdf format of the final map and any required supporting information and/or data, and a proposed agreement to install improvements (to include exhibits thereto), prepared in accordance with the requirements of this chapter. The final map submittal shall be filed with the City Planning Department at least forty two (42) calendar days prior to the Planning Commission meeting at which the final map will be considered.

#### G. Review Of Final Map:

1. Review By City Departments: Upon receipt of the final map submittal, the City Planning Department shall record the receipt and date of filing, and shall thereafter transmit copies of the final map to the City Engineering, Utility, Public Works, Fire and Development Departments for their respective reviews. In reviewing the final map submittal, these departments shall each make a determination as to the completeness and adequacy of the final map submittal and its conformity to the requirements of this Code, to include any standardized codes adopted by reference. If any reviewing department determines that a final map submittal is incomplete, inadequate or noncompliant with this Code, the application will be rejected and the subdivider will be notified of the deficiencies that resulted in the rejection. If the subdivider does not correct an incomplete final map submittal within ninety (90) calendar days from the date of filing with the City, the final map submittal will automatically expire and may not be re-filed without payment of a new filing fee.

2. Distribution Of Final Map Submittals To Other Governmental Entities, Irrigation Ditch Owners And Utilities: If, following the foregoing departmental review, the City determines that the final map submittal is complete, adequate and in conformity with the requirements of this Code and the stage II submittal, the City Planning Department will transmit copies of the final map submittal for review to: a) the Bureau of Water Pollution Control Nevada Division of Environmental Protection of the State Department of Conservation and Natural Resources; b) if the subdivision is subject to the provisions of Nevada Revised Statutes 704.6672, the Public Utilities Commission of Nevada; and c) the Division of Water Resources of the State Department of Conservation and Natural Resources. All comments received in response to the foregoing distributions shall be provided to the Planning Commission and the City Council at the respective meetings during which the application is under consideration.

3. Review By Planning Commission: The Planning Commission shall review the final map for conformity with the tentative map, this Code and the approved construction plans, and shall thereafter make a recommendation to the City Council to approve, conditionally approve or disapprove the final map.

#### H. Final Map Approval, Certification And Recordation:

1. Upon a recommendation by the Planning Commission to approve, conditionally approve or disapprove the final map, the City shall, within sixty (60) days, place the item on the agenda for the meeting of the City Council.

2. During the meeting at which the final map is presented to the City Council, the City Council shall approve, conditionally approve or disapprove the final map.

3. If the City Council disapproves the final map, it shall state the reasons for the disapproval and the same shall be placed in the minutes and communicated to the subdivider.

4. Prior to a decision by the City Council to approve the final map, the City Council shall: a) accept or reject on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication, b) if applicable, it shall determine that a public street, easement or utility easement that will not remain in effect after a merger and re-subdivision of parcels conducted pursuant to Nevada Revised Statutes 278.4925, has been vacated or abandoned in accordance with Nevada Revised Statutes 278.480, c) find that the final map substantially complies with the tentative map and all conditions have been met; and d) approve an agreement to install improvements that satisfies the requirements of this chapter.

5. Following approval of the final map by the City Council, the City Clerk shall place upon the final map a certificate, signed by the Mayor and the City Clerk, stating that: a) the City Council approved the map; b) the City Council accepted or rejected on behalf of the public any parcel of land offered for dedication for public use in conformity with the terms of the offer of dedication; c) if applicable, the City Council determined that a public street, easement or utility easement that will not remain in effect after a merger and re-subdivision of parcels conducted pursuant to Nevada Revised Statutes 278.4925, has been vacated or abandoned in accordance with Nevada Revised Statutes 278.480; d) the final map substantially complies with the tentative map and all conditions have been met; and e) a performance agreement is in place that satisfies the requirements of this chapter.

6. Upon approval of a final map with or without conditions, the City Utility Department shall provide a water and sewer "intent to serve" letter to the applicable State agencies.

7. If the City Council conditionally approves a final map, the conditions shall be satisfied before the final map is certified. The City Council may, in its discretion, direct that the conditions be satisfied within a specified period of time, after which the conditional approval shall expire and the final map shall be automatically deemed disapproved.

8. The City shall not issue any building permits for a subdivision until certification and recordation of the final map.

9. Except as otherwise provided in this subsection H9, the City shall not issue any certificates of occupancy prior to completion, certification and acceptance by the City Council of the required improvements as shown on the construction plans and the State has authorized the City to place the subdivision utilities into service. Notwithstanding the foregoing, upon application by the subdivider, the City Council may waive or modify requirements applicable to one or more individual improvements in order to permit the earlier issuance of one or more certificates of occupancy upon a showing that completion of the improvements is delayed due to inaction on the part of a Federal or State agency and based on proof of no fault of the subdivider. Nothing herein shall be interpreted as permitting the waiver or modification of any requirement contained in Federal Statutes or regulations, the Nevada Revised Statutes or the Nevada Administrative Code.

10. Following certification, the City Clerk shall cause the approved final map to be presented to the Elko County Recorder for recording. (Ord. 834, 11-27-2018)

#### **3-3-8: CONTENT AND FORMAT OF FINAL MAP SUBMITTAL:**

The final map submittal shall contain the following information and comply with the following requirements and standards:

A. Form And Content: The final map, including affidavits, certificates and acknowledgments, shall be clearly and legibly drawn with black, waterproof India ink upon Mylar of good quality. Each sheet shall be twenty four inches by thirty two inches (24" x 32") in size. A marginal line shall be drawn completely around each sheet showing an entirely blank margin of one inch (1") at the bottom, top and right edges, and two inches (2") on the left edge on the twenty four inch (24") dimension. The scale of the map shall be not less than one inch to one hundred feet (1" = 100'). The sheet number and the total number of sheets comprising the map shall be so stated on each sheet, and the sheet number in relation to each adjoining sheet shall be clearly shown. The title sheet shall state the location of the property being subdivided with references to maps which have been previously recorded or by referring to the National Coordinate System or a comparable and generally recognized method of mapping managed and maintained by the National Geodetic Survey or other Federal agency. Copies of the final map shall be reproduced in blue line or black line prints on a white background.

B. Identification Data And Other Information: The final map shall contain the following identifying and other information:

1. Name of subdivision and location by section, township, range and County.

2. Name, address and license number of the professional land surveyor, licensed in the State of Nevada, who prepared the final map.

3. Scale, north point and date of map preparation.

C. Survey Data: The final map shall contain the following survey information:

1. Boundaries of the tract fully balanced and closed, showing all bearings and distances, determined by an accurate survey in the field, with all dimensions expressed in feet and decimals thereof.

2. Any exceptions within the map boundaries located by bearings and distances expressed in feet and decimals thereof, determined by an accurate survey in the field.

3. Location and description of cardinal points to which all dimensions, angles, bearings and similar data on the map are referenced, and a subdivision traverse tied by course and distance to a section corner or quarter-section corner.

4. Location and description of all physical encroachments upon the boundaries of the tract.

D. Descriptive Data: The final map shall contain the following descriptions:

1. Names (where applicable); right-of-way lines; courses, lengths and widths of all streets, alleys, pedestrianways and utility easements; radii, points of tangency and central angles of all curvilinear streets and alleys; and radii of all rounded street line intersections.

2. All drainageways, which shall be designated as such.

3. All utility and public service easements, including designation of whether for public access or utilities.

4. Locations and dimensions of all lots, parcels and exceptions.

5. All residential lots numbered consecutively throughout blocks.

6. Locations, dimensions, bearings, radii, arcs, and central angles of boundaries of all sites to be dedicated to the public, including each designation of proposed use.

7. Location of all adjoining subdivisions with name, date, and book and page number of recordation noted, or if unrecorded, so noted, along with the names of adjoining landowners of unsubdivided property.

8. Any private deed restrictions to be imposed upon the final map, or any part hereof, written on or attached to the map and each copy thereof.

E. Dedication And Acknowledgment: The final map shall contain the following information regarding dedications:

1. Statement of dedication of all streets, alleys, sidewalks, pedestrianways, and easements for public purposes by the person holding title of record, by persons holding title as vendees under land contract, and by spouses of such persons. If lands to be dedicated are mortgaged, the mortgagee shall also sign the map. Dedication shall include a written description by section, township and range of the tract. If the map contains private streets, public utilities shall be deemed to have reserved the right to install and maintain utilities in such street rights-of-way.

2. Execution of a dedication acknowledged and certified by a notary public.

F. Additional Information: The final map shall contain the following additional information:

1. Where the centerline has been established for any street, highway, alley or public way within an adjoining subdivision, all monuments along the portion of the street, highway, alley or public way within the proposed subdivision shall be located with reference to the foregoing centerline, which centerline and monuments shall be shown on the final map.

2. The centerline of each highway, street, alley or way within the proposed subdivision and width on each side of the centerline, showing the width to be dedicated. All centerlines shall be shown with the corresponding bearing and length of each radius, the central angle and the length of each curve within the proposed subdivision.

3. The location of monuments or other evidence formed upon the ground and used in determining the boundaries of the subdivision. If other subdivisions adjoin the tract, the map shall show corners of such adjoining subdivisions sufficiently identified in such a manner as to locate precisely the limits of the proposed subdivision.

4. The length and bearing of each block line, lot line and boundary line; the length, radius and central angle of each curve or the length of curve and that portion of the central angle lying within each lot. The foregoing data shall be shown in a manner satisfactory to the City.

5. Each City boundary line crossing or adjoining the subdivision with adequate ties to monuments set or found within the subdivision.

6. Section lines, one-quarter ( $\frac{1}{4}$ ) section lines and one-sixteenth ( $\frac{1}{16}$ ) section lines crossing or adjoining the subdivision boundaries.

G. City To Check: The City will independently review and check the following information in the final map submittal:

1. The City shall check the final map for accuracy of dimensions, the placing of monuments, the existence of survey records referenced on the final map, and the conformance of the final map to the tentative map. The final map shall be accompanied by:

a. A worksheet showing the closure of the exterior boundaries of the proposed subdivision and of the closure of lots and blocks therein;

b. A complete set of construction plans showing site grading, lot grading, street sections, centerline and curb grades, water infrastructure, water meters, sanitary sewer and storm drain locations and invert grades and elevations, street lighting, and other private or public improvements required by the City. The construction drawings must be stamped and dated by a licensed professional engineer, qualified to practice the discipline of civil engineering, and so registered in the State of Nevada;

c. Construction plans for manholes, catch basins and other appurtenant structures; and

d. An engineer's estimate of quantities and costs required to complete the improvements. Labor costs shall be based on prevailing wages in accordance with the requirements of Nevada Revised Statutes chapter 338 and local rates. The City will check the engineer's estimate and shall thereupon approve or disapprove the estimate based upon its accuracy. Upon approval by the City, the engineer's estimate shall provide the basis for the calculating of the performance guaranty required under section 3-3-22 of this chapter.

2. The City will check the final map to determine whether it satisfies the minimum allowable error of closure of one per ten thousand ( $\frac{1}{10,000}$ ).

H. Required Certifications: The following certifications shall appear on the final map:

1. A certificate signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to the preparation and



recording of the final map. A lien for State, County, Municipal or local taxes and for special assessments or beneficial interest under deeds of trust, or trust interests under bond indentures shall not be deemed to be an interest in land for the purpose of this section.

2. A certificate, signed and acknowledged as above, offering for dedication for certain specified public uses (subject to such reservations as may be contained in any such offer of dedication) those certain parcels of land which the parties desire so to dedicate. The certificate may state that any certain parcel or parcels are not offered for dedication; but a local ordinance may require as a condition precedent to the approval of any final map that any or all of the parcels of land shown thereon and intended for any public use shall be offered for dedication for public use, except those parcels other than streets intended for the exclusive use of the lot owners in such subdivision, and for the use of their licensees, visitors, tenants and servants.

3. A certificate for execution by the Clerk of each approving Governing Body stating that the body approved the map and accepted or rejected on behalf of the public any parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication.

4. A certificate signed and acknowledged by all parties having any record title in the land subdivided, evidencing their grant of permanent easements for utility installations and access, as designated on the final map, together with a statement approving such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the mapped parcels.

5. A certificate by the licensed professional land surveyor responsible for the survey and final map, which certificate must be in the following form:

#### **SURVEYOR'S CERTIFICATE**

*I (name of licensed professional land surveyor), a Professional Land Surveyor licensed in the State of Nevada, certify that:*

*1. This map represents the results of a survey conducted under my direct supervision at the instance of (Owner, Trustee, Etc.).*

*2. The lands surveyed lie within (sections, township, range, meridian, and, if required by the City Council, a description by metes and bounds for any subdivision which is divided into lots containing 5 acres in area or less) and the survey was completed on (date);*

*3. This map complies with the applicable state statutes and any local ordinances in effect on the date that the governing body gave its final approval.*

*4. The monuments depicted on the map are of the character shown, occupy the positions indicated and are of sufficient number and durability.*

*(OR)*

*4. The monuments depicted on the map will be of the character shown and occupy the positions indicated by ..... (a day certain) and an appropriate financial guaranty will be posted with the governing body before recording to ensure the installation of the monuments.*

*(Date, name of surveyor, license number and stamp)*

6. A certificate by the appropriate City official stating that he or she has examined the final map, that the subdivision as shown thereon is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all applicable provisions of Nevada Revised Statutes chapter 278, inclusive, and of any requirements of this Code applicable at the time of approval of the tentative map have been complied with, that he or she is satisfied that the final map is technically correct and that the monuments as shown are of the character and occupy the positions indicated or that the monuments have not been set and that a proper performance guaranty has been deposited guaranteeing their setting on or before a day certain. The foregoing certificate shall be dated, signed and certified by a licensed professional land surveyor or a licensed professional engineer qualified by the State of Nevada to practice the discipline of civil engineering.

7. A certificate by the Division of Environmental Protection of the State Department of Conservation and Natural Resources stating as follows:

*This final map is approved by the Division of Environmental Protection of the State Department of Conservation and Natural Resources and is approved concerning sewage disposal, water pollution, water quality and water supply facilities in accordance with the Nevada Revised Statutes. This approval predicates (community, individual) water supply and (community, individual) sewage disposal.*

8. A copy of the review by the Division of Environmental Protection of the State Department of Conservation and Natural Resources required by subsection H7 of this section shall be furnished to the subdivider who, in turn, shall provide a copy of such review to each purchaser of land prior to the time the sale is completed. No statement of approval or review as required in subsection H7 of this section shall be deemed a warranty or representation by the City in favor of any person as to the safety or quantity of such water.

9. A certificate by the Division of Water Resources of the State Department of Conservation and Natural Resources as follows:

*Division of Water Resources Certificate: This final map is approved by the Division of Water Resources of the Department of Conservation and Natural Resources concerning water quantity subject to the review of approval on file in this office.*

10. The City Council shall not approve any final map for a subdivision served by the City Municipal water system unless the subdivider has submitted plans which provide for the installation of water meters or other devices which will measure the quantity of water delivered to each water user in the subdivision. (Ord. 834, 11-27-2018)

#### **3-3-9: GENERAL REQUIREMENTS FOR SUBDIVISION DESIGN:**

A. Conformance With Master Plan And Other Requirements: Every subdivision shall conform to the requirements and objectives of the City master plan, this title, and all other applicable ordinances and regulations of the City, together with all other applicable planning documents or plans approved or adopted by the City Council (to include, without limitation, the Airport Master Plan, Wellhead Protection Plan, Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure and Annexation Report) and together with the statutes and regulations of the State of Nevada, except as otherwise provided in this chapter.

B. Provision Of Public Facility Sites: Whenever the Statutes of the State permit the dedication of school sites or parks, the City Council may require the subdivider to dedicate such sites.

C. Land Unsuitability: No land shall be subdivided which is determined by the Planning Commission to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health, safety and general welfare of the community or the future property owners. The Planning Commission, in applying the provisions of this section, shall state the particular facts upon which its conclusions are based, and shall also define any conditions under which the land may, in its opinion, become suitable for the proposed development. Land located within any floodway as designated on the City flood insurance rate maps shall be deemed unsuitable for development. Any subdivider proposing development of land that is deemed unsuitable for development shall have the right to present evidence to the City Council contesting such determination of unsuitability, whereupon the City Council may affirm, modify or withdraw the restriction. (Ord. 834, 11-27-2018)

### **3-3-10: STREET LOCATION AND ARRANGEMENT:**

A. Conformance With Plan: Whenever a tract to be subdivided embraces part of a street designated in a street and highway plan adopted by the City, such street shall be mapped in conformance therewith.

B. Layout: Street layout shall provide for the continuation of such streets as necessary to provide traffic and pedestrian access throughout the community and as the Planning Commission may designate.

C. Extensions: Certain proposed streets, as designated by the Planning Commission, shall be extended to the tract boundary to provide future connection with adjoining unmapped lands. Such extensions shall generally not be farther apart than the maximum permitted length of a block, as hereinafter provided.

D. Arrangement Of Residential Streets: Residential streets shall be so arranged as to discourage their use by traffic originating outside the immediate neighborhood.

E. Protection Of Residential Properties: Lots intended for single-family residential use shall not front or have access from arterial streets, except as otherwise permitted by the City due to site-specific conditions. Where a proposed subdivision abuts an existing or proposed arterial street, the Planning Commission may require marginal access streets or reverse property frontage with nonaccess easements abutting the arterial street, or such other treatment as may be justified for protection of residential properties from the nuisance and hazard of high volume traffic, and for protection of the traffic function of the arterial street.

F. Parallel Streets: Where a residential subdivision abuts the right-of-way of a railroad, a limited access highway, or a commercial or industrial land use, the Planning Commission may require the design and construction of a street approximately parallel to such right-of-way or use at a location and configured in such a manner as to take into account approach grades, drainage, bridges and future grade separation.

G. Topography: Streets shall be so arranged in relation to topography as to produce desirable lots, provide for maximum utility and streets of reasonable gradient, and facilitate adequate surface drainage.

H. Alleys: Alleys, if any, shall be aligned and arranged in a manner that minimizes backtracking and single-tier service by trash collection forces, and that avoids the facing of residences directly into alley openings.

I. Half-Streets: Half-streets are prohibited unless approved by the Planning Commission where necessary to provide a right-of-way in the manner indicated on the official street and highway plan, to complete a street pattern already begun, or to ensure reasonable development of an adjoining unmapped parcel. Where a mapped half-street exists in a location abutting to residential lots, the remaining half-street shall be mapped within the subdivision.

J. Dead End Streets: Dead end streets in excess of six hundred eighty feet (680') in length are prohibited unless a modification is granted by the Planning Commission in locations necessary for future street connection to adjacent unmapped lands. This foregoing qualified prohibition shall also apply to cul-de-sacs.

K. Intersection Design: Whenever any proposed street or highway requires a separation of grades or any special form of intersection design at its intersection with any street, highway or railway, the subdivision shall be designed to conform to any plan adopted by the City for the intersection design and all lots within the subdivision shall, when necessary, be provided with suitable access from another public way. Any street or highway intersecting another street or highway shall intersect it at any angle as close to a right angle as is practicable. (Ord. 834, 11-27-2018)

### **3-3-11: STREET DESIGN:**

A. Right-Of-Way Widths: Right-of-way widths for streets and roads are as follows:

1. Arterial streets: One hundred feet (100').
2. Minor arterial streets: Eighty feet (80').
3. Collector streets: Seventy feet (70').
4. Collector residential streets: Sixty feet (60').
5. Local residential streets: Fifty feet (50').
6. Collector rural residential streets: Seventy feet (70').
7. Local rural residential streets: Sixty feet (60').

B. Rural Roads: All rural roads shall conform to the following requirements and standards:

1. All infrastructure associated with a rural road shall be constructed at the time of road development; including but not limited to culvert installation and pedestrian way, sidewalk or pathway construction.

2. All rural roads shall include a minimum ten foot (10') wide public utility and slope easement located on one or both sides of the road right-of-way; provided, the City may, in its discretion, increase the required width of the foregoing easement if warranted under the circumstances.

3. Rural roads which are projected through a traffic study or similar analysis to serve more than six hundred (600) average daily vehicle trips shall satisfy the collector rural residential street design standard.

4. Pedestrian ways, sidewalks or pathways associated with rural roads shall be constructed of concrete or asphalt. Sidewalks or pathways shall be constructed on both sides of the road and outside of the public utility and slope easement(s).

5. On-street parking on rural roads, except for temporary or emergency parking, is prohibited, and the subdivider shall install appropriate signage to notify the public of this prohibition.

6. To minimize excessive culvert installation and associated maintenance, access approaches for rural roads shall be limited to either: a) one driveway, not to exceed thirty feet (30') in width or b) two (2) separated driveways, each of which shall not exceed twenty feet (20') in width. Culvert installation is required at the time of roadway construction and, without limitation, shall not be deferred.

7. Rural roads are prohibited in subdivisions not meeting the criteria set forth in subsection 3-2-5A5b of this title.

8. Rural roads are prohibited in areas within capture zones as delineated in the City's Wellhead Protection Plan.

9. Maximum cul-de-sac length for rural roads may be increased in dimension to serve no more than twenty (20) residential dwelling units; provided, under no circumstance shall such cul-de-sacs exceed a length of one thousand three hundred sixty feet (1,360').

C. Private Streets: Private streets within a subdivision shall satisfy the requirements and standards applicable to streets with local street

classifications, functions and characteristics. Private streets shall only serve an area contained entirely within the exterior boundaries of the subdivision and shall provide access to the public street system at an intersection, the design of which shall be subject to the review and approval by the City. All private streets shall conform to the following requirements and standards:

1. Minimum total width for private streets accessing five (5) or more lots: Fifty feet (50').
2. Minimum total width for private streets accessing four (4) or fewer lots: Thirty two feet (32').
3. Minimum paved section for private streets accessing five (5) or more lots: Forty feet (40').
4. Minimum paved section for private streets accessing four (4) or fewer lots: Twenty six feet (26').
5. All residential private streets accessing twenty (20) or fewer lots shall have a four foot (4') wide sidewalk on at least one side of the street.
6. All residential private streets accessing more than twenty (20) lots shall have four foot (4') wide sidewalks on both sides of the street.
7. All commercial and industrial private streets accessing four (4) or fewer lots shall have a five foot (5') wide sidewalk on at least one side of the street, or as otherwise determined as part of an approved concept development plan.
8. All commercial and industrial private streets accessing more than four (4) lots shall have five foot (5') wide sidewalks on both sides of the street, unless otherwise provided in a development plan entered into between the subdivider and the City.
9. All private streets shall provide for adequate storm drainage and employ the use of curb and gutter sections to convey runoff, the design of which shall be subject to the review and approval of the City.
10. Parking spaces, inclusive of back up areas as required by section 3-2-17 of this title, shall not be located within a private street, unless otherwise provided in a development plan entered into between the subdivider and the City.
11. All infrastructure associated with private streets shall be constructed at the time of street development.

D. Cul-De-Sacs: Cul-de-sac streets shall terminate in a circular right-of-way not less than fifty feet (50') in radius with an improved turning circle with a radius of at least forty five feet (45'). The Planning Commission may approve a functionally equivalent form of turning space if justified by unusual conditions. The maximum length of cul-de-sac streets, as measured along the centerline of the street and between the centerline of the intersecting street and the center point of the cul-de-sac, shall not exceed six hundred eighty feet (680').

E. Marginal Access Streets: Marginal access streets shall conform to all applicable requirements and standards set forth in this Code.

F. Alleys: Where permitted or required, alleys shall have a minimum width of twenty feet (20') and shall conform to the following requirements and standards:

1. Alley intersections and sharp changes in alignment should be avoided; provided, where such features are necessary, corners shall be cut off ten feet (10') on each side to permit safe vehicular movement.

2. Dead end alleys are prohibited.

3. "Half" alleys are prohibited.

G. Dead End Streets: Dead end streets are only permitted with the approval of the City, which approval, if given, may contain conditions applicable to the subsequent development of the street; provided, if a dead end street is approved by the City, the street shall include easements permitting the subsequent construction of a temporary turning circle with a fifty foot (50') radius or a functionally equivalent design.

H. All Streets: The design and construction of all streets within the City, including both public and private streets, shall conform to the public improvement standards set forth in section 3-3-17 of this chapter.

I. Model Code Standards: All streets shall conform to any model codes adopted by reference in this Code, to include the Fire Code.

J. Street Grades: Streets shall be designed and constructed subject to the following grade requirements and standards:

1. Maximum Grades:

- a. Arterial and minor arterial streets: Maximum grades will be determined by the City based on site-specific conditions.

- b. Collector streets: No more than seven percent (7%).

- c. Collector residential and local residential streets: No more than nine percent (9%).

2. Minimum Grades: New asphalt streets with concrete gutters shall have a minimum longitudinal slope of 0.50 percent. Minimum grades for the rehabilitation of existing streets will be determined by the City based on site-specific conditions.

3. Exceptions: The Planning Commission may, in its discretion, grant an exception to the minimum and maximum grade requirements contained in this subsection if the cost to the subdivider substantially outweighs the public benefit.

K. Vertical Curves: Streets shall be designed and constructed subject to the following vertical curve requirements and standards:

1. Arterial And Minor Arterial Streets: Vertical curves standards for arterial and minor arterial streets will be determined by the City based on site-specific conditions.

2. Collector And Local Streets: Collector and local streets will be designed and constructed with minimum k values of 30 for crests and 40 for sag curves. Vertical curves are not required when the algebraic difference between the two (2) slopes is less than two percent (2%).

L. Horizontal Alignment: Streets shall be designed and constructed subject to the following horizontal alignment requirements and standards:

1. Horizontal alignment standards for arterial and minor arterial streets will be determined by the City based on site-specific conditions.

2. When tangent centerlines deflect from each other by more than ten degrees (10°) and less than ninety degrees (90°), they shall be connected by a curve having a minimum centerline radius of two hundred feet (200') for collector streets, or one hundred feet (100') for collector residential and local residential streets.

3. Between reverse curves, there shall be a tangent section of centerline not less than one hundred feet (100') long.

4. Streets shall intersect arterial streets at ninety degree (90°) angles. Intersecting collector streets, collector residential streets and local residential streets typically intersect at ninety degree (90°) angles, but in no case shall such an angle of intersection be less than seventy five

degrees (75°).

5. Street jogs are prohibited unless the City grants an exception based on site-specific conditions.

6. Local residential streets or collector residential streets intersecting a collector street or arterial street shall have a tangent section of centerline at least one hundred fifty feet (150') in length measured from the right-of-way line of the more major street, except that no such tangent shall be required when the local residential or collector residential street curve has a centerline radius greater than four hundred feet (400') measured from a center located on the more major street right-of-way line.

7. Street intersections with more than four (4) legs and Y-type intersections with legs meeting at acute angles are prohibited.

8. Intersections of street lines shall be rounded by a circular arc having a minimum tangent length of fifteen feet (15'). (Ord. 834, 11-27-2018)

### **3-3-12: BLOCK DESIGN:**

A. Maximum Length Of Blocks: Within the following maximums, blocks shall be as long as reasonably possible to achieve the greatest possible street economy, and to reduce the expense and increased safety hazard arising from excessive street intersections. Maximum block length, measured along the centerline of the street and between intersecting street centerlines, shall not exceed one thousand three hundred sixty feet (1,360').

B. Sidewalks Or Pedestrianways: Sidewalks or pedestrianways with a right-of-way width of eight feet (8') are required if the Planning Commission determines they are essential for pedestrian circulation within the subdivision or will enhance access to schools, playgrounds or other community facilities. Rights-of-way for sidewalks and pedestrianways may be used for utility purposes so long as those purposes do not unreasonably interfere with pedestrian traffic.

C. Hillside Areas: Subdivisions or portions of subdivisions with hillside areas must satisfy the applicable requirements set forth in section 3-2-28 of this title. (Ord. 834, 11-27-2018)

### **3-3-13: LOT PLANNING:**

A. Lot Width, Depth And Area: Except as otherwise provided in this section, lot width, depth and area shall comply with all applicable zoning requirements, shall be appropriate for the location and character of the proposed subdivision, shall comply with the provisions of any development agreement entered into pursuant to section 3-2-26 of this title, and shall be appropriate for the type and extent of public improvements being installed. Notwithstanding the foregoing sentence, where steep topography, unusual soil conditions or drainage problems render the cost of complying with these requirements excessive in light of the benefit to the public, the Planning Commission may, in its discretion, permit a greater lot width, depth and/or area than is otherwise allowed for the zoning district or which would otherwise be required under this section.

B. Lot Depth And Width: Lot depths shall be at least one hundred feet (100') and widths at least sixty feet (60'); provided, the Planning Commission may, in its discretion, permit narrower lot widths on cul-de-sacs upon a showing of good cause by the subdivider.

C. Building Setback: Minimum building setbacks shall conform to all applicable requirements set forth in this Code.

D. Side Lot Lines: Side lot lines shall be at or near right angles or radial to street lines, unless the Planning Commission, in its discretion, permits a different alignment upon a showing of good cause by the subdivider.

E. Accessibility: Every lot shall abut a public street or private street that is connected to the public street system.

F. Prohibitions: Single-family residences are not permitted on double frontage lots, except that, subject to the approval of the Planning Commission for good cause shown, such lots may be permitted in locations abutting an arterial street so long as all dwellings front on local or collector streets and there is no access from the arterial street. (Ord. 834, 11-27-2018)

### **3-3-14: EASEMENT PLANNING:**

Utilities shall be placed underground unless the Planning Commission approves a modification to permit overhead utilities based on unique site conditions, in which event the Planning Commission may impose conditions on the modification.

The following easement requirements shall apply to all new subdivisions:

#### **A. Utility Easements:**

1. Where alleys are shown on a final map, utility easements four feet (4') wide on each side of each alley shall be dedicated for aerial overhang. Where alleys are not shown on the final map, utility easements six feet (6') wide on each side of rear lot lines shall be delineated on the final map and offered for dedication. In addition, guy and anchor easements one foot (1') wide on each side of a side lot line and thirty five feet (35') in length measured from the rear lot line, in locations selected by the City, or as required by the serving utility, shall be shown on the final map and dedicated.

2. Utility easements five feet (5') wide adjacent to each side of side lot lines, and where service to street lighting is required, one foot (1'), on each side of such lot lines, or as required by the serving utilities, shall be shown on the final map and dedicated.

#### **B. Underground Utilities: Where all utilities are underground:**

1. Rear Lot Lines: Where alleys are shown on the final map, corresponding easements required by the serving utilities shall be shown on the final map and dedicated. Where alleys are not shown on the final map, utility easements five feet (5') wide along each side of rear lot lines shall be shown on the final map and dedicated.

2. Side Lot Lines: Easements for utilities and lot drainage on all side lot lines shall be shown on the final map and dedicated. All utility service lines, including service lines for gas, electricity, telephone, communications, and street lighting shall be channeled in easements five feet (5') wide on each side of the lot line separating pairs of lots to the extent required by the serving utilities.

3. Street Rights-Of-Way: Easements for utilities and lot drainage on lot lines abutting street rights-of-ways shall be shown on the final map and dedicated. All such easements shall be a minimum of seven and one-half feet (7<sup>1</sup>/<sub>2</sub>') wide.

C. Lots Facing Curvilinear Streets: For lots with fronts facing curvilinear streets and alleys, easements for overhead utilities shall consist of either:

1. A series of straight lines with points of deflection not less than one hundred twenty feet (120') apart, such points of deflection always occurring at the junction of side and rear lot lines on the side of the exterior angle; or

2. A curvilinear easement, provided the minimum radius of the centerline shall be not less than eight hundred feet (800').

D. Public Drainage Easement: Where a stream or major surface drainage course abuts or crosses the subdivision, the subdivider shall show on

the final map and dedicate a public drainage easement sufficient to permit widening, deepening, relocating or protecting the drainage course. The subdivider's engineer shall provide the City with sufficient information about the drainage to evaluate the adequacy of the easement.

E. Easement Land Not Considered And Considered In Minimum Lot Area Calculation: Land within a public street or drainage easement, or land within a utility easement for major power transmission lines or pipelines, shall not be included in the calculation of the minimum required lot area. However, land included in utility easements to be used for distribution or service purposes within the subdivision, and land included in the five foot (5') wide and seven and one-half foot ( $7\frac{1}{2}'$ ) wide drainage easements along lot lines and street rights-of-way, shall be included in the calculation of the minimum required lot area.

F. Lots Backing Onto Arterial Streets: Lots arranged to back of arterial streets, railroads, canals or Commercial or Industrial Districts, as provided in this chapter, shall have a minimum depth of one hundred ten feet (110'), the rear one foot (1') of which shall be recorded as a nonaccess private easement.

G. Water And Sewer Utility Lines: Municipal water and sewer utility lines shall be installed within the City street rights-of-way, unless otherwise approved by the Planning Commission and/or the City Council based on special circumstances. (Ord. 834, 11-27-2018)

### **3-3-15: STREET NAMING:**

At the tentative map stage (stage II), the subdivider shall propose names for all streets in the subdivision. A street name may be disapproved by the Planning Commission, in which event the subdivider must receive approval from the Planning Commission for a new street name. (Ord. 834, 11-27-2018)

### **3-3-16: STREET LIGHTING DESIGN STANDARDS:**

A. Requirements: Street lighting shall be installed in a subdivision in accordance with the following requirements:

1. The subdivider shall install streetlights, shall make all necessary arrangements with the appropriate utility company for the installation of streetlights, and shall bear all costs relating to the purchase and placement of streetlights. Streetlights shall be installed by a properly licensed contractor possessing a valid City business license.
2. Street lighting plans are prepared by the utility company providing electricity to the subdivision. Once prepared, the subdivider shall submit the street lighting plans to the City for review. Street lighting plans must show the location of each streetlight, the corresponding power source and the size of luminaries measured in watts or lumens.
3. The City will not accept any public improvements or issue a certificate of occupancy for any part of a subdivision until all street lighting within each construction phase is complete and fully operational.
4. Requests for street lighting in previously developed areas must be approved by the City for location and installation prior to being submitted to the utility company for design engineering.
5. Once the street lighting has been installed and operational, approval by the City will constitute acceptance of the street lighting and the City will then be responsible for the energy costs and maintenance thereafter.

B. Design Standards: All streetlight installations shall be designed in accordance with the following minimum design standards:

1. All luminaries shall be LED luminaires with a minimum of one hundred watt (100 W) equivalent LED for residential areas and a minimum of two hundred watt (200 W) equivalent LED for commercial/industrial areas or approved equal.
2. A streetlight shall be placed at each street intersection and shall be situated to properly illuminate the intersection.
3. A streetlight shall be placed at each proposed U.S. Postal Service gang box location.
4. Streetlights shall be placed between intersections at midblock locations with a minimum spacing of three hundred fifty feet (350') and maximum of five hundred feet (500') between all lights.
5. A streetlight shall be placed at the end of each cul-de-sac. (Ord. 834, 11-27-2018)

### **3-3-17: RESPONSIBILITY FOR PUBLIC IMPROVEMENTS:**

The design, construction and financing of all public improvements, such as but not limited to, grading, sidewalks, curbs, streetlights, gutters, pavements, sanitary sewers, storm sewers, water mains, fire hydrants, drainage structures and monuments shall be the responsibility of the subdivider and shall conform to public improvement standards established by the City; provided, however, that the subdivider may satisfy such requirements by participating in an improvement district approved by the City. (Ord. 834, 11-27-2018)

### **3-3-18: CONSTRUCTION PLANS:**

The subdivider shall contract with or otherwise utilize a properly licensed professional engineer to prepare a complete set of construction plans for the construction of all required subdivision improvements. The construction plans shall include (unless otherwise waived if permitted under this chapter) all infrastructure necessary for the construction of the subdivision including, but not limited to: streets, curbs, gutters, sidewalks, drainage, water, wastewater and protection of important environmental features. The construction plans shall be based on, consistent with and prepared in conjunction with the final map. Construction plans shall not be prepared until stage III of the subdivision planning and approval process, and must be approved by the City and all State and Federal agencies with approval authority, prior to certification and recordation of the final map. (Ord. 834, 11-27-2018)

### **3-3-19: CONSTRUCTION AND INSPECTION:**

A. Inspections; Performance Agreement; Permits Required: The following requirements apply to improvements constructed in public rights-of-way:

1. All improvements constructed in public rights-of-way shall be subject to inspection by the City and must be approved by the City prior to certification and recordation of the final map.
2. Construction of improvements in public rights-of-way shall not commence until the subdivider has entered into a performance agreement with the City in accordance with sections 3-3-21 and 3-3-22 of this chapter.
3. Construction of improvements in public rights-of-way shall not commence until all Federal, State, and local approvals and permits have been issued for such construction.

B. Underground Utilities: All underground utilities to be placed in streets shall be constructed prior to the surfacing of such streets. Service stubs for underground utilities to be connected to lots shown on the final map shall be installed with sufficient length to avoid disturbing street improvements at the time service connections are made. (Ord. 834, 11-27-2018)

### 3-3-20: REQUIRED IMPROVEMENTS:

A. Streets And Alleys: All streets and alleys within the subdivision shall be graded, drained and surfaced to cross sections, grades, standards, and profile approved by the City. If there are existing streets adjacent to the subdivision, proposed streets within the subdivision shall be fully improved to the intercepting paving line of the existing streets. Temporary dead end streets serving more than four (4) lots shall be designed and constructed with a graded all-weather, temporary turning circle, subject to any additional requirements imposed by the City based upon site conditions. The subdivider shall construct adequate permanent culverts and bridges at all points within the subdivision where watercourses are crossed by streets or alleys. Culverts and bridges shall, without limitation, conform to all applicable requirements of this Code and be constructed to the full width of the dedicated street or alley.

B. Curbs: Curbs shall be constructed of Portland cement concrete. The construction of curbs, gutters and valley gutters shall be subject to any additional standards required by the City, which standards may be imposed based on site conditions.

C. Sidewalks: Sidewalks shall be four feet (4') wide in all locations adjacent to residential or local streets, and five feet (5') wide in all locations adjacent to streets classified as collector, minor arterial, arterial, or major arterial. Sidewalks shall be constructed on both sides of all streets unless the requirement is waived pursuant to a specific provision of this Code permitting such a waiver.

D. Pedestrianways: Pedestrianways shall be constructed of Portland cement concrete or asphalt. All pedestrianways shall be constructed to a width, line and grade approved by the City based on site conditions.

E. Street Name Signs: The subdivider shall install street name signs at all street intersections before the time the street pavement is ready for use. Design, construction, location and installation of street name signs shall conform to all applicable standards adopted by the City.

F. Stormwater Drainage: The design and construction of public streets and alleys, and the grading of private properties, shall provide for adequate disposal of stormwater. Existing major drainage courses shall be maintained and dedicated as public drainageways. The type, extent, location and capacity of drainage facilities shall be designed by the subdivider's engineer and approved by the City. The subdivider shall install stormwater drainage facilities to the grade, in the locations, to the depths and of the materials shown on plans and specifications approved by the City. Storm and surface water drain pipes and mains, together with catch basins, shall be designed and constructed to provide discharge in a manner and at a place approved by the City. The design and construction of stormwater drainage facilities shall conform to all applicable requirements of this Code, to include the requirements of title 9, chapter 8, "Postconstruction Runoff Control And Water Quality Management", of this Code.

#### G. Sanitary Sewerage:

1. The subdivider shall install public sanitary sewers in the subdivision. Sanitary sewers shall be connected to a public sewer system. Sewers, connections and related apparatus shall be constructed in accordance with plans, profiles, and specifications approved by the Nevada Division of Environmental Protection and the City, and in accordance with approved City standards and State of Nevada requirements. The subdivider shall install sanitary sewers to the grade, in the locations, to the depth and of the material shown on plans and specifications approved by the City. The subdivider shall connect each lot in the subdivision to sanitary sewer mains at locations specified by the City.

2. The subdivider shall install manholes in conjunction with the installation of sanitary sewer mains at the points, in the manner and according to specifications approved or provided by the City.

#### H. Water Supply:

1. The subdivider shall design and construct the water supply system in such a manner as to ensure that each lot is supplied with safe, pure and potable water in sufficient volume and pressure for domestic use and fire protection, and that conforms to all applicable State and City standards and requirements. The subdivider shall install, to grade, all water mains and lines with the materials that are shown on plans and specifications approved by the City. Connections from said mains and lines shall be installed to each lot in said subdivision. The construction plans shall show the locations of shutoff valves to each block and lot. All proposed water systems shall connect to the City Municipal water system.

2. Water meter boxes and water meters shall be installed on all lots. Water meter boxes shall conform to all applicable standards and specifications set by the City, and shall be subject to approval by the City.

I. Fire Hydrants: Fire hydrants shall conform to all applicable standards and specifications set by the City (to include, without limitation, the Fire Code, section 6-1-1 of this Code), and shall be subject to approval by the City.

J. Power, Communications And Gas Utilities: The subdivider shall install or arrange for the installation of the following utilities: electric power, natural gas, telephone and communication lines. These utilities shall be installed in all subdivisions. All electric distribution facilities shall be installed underground, except in unusual situations involving short extensions of overhead facilities existing on abutting subdivisions, which extensions are only permitted if approved by the City Council. All underground electric distribution lines and telephone lines shall be installed in accordance with General Order no. 9 issued by the Public Utilities Commission of Nevada.

K. Survey Monuments: Permanent monuments shall be installed in accordance with standards set by the City at all corners, angle points, points of curve and street intersections. After all improvements in the subdivision have been installed, the subdivider shall have a registered land surveyor check the locations of monuments and certify their accuracy. Monuments shall be at or near boundary corners. Monuments shall be set at intermediate points of approximately one thousand feet (1,000') or at such lesser distances as may be necessary by reason of topography or culture to ensure accuracy in the reestablishment of any point or line without unreasonable difficulty. All monuments shall be permanently and visibly marked with the license number of the registered land surveyor under whose supervision the survey was made, and a description of such monument shall be shown on the final map. The subdivider shall set monuments at street intersections and at the beginning and ending of each curve, unless the intersection of tangents of said centerline falls within the street right-of-way, in which event the City may permit the subdivider to establish a monument at the intersection in lieu of monuments at the beginning and end of the curve.

L. Lot Corner Staking: Five-eighths inch ( $\frac{5}{8}$ " ) reinforcing steel with a cap having a mark for the exact point and stamped "PLS" followed by the number of the professional land surveyor's license shall be set at all corners, angle points and points of curve for each subdivision lot prior to final acceptance of the subdivision. The cost for lot corner staking, under the direction of a professional land surveyor, shall be included as part of the public improvements and shall be a line item on the "engineer's estimate of the costs of the public improvements".

M. Street Lighting: Street lighting shall be installed on all streets and at all locations designated by the City within the subdivision in conformity with section 3-3-16 of this chapter, to include City standards for materials, design and construction. The subdivider will bear all costs for the design and installation of streetlights.

N. Stormwater Discharge And Land Disturbance: All construction activities that have the potential to create a land disturbance of greater than one acre shall comply with State construction site stormwater general permit requirements and the City's National Pollutant Discharge Elimination System general permit for discharges from small Municipal separate storm sewer systems. This requires developers and/or contractors to obtain a State stormwater discharge permit and City grading permit for these projects. The subdivider shall provide construction site stormwater erosion

protection for all construction. Permanent stormwater erosion measures meeting the minimum requirements of the City stormwater management plan will be enforced.

O. Full Frontage: The subdivider must construct and install all required public utilities across the full frontage of property at the time of development of the subdivision.

P. Site Grading: The subdivider shall:

1. Ensure that the subdivision is constructed with sufficient site grading for the required improvements;
2. Ensure that each lot area is buildable; and
3. Ensure that there is adequate site drainage control. (Ord. 834, 11-27-2018)

### **3-3-21: AGREEMENTS TO INSTALL IMPROVEMENTS:**

A. Provisions And Requirements Of Agreement To Install Improvements: Except as otherwise provided in this section, no more than thirty (30) calendar days after the later of the approval of the final map or the approval of a proposed agreement to install improvements by the City Council, prior to the commencement of construction of subdivision improvements, and prior to certification of the final map, the subdivider shall enter into and have on file with the City an agreement to install improvements, fully executed by the subdivider and the City, containing the following provisions:

1. That the engineer's estimate must be approved by the City;
2. That the total engineer's estimate must be an amount no less than the full cost of the following improvements:
  - a. Improvements required under section 3-3-20 of this chapter;
  - b. Improvements shown on the construction plans prepared and approved in accordance with section 3-3-18 of this chapter;
  - c. The cost of required inspection and testing by a properly licensed engineer to oversee the quality assurance and quality control necessary to ensure certification for the construction of the approved construction plans;
  - d. The cost to replace any existing streets, utilities or other improvements that are included in the required improvements as shown on the construction plans;
  - e. The cost to prepare the as-built drawings and any associated documents; and
  - f. Incidental expenses associated with the foregoing work.
3. One of the following provisions, at the election of the subdivider:
  - a. That the subdivider will complete the subdivision improvements with its own resources, subject to terms and conditions approved by the City in the agreement to install improvements; provided, during the construction of subdivision improvements, the subdivider may, at its option, guarantee performance of the remaining subdivision improvements with a performance guaranty that conforms to subsection A3b of this section and section 3-3-22 of this chapter; or
  - b. That the subdivider will guarantee the completion of the subdivision improvements by providing to the City a performance guaranty that satisfies the requirements of section 3-3-22 of this chapter, and that a performance guaranty given in the form of a bond or irrevocable letter of credit shall not expire or be released by the issuer prior to completion of all required subdivision improvements and written authorization by the City permitting the performance guaranty to expire or be released.
4. That all subdivision improvements identified in the agreement to install improvements shall be completed within a specified period, not to exceed two (2) years, to the satisfaction of the City.
5. That in the event the required subdivision improvements are not completed within the specified period to the satisfaction of the City, the City may, with City Council approval, complete or cause to be completed the improvements and thereafter recover from the subdivider the full cost and expenses therefor.
6. That approved construction plans are appended to the agreement to install improvements as an exhibit.
7. That the construction plans and all required improvements shall be approved by the City, applicable State and Federal agencies prior to the commencement of construction.
8. That the subdivider shall, at its own expense, use the services of a licensed professional engineer to: a) oversee the construction of the subdivision, b) provide to the City copies of all test results required under the specifications for the project and c) provide the City with a stamped certification that the subdivision was constructed in conformity with the approved construction plans.
9. That the subdivider shall pay the cost of inspection, testing and surveying all subdivision improvements and, further, that if the City determines the subdivider is not performing adequate surveying, inspection and/or testing through the use of a properly licensed professional engineer or land surveyor (as appropriate), the City may then, in its discretion, order the subdivider to immediately stop work; and that the City may thereafter hire a properly licensed professional engineer and/or land surveyor to perform the remaining surveying, inspection and/or testing, the cost of which shall be reimbursed to the City by the subdivider upon demand and prior to final acceptance of the subdivision improvements by the City.
10. That the subdivider's engineer shall provide to the City as-built drawings of all subdivision improvements, and further, that the as-built drawings shall be submitted both in digital format and on paper, the paper version to be wet-stamped by the subdivider's engineer prior to submittal to the City.
11. That the subdivider shall use qualified and properly licensed contractors for the construction of all required improvements, to include all subdivision improvements shown on the construction plans.
12. That the parties acknowledge the City Council will only accept the subdivision improvements if: a) the subdivider's engineer certifies that the subdivision improvements are complete and b) the City independently confirms that the subdivision improvements are complete.
13. That the subdivider shall provide the City with a maintenance guaranty that satisfies the requirements of section 3-3-22 of this chapter, and that the one year maintenance period shall commence on the date the City Council accepts the subdivision improvements.
14. That the subdivider's breach of the agreement to install improvements shall constitute a default, including, without limitation, the following:
  - a. Subdivider's failure to complete construction of subdivision improvements within time stated in the agreement to install improvements;
  - b. Subdivider's failure to timely cure any defect in the subdivision improvements;

c. Subdivider's insolvency, appointment of a receiver, or the filing of any petition in bankruptcy, either voluntary or involuntary, which subdivider fails to discharge within thirty (30) days; or

d. Subdivider fails to perform any other obligation under the agreement to install improvements.

15. That in the event of a default by the subdivider: a) the City may thereafter draw upon any performance guaranty provided to the City to complete the subdivision improvements and mitigate the City's damages (if applicable), in addition to any other remedies available to the City; b) the subdivider shall promptly, but in no case more than thirty (30) days after written notice from the City, dedicate all remaining undedicated and required rights-of-way for the continuation of existing streets into the subdivision; and c) the City may record all deeds of dedication for rights-of-way for the continuation of existing streets into the subdivision.

16. That in the event of a default by the subdivider, the City reserves all remedies available to it at law and in equity.

17. That upon a determination by the City that specific improvements have been satisfactorily constructed and completed, funds may be released from the performance guaranty (if applicable) either by refunding a portion of a cash deposit to the subdivider or by authorizing a reduction of a bond or other form of non-cash guaranty, so long as the foregoing release of funds does not exceed ninety percent (90%) of the value of the completed improvements that have been certified by the subdivider's engineer and approved by the City. The foregoing determination by the City shall be subject to the appeal rights set forth in section 3-3-30 of this chapter.

B. Additional Provisions: Notwithstanding any other requirements set forth in this section, the agreement to install improvements may also contain any of the following provisions and/or requirements:

1. That the construction of improvements shall take place in specified stages.

2. That the time to complete construction may be extended by the City, in its discretion, subject to specified conditions.

C. Modifications, Extensions: At the written request of the subdivider, the terms and conditions, to include time frames and deadlines, contained in an executed agreement to install improvements may be modified by the City Council upon a demonstration of good cause by the subdivider, so long as the modification does not frustrate the purposes of this Code or relieve the subdivider of the requirement to construct or compensate the City for constructing the required subdivision improvements. The subdivider shall, at the time of filing the written request for modification of the agreement to install improvements, pay a filing fee to the City in an amount established by resolution of the City Council. (Ord. 834, 11-27-2018)

### **3-3-22: PERFORMANCE AND MAINTENANCE GUARANTEES:**

A. Completion Or Guaranty: To ensure that subdivision improvements are properly completed at the subdivider's expense, the subdivider shall either: 1) complete the subdivision improvements with its own resources according to the agreement to install improvements and other terms and conditions approved by the City, in which event the subdivision improvements must be certified by the City as complete prior to certification of the final map; or 2) provide the City with a performance guaranty.

B. Performance Guarantees: In the event the subdivider does not complete the subdivision improvements with the subdivider's own resources, the subdivider shall provide a performance guaranty to the City, subject to the following requirements:

1. Provisions: Prior to execution of an agreement to install improvements pursuant to section 3-3-21 of this chapter and prior to approval of the final map by the City Council, the subdivider shall provide the City with a performance guaranty, subject to approval by the City, in an amount deemed sufficient by the City to cover the full cost of: a) remaining improvements required under section 3-3-20 of this chapter in the construction plans prepared and approved in accordance with section 3-3-18 of this chapter; b) remaining improvements identified in engineering inspections; c) the cost to replace any existing streets, utilities or other improvements that may be damaged during construction of the required subdivision improvements; d) the cost to prepare the as-built drawings and any associated documents; e) the cost for the services of a licensed professional engineer to oversee the construction of the subdivision and f) identified incidental expenses associated with the foregoing work. The performance guaranty shall be in one of the following forms:

a. Performance Bond: A performance or surety bond executed by a surety company authorized to do business in the State of Nevada, approved by the City Attorney as to form, and having a length of term not exceeding twenty four (24) months from the date of final map recordation.

b. Deposit Of Funds: A deposit of cash with the City, or a certified check or negotiable bonds made payable to and deposited with the City or an escrow agent or trust company approved by the City Attorney; provided, any decision by the City Attorney not to approve an escrow agent or trust company is subject to review by the City Council.

c. Irrevocable Letter Of Credit: An irrevocable letter of credit in favor of the City issued by a financial institution insured by the Federal Deposit Insurance Corporation (FDIC).

d. Combinations: Upon approval by the City based on a showing of good cause by the subdivider, a combination of the forms of performance guaranty listed in this subsection, so long as the combination provides the City with at least the same level of protection against default as any single one of the listed forms of guaranty.

2. Penalty In Case Of Default: In the event the subdivider fails to complete all required subdivision improvements in accordance with terms of the agreement to install improvements, the City may, in its sole discretion, complete the work at its own expense and thereafter reimburse itself for the cost and expense thereof from the performance guaranty.

3. Maintenance Guaranty: The subdivider shall provide the City with a maintenance guaranty to ensure the maintenance, adequacy and condition of all improvements required by the agreement to install improvements for a period of not less than one year after the improvements are accepted by the City. The maintenance guaranty may be in any form permitted in subsection B1 of this section for a performance guaranty and shall be in an amount equal to ten percent (10%) of the total cost of the required subdivision improvements. The City shall not accept the subdivision improvements until the subdivider provides the maintenance guaranty.

4. Reduction Of Maintenance Guaranty: Once a maintenance guaranty has been delivered to the City, the City shall not thereafter release any funds from or reduce the amount of the maintenance guaranty except upon written certification by the City that all required maintenance has been performed in conformance with the agreement to install improvements; provided, in no event shall the release of funds exceed the amount of the maintenance guaranty.

5. Improvement District Financing Through Special Assessments: If not all of the properties abutting a public street within any given block are under the control of the subdivider, and the street abutting those properties is not fully improved in accordance with the requirements of this chapter, the subdivider may petition the City Council for the creation of an improvement district for the construction of the required improvements and for the special assessment of the cost thereof against abutting properties in accordance with chapter 268 of the Nevada Revised Statutes; provided, however, that the subdivider shall thereupon enter into an agreement with the City pursuant to which it agrees to be responsible for any difference between the cost of such improvements and the maximum amount which the City can specially assess against the property to be subdivided, and to furnish any necessary waivers to permit assessment of the entire cost of such improvements. Any such agreement pursuant to the preceding sentence shall be in a form approved by the City Attorney. (Ord. 834, 11-27-2018)



### **3-3-23: PARK LAND DEDICATIONS:**

The City may require the dedication of land for the development of park, playground and recreational facilities, payment in lieu of dedication, or Residential Tax (to the extent permitted under Nevada law), in accordance with the recreation and open space element of the Elko Master Plan. (Ord. 834, 11-27-2018)

### **3-3-24: PARCEL MAPS:**

A. Required: A person who proposes to divide any land into four (4) or fewer lots shall file a parcel map application with the City and, upon approval by the City, the applicant shall thereafter file the parcel map with the Office of the County Recorder, unless such recordation is not required under Nevada law.

B. Public Improvements: Public improvements may be required by the City as a condition of approval of a parcel map, but such requirements shall not exceed those that would be required under section 3-3-20 of this chapter if the proposed division of land were a subdivision.

C. Public Improvements: For parcel maps, the City Council shall require, as a condition of approval of a parcel map, the design and construction of all improvements (to include off-site improvements) that are consistent with the uses of the existing property and surrounding land, and that are reasonably necessary to ensure the adequacy of site grading; parcel ingress/egress; street alignment, surfacing and width; water quality; water drainage; water supply; sewerage; and the protection of public health and safety.

D. Dedications: If the proposed parcels are located in areas where public improvements do not exist, the City Council shall require the dedication of rights-of-ways and/or easements to the extent necessary to serve the best interests of the public.

E. Parcel Or Lot Design: Lot width, depth and area shall comply with the zoning requirements appropriate for the location and character of development proposed, including the requirements set forth in sections 3-2-26 and 3-2-28 of this title, and appropriate for the type and extent of public improvements being installed. However, where steep topography, unusual soil conditions or drainage problems exist or prevail, the City may require increased lot width, depth and/or area that exceeds the minimum requirements of the particular zoning district.

F. Construction Plans: The subdivider shall use a licensed professional engineer to prepare a complete set of construction plans for all required public improvements. The construction plans shall be based on and prepared in conjunction with the parcel map. The foregoing construction plans must be approved by the City prior to recordation of the parcel map.

G. Second Or Subsequent Parcel Maps: When considering whether to approve, conditionally approve or disapprove a second or subsequent parcel map involving land that has been divided by a parcel map which was recorded within the five (5) years immediately preceding the acceptance of the second or subsequent parcel map as a complete application, the following criteria shall be considered:

1. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
2. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the property being divided into parcels;
3. The availability and accessibility of utilities;
4. The availability and accessibility of public services, such as schools, police protection, transportation, recreation and parks;
5. Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance shall apply;
6. General conformity with the City's master plan of streets and highways;
7. The effect of the proposed division of land into parcels on existing public streets and the need for new streets or highways to serve the land being divided;
8. Physical characteristics of the land, such as floodplain, slope and soil;
9. The recommendations and comments of those entities reviewing the parcel map pursuant to Nevada Revised Statutes sections 278.330 through 278.348, inclusive; and
10. The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.
11. For any other second or subsequent parcel map, any reasonable public improvement shall be required, but not more than would be required under section 3-3-20 of this chapter if the parcel were a subdivision.

#### **H. Review And Approval Of Parcel Map:**

1. Upon the filing of an application by a person proposing to divide land into parcels, except as otherwise provided in this section, the City Planning Department shall approve the parcel map, or waive the requirement of a parcel map or survey for a parcel map, without further action by the Planning Commission or City Council, unless the parcel map includes an offer of dedication of a street right-of-way to the City or is associated with a request to modify subdivision ordinance standards or regulations. Except as otherwise provided in the preceding sentence, the City Planning Department shall review the parcel map and within sixty (60) days after filing shall approve, conditionally approve or disapprove the parcel map.

2. A parcel map which includes an offer of dedication of a street right-of-way to the City or a modification of ordinance standards or regulations respecting the division of land shall be referred to the Planning Commission and the City Council for review and consideration, and formal acceptance of the offer of dedication and/or any modification of standards or regulations. The Planning Commission shall consider the parcel map within sixty (60) days after filing and shall thereupon make a recommendation to the City Council to approve, conditionally approve or disapprove the formal acceptance of the offer of dedication and/or any modification of standards or regulations. The City Council shall then consider and take action upon the formal acceptance of the offer of dedication and/or any modification of standards or regulations no later than thirty (30) days after action by the Planning Commission, taking into account the recommendation of the Planning Commission.

#### **I. Exceptions:**

1. A parcel map is not required when the division of land into parcels is for the express purpose of:
  - a. Creation or realignment of a public right-of-way by a public agency;
  - b. Creation or realignment of an easement;
  - c. An adjustment of the boundary line between two (2) abutting parcels or the transfer of land between two (2) owners of abutting parcels, which does not result in the creation of any additional parcels, if such an adjustment is approved pursuant to Nevada Revised Statutes 278.5692

and is made in compliance with the provisions of Nevada Revised Statutes 278.5693;

- d. The purchase, transfer or development of space within an apartment building or an industrial or commercial building;
- e. Carrying out an order of any court or dividing land as a result of an operation of law.

2. A parcel map is not required for any of the following transactions involving land:

- a. The creation of a lien, mortgage, deed of trust or any other security instrument;
- b. The creation of a security or unit of interest in any investment trust regulated under the laws of this State or any other interest in an investment entity;
- c. Conveying an interest in oil, gas, minerals or building materials, which is severed from surface ownership of real property;
- d. Conveying an interest in land acquired by the Department of Transportation pursuant to chapter 408 of the Nevada Revised Statutes;
- e. Filing a certificate of amendment pursuant to Nevada Revised Statutes 278.473.

J. Survey Not Required: If a survey is not required for the preparation of a parcel map, the map must be prepared by a registered land surveyor, but the certificate upon the map may include substantially the following:

*This map was prepared from existing information (identifying it and stating where filed or recorded), and the undersigned assumes no responsibility for the existence of monuments or corrections of other information shown on or copied from any such prior document.*

K. Fee: The applicant shall, at the time of filing the parcel map, pay a filing fee to the City in an amount established by resolution of the City Council.

L. Information Required: The parcel map shall contain the following information and meet the following requirements:

1. The parcel map shall be legibly drawn in black, waterproof India ink on tracing cloth or produced by the use of other materials of a permanent nature generally used for such purpose in the engineering profession. The size of each sheet shall be twenty four inches by thirty two inches (24" x 32"). A marginal line shall be completely drawn around each sheet leaving an entirely blank margin of one inch (1") at the top, bottom and right edges, and of two inches (2") at the left edge along the twenty four inch (24") dimension.

2. A parcel map must indicate the owner of any adjoining land or right-of-way if owned by the person dividing the land.

3. If a survey is required, the parcel map shall also show:

- a. All monuments found, set, reset, replaced or removed, describing the claim, size and location and other data relating thereto;
- b. Bearing or witness monuments, basis of bearings, bearing and length of line and scale of map;
- c. Name and legal description of tract or grant in which the survey is located and ties to adjoining tracts;
- d. Memorandum of oaths;
- e. Signature of surveyor;
- f. Date of survey;
- g. Signature of the owner or owners of the land to be divided;
- h. Any easements granted or dedications made;
- i. Any other data necessary for the intelligent interpretation of various items in the location of the points, lines and areas shown; and
- j. Provision and date for installation of all required improvements.

4. The following certificates shall appear on a parcel map before it can be recorded:

a. A certificate for execution by the Clerk of each approving Governing Body stating that the body approved the map;

b. A certificate by the surveyor responsible for the parcel map giving the date of the survey on which the map is based and stating that the survey was made by him or under his direction and setting forth the name of the owner who authorized him to make the survey, and that the parcel map is true and complete as shown. The certificate shall also state that the monuments are of the character and occupy the positions indicated or that they will be set in such positions at such time as agreed upon under the provisions of Nevada Revised Statutes chapter 278. The certificate shall also state that monuments are or will be sufficient to enable the survey to be retraced;

c. A certificate signed and acknowledged by all parties having any record title in the land to be divided into parcels evidencing their grant of permanent easements for utilities installations and access, as designated on the parcel map;

d. A statement approving such easements, signed by each public utility company or agency in whose favor the easements are created or whose utility services are to be required for the mapped parcel; and

e. A statement that it shall be the responsibility of the applicant to obtain the approvals of all serving utility companies as to the location of any utility easements shown on the parcel map.

5. The following data shall accompany a parcel map at the time it is submitted:

- a. Name, address and telephone number of the persons requesting approval of the parcel map and the owner or owners of the land;
- b. Name, address and telephone number of the person who prepared the map;
- c. Legal description of the original parcel. It shall be sufficient to give the Recorder's book and page number of the deed and the Assessor's parcel number;
- d. Proposed use of each parcel;
- e. Source of water supply and proposed method of sewage disposal for each parcel;
- f. A copy of all survey computations shall accompany the parcel map; and

g. A vicinity map.

6. The subdivider shall file the following copies of the parcel map with the City at the time of filing:

- a. One hard copy that is 24" x 36" in size;
- b. One reproducible hard copy that is 8<sup>1</sup>/<sub>2</sub>" x 11" in size; and
- c. A legible electronic copy in PDF format.

M. Recording: A parcel map approved pursuant to this section and section 3-3-25 of this chapter, shall be recorded in the Office of the Elko County Recorder within two (2) years after the date when the map was approved or deemed approved by the City.

N. Prohibitions Of Parcels: Parcel maps that are determined by the City to fall into one or more of the following categories shall not be approved by the City:

1. One or more of the proposed parcels are not reasonably capable of being developed due to site conditions.
2. The parcels are proposed in an attempt to eliminate frontage or required public improvements.
3. The proposed parcels are detrimental to the health, safety and/or welfare of the public. (Ord. 834, 11-27-2018)

### **3-3-25: MODIFICATION OF STANDARDS:**

A. Permitted: Upon the recommendation of the Planning Commission that there exist extraordinary conditions of topography, land ownership, or adjacent development, or other circumstances not provided for in this chapter, that prevent or unreasonably restrict the ability of a person to develop land, the City Council may thereafter modify the provisions of this chapter, or any other provision in this Code, in such manner and to the minimum extent necessary to carry out the intent of this chapter; provided, this paragraph shall not permit the modification of the process for satisfying the substantive requirements of this chapter.

B. Complete Neighborhood Plan: In the case of a plan and program for a complete neighborhood development, the City Council may modify the provisions of this chapter in such manner as it deems necessary and desirable to provide for adequate space and the development of improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated. The City Council may further require such restrictions on the neighborhood development, through the use of deed restrictions, restrictive covenants and conditions and the like, as may be necessary to assure conformity to and the achievement of the plan and program.

C. Additional Requirements: In modifying a standard or requirement pursuant to this section, the City Council may impose such additional requirements as it determines are necessary to best achieve the purpose of the standard or requirement being modified. (Ord. 834, 11-27-2018)

### **3-3-26: REVERSIONS TO ACREAGE:**

A. Application: Except as otherwise provided in Nevada Revised Statutes section 278.4925, an owner or Governing Body desiring to revert any recorded subdivision map, parcel map, map of division into large parcels, or part thereof, to acreage or to revert the map or portion thereof, or to revert more than one map recorded under the same tentative map if the parcels to be reverted are contiguous, shall submit a written application accompanied by a map of the proposed reversion which contains the same survey dimensions as the recorded maps or maps filed with the City Planning Department. The application must specifically describe the requested change.

B. Review: At its next regular meeting, or within a period of not more than thirty (30) days after the filing of the map of reversion, whichever occurs later, the City Council shall review the map of reversion and approve, conditionally approve or disapprove the map.

C. Applicability Of Fees: Except for the provisions of this section, Nevada Revised Statutes sections 278.4955, 278.496 and 278.4965, and any provision of this Code relating to the payment of fees in conjunction with filing, recordation or checking of a map of the kind offered, no other provision of Nevada Revised Statutes sections 278.010 through 278.630, inclusive, applies to a map made solely for the purpose of reversion of a former map or for reversion of any division of land to acreage.

D. Recording: Upon approval of the map of reversion, it must be recorded in the Office of the Elko County Recorder.

E. Street Or Easement Included: At the time a map of reversion is submitted and presented for recording, it must conform with provisions of Nevada Revised Statutes sections 278.4955, 278.496 and 278.4965. If the map includes the reversion of any street or easement owned by a city, a county or the State, the provisions of Nevada Revised Statutes section 279.480 must be followed and satisfied before the map of reversion is approved by the City.

F. Fee: The owner shall, at the time of filing the map of reversion, pay a filing fee to the City in an amount established by resolution of the City Council. (Ord. 834, 11-27-2018)

### **3-3-27: PROHIBITION AGAINST SALE IN VIOLATION:**

No person, firm, corporation or other legal entity shall hereafter sell or offer for sale any lot, or piece or parcel of land which is within a tract of land proposed to be divided into two (2) or more lots, or pieces or parcels of land, until after a final map thereof has been approved and certified by the City, and recorded with the Elko County Recorder in accordance with provisions of the Nevada Revised Statutes and this chapter. (Ord. 834, 11-27-2018)

### **3-3-28: MERGERS AND RESUBDIVISION OF LAND:**

A. Permitted: An owner of two (2) or more contiguous parcels may merge and resubdivide the land into new parcels or lots without reverting the preexisting parcels to acreage.

B. Recording Required: Parcels merged without reversion to acreage pursuant to this section must be resubdivided and recorded on a final map, parcel map or map of division into large parcels, as appropriate, in accordance with Nevada Revised Statutes sections 278.320 through 278.4725, inclusive, and this Code. The recording of the resubdivided parcels or lots on a final map, parcel map or map of division into large parcels, as appropriate, constitutes the merging of the preexisting parcels into a single parcel and the simultaneous resubdivision of that single parcel into parcels or lots of a size and description set forth in the final map, parcel map or map of division into large parcels, as appropriate.

C. Street Easements And Utility Easements: With respect to a merger and resubdivision of parcels pursuant to this section, the owner of land conducting the merger and resubdivision shall ensure that street easements and utility easements, whether public or private, that will remain in effect after the merger and resubdivision, are delineated clearly on the final map, parcel map or map of division into large parcels, as appropriate, on which the merger and resubdivision is recorded.

D. Security Credit: If the City Council requires an owner of land to post security to secure the completion of improvements to two (2) or more contiguous parcels and those improvements will not be completed because of a merger and resubdivision conducted pursuant to this section, the City Council shall credit on a pro rata basis the security posted by the owner of land toward the same purposes with respect to the parcels as

merged and resubdivided. (Ord. 834, 11-27-2018)

### **3-3-29: VIOLATIONS AND PENALTIES:**

Any person, firm, corporation or other legal entity who violates any of the provisions of this chapter shall, upon conviction therefor, be punished as provided in title 1, chapter 3 of this Code. Each day that a violation is permitted to exist shall constitute a separate offense and shall be punishable as such hereunder. The imposition of any sentence shall not exempt the offender from compliance with all requirements of this chapter. (Ord. 834, 11-27-2018)

### **3-3-30: APPEALS OF CERTAIN DECISIONS REGARDING USE OF LAND:**

A. Notice Of Appeal: Notwithstanding any other provision contained in this chapter, any person who is aggrieved by: 1) a decision of a person appointed or employed by the City who is authorized to make administrative decisions regarding the use of land or 2) a decision of the Planning Commission, may appeal the decision to the City Council by filing a notice of appeal with the City Clerk within thirty (30) days of receiving notice of the decision. The notice of appeal shall contain the following information: the name of the appellant, the location of the property to which the decision relates, the date on which the appellant was notified of the decision, a summary of the decision being appealed and a statement of reason why the decision is being appealed. The failure of the aggrieved person to file a notice of appeal in the manner stated in this section shall result in a waiver of the aggrieved person's right to appeal. The filing of a notice of appeal shall not stay the action of the City pending the outcome of the appeal. The City Council may by resolution establish a fee for the filing of an appeal.

B. Investigation By City Council: Following the filing of a notice of appeal, the City Council may, in its discretion, appoint a committee of the City Council or an independent Hearing Officer to investigate the notice of appeal, report findings of fact and make a recommendation for disposition to the City Council.

C. Hearing Before City Council: The City Council shall conduct a hearing on the appeal within forty five (45) days from the date the notice of appeal is filed with the City Clerk. The hearing shall be open to the public and shall be conducted in accordance with the procedures set forth in this section.

D. Purposes: In reviewing the decision, the City Council will be guided by the following purposes:

1. That, for the purpose of promoting health, safety, morals, or the general welfare of the community, the City Council is authorized and empowered to regulate and restrict the improvement of land and to control the location and soundness of structures.
2. That regulations, restrictions and controls pertaining to the improvement of land, and the control of the location and soundness of structures, must take into account:
  - a. The potential impairment of natural resources and the total population which the available natural resources will support without unreasonable impairment; and
  - b. The availability of and need for affordable housing in the community, including affordable housing that is accessible to persons with disabilities.

E. Hearing Procedures: The procedures pursuant to which the City Council shall hear an appeal pursuant to this section are as follows:

1. The appellant shall first describe the decision being challenged, state the grounds for the appeal and present a summary of the appellant's argument.
2. The appellant may then testify, submit documents and/or call witnesses in support of the appeal.
3. The City shall then state the grounds for opposing the appeal.
4. The City may submit documents and/or call witnesses in opposition to the appeal.
5. The appellant may then present a rebuttal argument, witnesses and/or documents. The failure of an appellant to provide argument, witnesses and/or documents on rebuttal shall not be considered by the City Council in deciding the appeal.
6. The appellant and the City, respectively, may present closing arguments.
7. Appellant and the City are entitled to be represented by counsel, and present testimony, evidence and argument on all issues raised on appeal.
8. The City Council may, if it appears helpful to a clear understanding of the issues, consider matters not raised at the hearing.
9. All testimony by the appellant and the parties' witnesses shall be under oath.
10. The rules of evidence shall not apply.
11. The Mayor or Mayor Pro Tem may limit testimony or other proffered evidence that is duplicative, unnecessarily argumentative or not reasonably related to the matter being appealed.
12. The Mayor or Mayor Pro Tem may terminate the hearing upon finding that sufficient testimony, documents and arguments have been presented to enable the City Council to fully deliberate and decide the appeal; provided, the Mayor or Mayor Pro Tem shall first request from the appellant a summary of all remaining matters he or she intends to present at the hearing.

F. Decision By City Council: At the conclusion of the hearing, the City Council shall make a final decision that is consistent with the requirements of this title to affirm, modify or reverse the decision appealed from and shall within sixty (60) days thereafter file a notice of decision with the City Clerk stating the decision. The foregoing decision of the City Council shall be a final decision for the purpose of judicial review.

G. Judicial Review: Any person who has appealed a decision to the City Council in accordance with this section and is aggrieved by the decision of the City Council may appeal that decision to the Fourth Judicial District Court in and for the County of Elko, State of Nevada, by filing with that court a petition for judicial review within twenty five (25) days after the date the notice of decision is filed with the City Clerk. (Ord. 834, 11-27-2018)

## **CHAPTER 4**

### **PLANNING COMMISSION**

SECTION:

**3-4-1: Created; Appointment; Members; Compensation; Term; Removal; Vacancies**

**3-4-2: Meetings, Records, Quorum And Voting**

**3-4-3: Chairperson, Vice Chairperson And Secretary**

**3-4-4: Employees**

**3-4-5: Expenditures**

**3-4-6: Master Plan**

**3-4-7: Subject Matter Of Master Plan**

**3-4-8: Coordination Of Master Plan**

**3-4-9: School Sites**

**3-4-10: Commission To Promote Public Interest In Master Plan; Powers**

**3-4-11: Form Of Master Plan**

**3-4-12: Adoption Of Master Plan And Amendments By The Commission**

**3-4-13: Adoption Of Master Plan By Governing Council**

**3-4-14: Governing Body To Put Adopted Master Plan Into Effect**

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**3-4-16: Land Use, Classifications And Districts**

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**3-4-19: Words And Terms Defined**

**3-4-20: Additional Powers And Duties**

**3-4-21: City Officials**

**3-4-22: Financial Limitations**

**3-4-23: Annual Report**

**3-4-1: CREATED; APPOINTMENT; MEMBERS; COMPENSATION; TERM; REMOVAL; VACANCIES:**

A. Created; Membership; Appointment: There is hereby created a Planning Commission in and for the City, to be known as the Elko Planning Commission. This commission shall consist of seven (7) members. The members of the commission shall be appointed by the Mayor, with the approval of the City Council. The members must not be members of the governing body of the city or county. Members shall be eligible for reappointment.

B. Compensation: All members of the commission shall serve as such without compensation excepting reasonable traveling expenses made necessary in the fulfillment of their duties.

C. Terms: The terms of the members first appointed shall be three (3) years for two (2) members, two (2) years for two (2) members and one year for two (2) members. The Mayor shall designate the terms of the respective members first appointed at the time of appointment. Thereafter, the term of each member shall be four (4) years or until his successor takes office.

D. Removal: Members may be removed, after public hearing, by a majority vote of the City Council for inefficiency, neglect of duty or malfeasance of office.

E. Vacancies: Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term.

F. Absences From Meetings: Absence of an appointed member for four (4) consecutive regular meetings without the formal consent of the Planning Commission shall be deemed to constitute a retirement of that appointed member, and the vacancy thus created shall be filled thereafter by the Mayor by the appointment of a successor to fill the unexpired term of office. (Ord. 210, 11-13-1973; amd. Ord. 845, 10-22-2019)

**3-4-2: MEETINGS, RECORDS, QUORUM AND VOTING:**

A. Meetings: The Planning Commission shall hold at least one regular meeting in each month. Other meetings may be provided for in its rules.

B. Rules: It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Rules may be amended from time to time.

C. Quorum: A majority of the appointed Planning Commission members shall constitute a quorum for all meetings, to include public hearings.

D. Voting Requirements:

1. A majority vote of the appointed Planning Commission members present and participating in any agenda item shall be required to approve the corresponding action for that item. To be present and participating at a meeting, a Planning Commission member must be either: a) physically present at the meeting or b) participating by means of electronic communication with access to all written materials for that agenda item that are available to the other Planning Commission members.

2. An abstention from voting by a Planning Commission member shall not be counted in the determination of the motion as a vote in favor of any action but shall be noted on the record.

3. In the event of a tie vote, the motion shall not pass. (Ord. 836, 11-27-2018)

**3-4-3: CHAIRPERSON, VICE CHAIRPERSON AND SECRETARY:**

A. Election; Term: At the first regular meeting in January of each calendar year, members of the Planning Commission shall meet in regular session and organize by electing from their members a Chairperson, and from their members a Vice Chairperson, and from their members a Secretary. The term of the Chairperson, Vice Chairperson and Secretary shall be one year, with eligibility for reelection.

B. Chairperson Duties: It shall be the duty of the Chairperson to preside over all meetings of the Planning Commission. In the absence of the Chairperson, the Vice Chairperson shall preside, and in the absence of the Chairperson and Vice Chairperson, a Chairperson Pro Tempore may be elected to preside.

C. Records: It shall be the duty of the Secretary to attest that records of all proceedings of the Planning Commission, are being kept as required by this chapter or by the laws of the State. (Ord. 533, 10-12-1999)

#### **3-4-4: EMPLOYEES:**

A. Authority: In addition to electing its Chairperson, Vice Chairperson and Secretary, the Planning Commission may create and fill such other offices and subcommittees.

B. Other: The Planning Commission may also recommend to the City Council the appointment or contract of such employees, planners, engineers, architects and other consultants for such services as it may require and deem necessary for its work. (Ord. 533, 10-12-1999)

#### **3-4-5: EXPENDITURES:**

The expenditures of the Planning Commission, exclusive of gifts, shall be with the amounts appropriated for the purpose by the City Council, which shall provide the funds, equipment and accommodations necessary for the commission's work. (Ord. 210, 11-13-1973)

#### **3-4-6: MASTER PLAN:**

A. Preparation: The Planning Commission shall prepare and adopt a comprehensive long term general plan for the physical development of the City, which in the commission's judgment bears relation to the planning thereof.

B. Adoption By City Council: The plan must be known as the master plan, and must be so prepared that all or portions thereof may be adopted by the City Council, as provided in Nevada Revised Statutes sections 278.010 through 278.630, inclusive, as a basis for the development of the City, County or region for such reasonable period of time next ensuing after the adoption thereof as may practically be covered thereby. (Ord. 533, 10-12-1999)

#### **3-4-7: SUBJECT MATTER OF MASTER PLAN:**

A. Basis For Development: The master plan, with the accompanying charts, drawings, diagrams, schedules and reports, shall include subject matter or portions thereof as are appropriate to the City and as may be made the basis for the physical development thereof in accordance with Nevada Revised Statutes section 278.160.

B. Other Plans And Reports: The Planning Commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other subjects as may in its judgment relate to the physical development of the City and nothing contained in this chapter or in Nevada Revised Statutes sections 278.010 through 278.630, inclusive, shall be deemed to prohibit the preparation and adoption of any such subject as a part of the master plan. (Ord. 533, 10-12-1999)

#### **3-4-8: COORDINATION OF MASTER PLAN:**

The Planning Commission may prepare and adopt all or any part of the master plan or any subject thereof for all or any part of the City; but master regional plans shall be coordinated with similar plans of adjoining regions, and master county and city plans within each region shall be coordinated so as to fit properly into the master plan for the region. (Ord. 210, 11-13-1973)

#### **3-4-9: SCHOOL SITES:**

A. Notice To School Board Of Plan Preparation: The planning commission shall, during the formulation of plans for community design and public buildings, notify the board of trustees of the Elko County school district of the preparation of such plans to the end that adequate and properly located school sites may be provided for.

B. Notice Of Plan For Future Construction: When the board of trustees of a school district develops a plan for the future construction of one or more schools, it shall notify each city, county or regional planning commission any part of whose territory will be served by a proposed school. The notice must include the grades to be taught, the number of pupils to be accommodated, and the area to be served. The board shall notify each commission of any change in or abandonment of its plan. (Ord. 533, 10-12-1999)

#### **3-4-10: COMMISSION TO PROMOTE PUBLIC INTEREST IN MASTER PLAN; POWERS:**

A. Recommendations To City Council: The planning commission shall endeavor to promote public interest in and understanding of the master plan or official plans and regulations relating thereto. As a means of furthering the purpose of a master plan, the commission shall annually make recommendations to the governing body for the implementation of the plan.

B. Consultation With Other Agencies: It also shall consult and advise with public officials and agencies, public utility companies, civic, educational, professional and other organizations, and with citizens generally with relation to the carrying out of such plans.

C. Entrance Upon Land: The planning commission, and its members, officers and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments and marks thereon.

D. Generally: In general, the planning commission shall have such power as may be necessary to enable it to fulfill its functions and carry out the provisions of this chapter and of Nevada Revised Statutes sections 278.010 through 278.630, inclusive. (Ord. 210, 11-13-1973)

#### **3-4-11: FORM OF MASTER PLAN:**

The master plan shall be a map, together with such charts, drawings, diagrams, schedules, reports, ordinances or other printed or published material, or any one or a combination of any of the foregoing, as may be considered essential to the purpose of Nevada Revised Statutes sections 278.010 through 278.630, inclusive. (Ord. 210, 11-13-1973)

#### **3-4-12: ADOPTION OF MASTER PLAN AND AMENDMENTS BY THE COMMISSION:**

A. Hearing; Notice: Before adopting the master plan, or any part of it, or any substantial amendments thereof, the planning commission shall hold at least one public hearing thereon, notice of the time and place of which shall be given at least by one publication in a newspaper of general circulation in the city, at least ten (10) days before the date of the hearing.

B. Adoption By Resolution: The adoption of the master plan, or of any amendments, extensions or additions thereof, shall be by resolution of the planning commission carried by the affirmative votes of not less than two-thirds ( $\frac{2}{3}$ ) of the total membership of the commission. The resolution shall refer expressly to the maps, descriptive matter and other matter intended by the commission to constitute the plan, or any amendment, addition or extension thereof, and the action taken shall be recorded on the map and plan and descriptive matter by the identifying signatures of the secretary and chairperson of the commission.

C. Amendments, Extensions Or Additions: No plan or map hereafter shall have indicated thereon that it is a part of the master plan until it shall have been adopted as part of the master plan by the planning commission as herein provided for the adoption thereof, whenever changes, conditions or future studies by the commission require such amendments, extensions or additions.

D. Certification To City Council: An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission shall be certified to the city council. (Ord. 210, 11-13-1973)

#### **3-4-13: ADOPTION OF MASTER PLAN BY GOVERNING COUNCIL:**

A. Adoption: Upon receipt of a certified copy of the master plan, or of any part thereof as adopted by the planning commission, the city council may adopt such parts thereof as may practicably be applied to the development of the city for a reasonable period of time next ensuing.

B. Endorsement And Certification: The part shall thereupon be endorsed and certified as master plans thus adopted for the territory covered, and are hereby declared to be established to conserve and promote the public health, safety and general welfare.

C. Hearing; Notice: Before adopting any plan or part thereof, the city council shall hold at least one public hearing thereon, notice of the time and place of which shall be published at least once in a newspaper of general circulation in the city at least ten (10) days before the date of hearing.

D. Changes Or Additions To Plan: No change in or addition to the master plan, or any part thereof, as adopted by the planning commission, shall be made by the city council in adopting the same until the proposed change or addition shall have been referred to the planning commission for a report thereon and an attested copy of the report shall have been filed with the city council. Failure of the planning commission to so report within forty (40) days, or such longer period as may be designated by the city council, after such reference shall be deemed to be approval of the proposed change or addition. (Ord. 210, 11-13-1973)

#### **3-4-14: GOVERNING BODY TO PUT ADOPTED MASTER PLAN INTO EFFECT:**

A. Whenever the city council shall have adopted a master plan, or part thereof for the city, or for any major section or district thereof, the city council shall, upon recommendation of the planning commission, determine upon reasonable and practical means for putting into effect the master plan, or part thereof, in order that the same will serve as a pattern and guide for that kind of orderly physical growth and development of the city or county which will cause the least amount of natural resource impairment and will conform to the adopted population plan, where required, and as basis for the efficient expenditure of funds thereof relating to the subject of the master plan.

B. The city council may adopt and use such procedures as may be necessary for this purpose. (Ord. 210, 11-13-1973)

#### **3-4-15: ACQUISITION AND ABANDONMENT OF STREETS, PARKS AND CONSTRUCTION OF PUBLIC BUILDINGS:**

Whenever the city council has adopted a master plan, or one or more subject matters thereof, for the city, or for a major section or district thereof, no street, square, park or other public way, ground or open space may be acquired by dedication or otherwise, except by bequest, and no street or public way may be closed or abandoned, and no public building or structure may be constructed or authorized in the area for which the master plan or one or more subject matter thereof has been adopted by the city council unless the dedication, closure, abandonment, construction or authorization is approved in a manner consistent with the requirements of the city council. (Ord. 533, 10-12-1999)

#### **3-4-16: LAND USE, CLASSIFICATIONS AND DISTRICTS:**

A. Authority: For any or all of the purposes of this chapter and of Nevada Revised Statutes sections 278.010 through 278.630, inclusive, the city council may divide the city into districts of such number, shape and area as may be deemed best suited to carry out the purposes of this chapter and of Nevada Revised Statutes sections 278.010 through 278.630, inclusive. Within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of the buildings, structures or land.

B. Regulations In Accordance With Master Plan: Such regulations shall be made in accordance with the master plan for land use and shall be designed to:

1. Preserve the quality of air and water resources.
2. Promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment.
3. Provide for recreational needs.
4. Protect life and property in areas subject to floods, landslides and other natural disasters.
5. Conform to the adopted population plan, if required by Nevada Revised Statutes section 278.170.
6. Develop a timely, orderly and efficient arrangement of transportation and public facilities and services.
7. Ensure that the development on land is commensurate with the character and the physical limitations of the land.
8. 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 such land for such development.
9. Promote health and the general welfare.
10. Ensure the development of an adequate supply of housing for the community, including the development of affordable housing.
11. Ensure the protection of existing neighborhoods and communities, including the protection of rural preservation neighborhoods.

C. Considerations: Such regulations shall be made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of the buildings and encouraging the most appropriate use of land throughout the city. (Ord. 533, 10-12-1999)

#### **3-4-17: CHANGES OF LAND USE CLASSIFICATION; NOTICE AND HEARING:**

(Rep. by Ord. 533, 10-12-1999)

#### **3-4-18: JURISDICTION OF PLANNING COMMISSION:**

The jurisdiction of the planning commission shall be within the limits of the city and all areas hereafter annexed or added to the city. (Ord. 210, 11-13-1973)

#### **3-4-19: WORDS AND TERMS DEFINED:**

So far as applicable to this chapter, the definitions set out in Nevada Revised Statutes section 278.010 are adopted as part of this chapter. (Ord. 210, 11-13-1973)

#### **3-4-20: ADDITIONAL POWERS AND DUTIES:**

A. Generally: The planning commission shall have the following additional powers and duties:

1. To confer with and advise the city council upon all matters which may be referred to it by the mayor or the city council.
2. To recommend to the city council the leasing, sale, exchange, use or other disposition of city owned property for planning and zoning purposes.

B. Powers Limited: Except as otherwise provided by this chapter, or by the laws of the state, the powers and duties of the planning commission are of an advisory nature only, and the commission shall not have any powers or duties which conflict with or supersede the powers and duties of other city commissions, councils, council members or officials. (Ord. 210, 11-13-1973)

**3-4-21: CITY OFFICIALS:**

All officers and employees of the city shall cooperate with the planning commission and render all reasonable assistance. (Ord. 210, 11-13-1973)

**3-4-22: FINANCIAL LIMITATIONS:**

Except as otherwise provided in this chapter, neither the planning commission nor any member thereof shall incur any financial liability in the name of the city. (Ord. 210, 11-13-1973)

**3-4-23: ANNUAL REPORT:**

The planning commission shall render annually a full report of its work to the city council. (Ord. 210, 11-13-1973)

## CHAPTER 5

### MOBILE HOME PARKS, MOBILE HOME, MANUFACTURED HOME SUBDIVISIONS AND RECREATIONAL VEHICLE PARKS

SECTION:

**3-5-1: Intent**

**3-5-2: Districts**

**3-5-3: Definitions**

**3-5-4: Uses Permitted And Minimum Standards**

**3-5-5: Storage And Temporary Commercial Office Use**

**3-5-6: Application To Existing Areas**

**3-5-7: Modification Of Standards**

**3-5-1: INTENT:**

Within selected geographical areas that are designated for mobile homes on the city general plan map, adopted by the city council on January 15, 1974, or zoned RMH on the zoning map, the city council, through conditional use permits, after review by the planning commission, may regulate by districting, the proposed mobile home residential use, manufactured home residential use, and recreational vehicle parks. When such districts are designated, the provisions of this chapter shall prevail over any requirements underlying by virtue of the zoning previously adopted. Within the commercial zoning districts, the appropriate provisions of this chapter shall apply to recreational vehicle (RV) parks approved by the planning commission through conditional use permits. (Ord. 398, 4-24-1990)

**3-5-2: DISTRICTS:**

Four (4) separate districts for residential mobile homes, manufactured homes and RV parks are contemplated by this chapter:

RMH-1: Areas suitable for development, placement and occupancy of mobile homes for residential purposes on rented or leased sites in mobile home parks.

RMH-2: Areas suitable for development, placement and occupancy of mobile homes for residential purposes on individually owned lots in mobile home subdivisions.

RMH-3: Areas suitable for development, placement and occupancy of manufactured homes for residential purposes on individually owned lots in manufactured home subdivisions.

RMH-4: Areas in commercial zones approved by a conditional use permit for development of recreational vehicle parks. (Ord. 398, 4-24-1990)

**3-5-3: DEFINITIONS:**

The following words and phrases used in this chapter shall have the following meaning unless a different meaning clearly appears from the context:

ACCESSORY BUILDINGS: Includes the following: garage, carport and awning. (See definition of Service Building.)

CABANA: Any portable, demountable or permanent cabin, room, enclosure or other building erected, constructed or placed on any mobile home or manufactured home lot or mobile home space, on the same lot or space as a mobile home or manufactured home and adjacent to the mobile home or manufactured home.

CAMPING TRAILER: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters.

EXPANSION: Any increase in or addition to commercial uses on the property, excluding any uses requiring a conditional use permit.

FULL FRONTAGE: All lot lines of any lot, parcel or tract of property adjacent to a road, street, alley or right of way, to include lots, parcels or tracts containing multiple borders or edges, such as corner lots.

GROSS TRAILER AREA: The total plan area of a travel trailer measured to the maximum horizontal projection of exterior walls when in the setup mode.

LOT: A distinct part or parcel of land divided with the intent to transfer ownership or for the placement of mobile homes or manufactured homes.

A. Depth: Distance between the front and rear lot lines measured in the mean direction of the side lot lines.

B. Front Line: Narrowest lot dimension fronting a street.

C. Frontage Width: Distance between the side lot lines measured at the front line.

MANUFACTURED HOME: A structure which is: a) built on a chassis or frame; b) designed for and set on a permanent foundation; c) capable of being drawn or carried by a motor vehicle; d) used as a dwelling when permanently connected to utilities; e) in an RMH-3 district, containing not less



than one thousand (1,000) square feet of usable living area; and f) structural engineering bulletin number on frame. This definition is intended to include mobile homes which meet the above criteria.

**MOBILE HOME:** A vehicular structure which is: a) built on a chassis or frame; b) designed to be used with or without a permanent foundation; c) self-propelled, or capable of being drawn or carried by a motor vehicle; d) used as a dwelling when permanently connected to utilities; e) in an RMH-2 district, containing not less than five hundred eighty (580) square feet of usable living area; and f) chassis built under national mobile home safety standards. This definition is intended to include mobile homes as buildings, structures and residences, where applicable, within all provisions of this code.

**MOBILE HOME OR MANUFACTURED HOME LOT:** A portion of land within a mobile home or manufactured home subdivision used or intended to be used for parking of one mobile or one manufactured home, including required yards and parking area, attached or detached accessory building and open space.

**MOBILE HOME PARK:** A parcel or tract of land having as its principal use the rental, leasing or occupancy of space by mobile homes on a permanent or semipermanent basis, including accessory buildings or uses customarily incidental thereto.

**MOBILE HOME, RV OR MANUFACTURED HOME SETBACK:** Distance between the property line and the nearest portion of a mobile home, RV or manufactured home on the property.

- A. Front: Setback from front line to nearest part of the mobile home, RV or manufactured home.
- B. Rear: Setback from rear line to nearest part of the mobile home, RV or manufactured home.
- C. Side: Setback from side line to nearest part of the mobile home, RV or manufactured home.

**MOBILE HOME, RV OR MANUFACTURED HOME SUBDIVISION:** A subdivision of land platted in conformance with the Nevada Revised Statutes and applicable city of Elko ordinances for the purpose of providing mobile home, RV or manufactured home lots.

**MOBILE HOME SPACE:** A portion of land within a mobile home park used or intended to be used for the parking of one mobile home, including required yards and parking area, attached or detached accessory buildings and open space.

- A. Depth: Distance between the front and rear space lines measured in the mean direction of the side space line.
- B. Front Line: Narrowest dimension fronting on a street.
- C. Frontage Width: Distance between the side space lines measured at the front line.
- D. Rear Line: Space line or lot line farthest away from the front line and which runs parallel or approximately parallel to the front line.
- E. Side Line: Space line or lot line which runs perpendicular to or approximately perpendicular to the front line.

**MOTOR HOME:** A vehicular unit designed to provide temporary living quarters for recreational or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle.

**OCCUPIED AREA:** The total lot area covered by a mobile home, RV or manufactured home and accessory buildings and structures on a mobile home, RV or manufactured home lot or space.

**RECONSTRUCTED:** The rebuilding, constructing again or restoration of any part of an existing mobile home or RV park which has been destroyed or deteriorated.

**RECREATIONAL VEHICLE (RV):** A vehicular type unit primarily designed as temporary living quarters for recreational or travel use which either has its own motive power or is mounted on or towed by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home of such size or weight as not to require special highway movement permits when towed by a motorized vehicle and containing not more than three hundred twenty (320) square feet of living area.

**RECREATIONAL VEHICLE PARK (RVP):** A plot of land upon which recreational vehicle sites are located to provide for occupancy by recreational vehicles owned or operated by the general public as temporary living quarters for recreational or vacation purposes.

**RECREATIONAL VEHICLE (RV) SITE:** A plot of ground within a recreational vehicle park set aside for the accommodation of a recreational vehicle on a temporary basis.

**RECREATIONAL VEHICLE (RV) STAND:** That area of a recreational vehicle site intended for the placement of a recreational vehicle.

**SERVICE BUILDING:** A structure or portion thereof that is used to house sanitary facilities, such as water closets or lavatories. It may include other facilities for the convenience of the owner or the occupants of the mobile home or recreational vehicle park. (See definition of Accessory Buildings.)

**SHALL:** Indicates a mandatory requirement.

**SHOULD:** Indicates a recommendation or that which is advised but not required.

**TRUCK CAMPER:** A portable unit constructed to provide temporary living quarters for recreational, travel or camping use, consisting of a roof, floor and sides designed to be loaded onto and unloaded from the bed of a pickup truck. (Ord. 741, 8-9-2011)

### **3-5-4: USES PERMITTED AND MINIMUM STANDARDS:**

#### **A. Uses Permitted:**

Accessory buildings.

Community recreation buildings and facilities, laundry, car wash, boat or storage facilities serving the mobile home or RV park; provided, however, that the architectural design of all non-mobile home structures shall be subject to approval by the planning commission prior to issuance of any conditional use permit, and all applicable state and city requirements.

Management offices (RMH-1 and RMH-4 only). One or more single-family dwellings or mobile homes used exclusively for office and living quarters by the operator or manager of the mobile home or RV park. The architectural design of a non-mobile home office shall be subject to approval by the planning commission prior to the issuance of any conditional use permit.

Mobile homes, manufactured homes, RVs. One mobile home, manufactured home or RV per space, including doublewide or expandable mobile home units.

Residential uses.

B. Standards for Development; Requirement:

1. Minimum Overall Area:
  - a. RMH-1: Two (2) acres;
  - b. RMH-2: One acre;
  - c. RMH-3: One acre;
  - d. RMH-4: Two (2) acres.
2. Maximum Building Height: The height of any building shall in no manner be such as to create a nuisance or safety hazard for air traffic into and about the Elko Municipal Airport.
3. Minimum Net Space Area: Minimum net space area for each mobile home, RV or manufactured home:
  - a. RMH-1: Four thousand (4,000) square feet;
  - b. RMH-2: Six thousand (6,000) square feet;
  - c. RMH-3: Six thousand (6,000) square feet;
  - d. RMH-4: One thousand two hundred sixty five (1,265) square feet.
4. Minimum Frontage Width: Minimum mobile home, RV or manufactured home space frontage width:
  - a. RMH-1: Forty feet (40');
  - b. RMH-2: Sixty feet (60');
  - c. RMH-3: Sixty feet (60');
  - d. RMH-4: Twenty three feet (23').
5. Minimum Setback, Public Street: Minimum setback of any building, mobile home, RV or manufactured home from a bordering public street line is fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line.
6. Minimum Setback, Internal Street: Minimum setback from internal street in mobile home parks is twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line.
7. Minimum Side, Rear Setbacks, Separations: Minimum side and rear setbacks or separation for each mobile home, RV or manufactured home lot, where such side and rear does not border on public or internal streets:
  - a. RMH-1: Five feet (5') from space side line; seven and one-half feet ( $7\frac{1}{2}'$ ) from space rear line.
  - b. RMH-2: Five and one-half feet ( $5\frac{1}{2}'$ ) from side property line; ten feet (10') from rear property line.
  - c. RMH-3: Five and one-half feet ( $5\frac{1}{2}'$ ) from side property line; ten feet (10') from rear property line.
  - d. RMH-4: Ten feet (10') separation between units or structures.
8. Property Development Standards for Accessory Buildings:
  - a. Building Height: The maximum building height for all accessory buildings shall not exceed twenty-five (25) feet, or the building height requirements contained within the City of Elko Airport Master Plan, whichever is the most restrictive.
  - b. Building Setbacks:
    - (1) Permanent and Non-Permanent Accessory Buildings:
      - (A) Front: Fifteen (15) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.
      - (B) Rear: Five (5) feet
      - (C) Interior Side: Five (5) feet
      - (D) Exterior Side: Five (5) feet except that garages and carports shall be set back twenty (20) feet from any street from which they are accessed.
    - c. Building Area: The cumulative square feet of all accessory buildings shall be limited to a maximum area of ten percent (10%) of the lot area or one thousand, two hundred (1,200) square feet.
    - d. Detached guesthouses are permitted with the exception of RMH 3 and RMH 4 districts, so long as they conform to all yard requirements applicable to the principal building.
    - e. The minimum distance between all buildings on the parcel shall be five (5) feet.
    - f. No building or structure shall be located on any easement.
9. Expandable Sections, Separation Requirements: Expandable sections of a mobile home, manufactured home or RV shall be considered a part of the mobile home, RV or manufactured home proper for setback or separation requirements.
10. Underground Utilities: All utilities shall be placed underground.
11. Other Statutes and Regulations Applicable: Where applicable, all site preparation, construction, mobile home, RV and manufactured home installation, utility connections and occupancy shall be in accordance with the requirements of the Nevada statutes and regulations of this code and ordinances.

C. Transportation Systems Requirements:

1. Access; Alignment and Grading Of Streets: All mobile home, RV or manufactured home spaces shall be provided with safe and convenient vehicular access from public or private streets. Alignment and grading of streets shall be properly adapted to topography.

2. Street Surfacing: All streets shall have a paved all weather surface approved by the city engineer and drained in a manner approved by the city engineer.

3. Paved Curb Section: All streets shall have a paved, back of curb to back of curb section not less than:

- a. RMH-1: Forty two feet (42') in width;
- b. RMH-2: Fifty feet (50') in width;
- c. RMH-3: Fifty feet (50') in width;
- d. RMH-4: Twenty feet (20') in width with off street parking.

4. Curb/Gutter Sections; Sidewalk: All streets shall require curb/gutter sections on both sides and have a five foot (5') paved sidewalk:

- a. RMH-1: At least one side of street;
- b. RMH-2: Both sides of street;
- c. RMH-3: Both sides of street;
- d. RMH-4: On both sides of dedicated public streets.

5. Off Street Parking: A minimum of two (2) off street parking spaces per mobile home or manufactured home space shall be required. One per RV site shall be required on streets twenty feet (20') in width.

6. Emergency Vehicular Access: In all districts, adequate provisions for emergency vehicular access during inclement weather shall be provided on internal streets.

7. Storm Drainage: Adequate storm drainage shall be provided and shall be reviewed by the city engineer for his approval.

8. Signs and Lighting: All streets shall be properly signed and lighted. Lighting systems to be approved by the city engineer.

D. General Requirements:

1. Paving: All vehicle parking spaces and driveways shall be paved with a hard surface material.

2. Recreation or Open Space Area: The planning commission shall require mobile home and RV parks to have at least one recreation area or usable open space accessible from all spaces, the cumulative size of which recreation area shall not be less than:

a. A minimum of two hundred (200) square feet of outdoor recreation area per mobile home space or fifty (50) square feet per RV site shall be provided, exclusive of required yards or setback area. The minimum size for any single outdoor recreation area shall be two thousand four hundred (2,400) square feet in mobile home parks and one thousand two hundred (1,200) square feet in RV parks, with a minimum width of twenty four feet (24').

b. Parks catering to family use shall provide larger recreation areas and adequate playgrounds. A minimum of three hundred (300) square feet of outdoor recreation area per mobile home space or seventy five (75) square feet per RV site shall be provided, exclusive of required yards or setback areas. All recreation areas and landscaping plans shall be approved prior to issuance of a conditional use permit by the planning commission.

3. Pedestrianways: When included as additions to required sidewalks, pedestrianways shall have a minimum width of four feet (4') and shall be surfaced in concrete or hard surface material.

4. Water Supply: An accessible, adequate, safe and potable supply of water for domestic purposes shall be provided to each mobile home or manufactured home space or lot and RV site, and proof of the same shall be provided to the planning commission before approval of any conditional use permit. Such supply of water shall be in conformance with any applicable Nevada statutes and regulations and city ordinances, and furnished through a pipe distribution system directly connected to the city water service.

5. Sewerage Facilities: An adequate and safe sewer system shall be provided to each mobile home, manufactured home or RV space, lot or site. Such sewer system shall be in conformance with any applicable Nevada statutes and regulations and city ordinances, and directly connected through a pipe collection system to the city sewer facilities.

6. Refuse and Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance with any applicable Nevada statutes and regulations and city ordinances. In mobile home and RV parks, one metal dumpster with lid per twenty five (25) spaces located no more than one hundred fifty feet (150') from mobile home lots and RV sites shall be required.

7. Fuel Supply and Storage: Installation of liquid petroleum gas or fuel oil containers within a mobile home or manufactured home subdivision or mobile home or RV park shall be in conformance with any applicable Nevada statutes and city ordinances.

8. Fire Protection: In every mobile home or RV park, mobile home subdivision or manufactured home subdivision, fire hydrants shall be installed as may be required by the fire department.

9. Tie Downs: Tie downs for all mobile homes shall be provided in accordance with state fire marshal regulations and applicable Nevada statutes and regulations. Tie downs shall not be required on RV sites.

10. Skirting:

a. Skirting shall be of durable materials suitable for exterior exposures, and be installed in accordance with the manufacturer's installation instructions. It shall be secured, as necessary, to assure stability, to minimize vibrations, to minimize susceptibility to wind damage and to compensate for possible frost heave.

b. If combustion air for heat producing appliance is taken from within the under floor area, ventilation shall be adequate to assure proper operation of the appliances.

c. Use of combustible material (such as hay, straw, cardboard, etc.) shall be prohibited.

11. Fences: Mobile home and RV parks adjacent to residential zones shall be fenced with a solid view screening decorative fence not more than six feet (6') nor less than three feet (3') in height around the entire boundary of the park. However, no such fence over three feet (3') in height

shall be allowed within thirty feet (30') of the intersection of any two (2) streets. The design and construction materials of said fence shall be subject to approval by the planning commission prior to the issuance of any conditional use permit. (RMH-1 and RMH-4 districts only.)

12. Floodplain: No mobile home or manufactured home subdivision, mobile home or RV park which is proposed to be constructed below the 100-year floodplain elevation of the Humboldt River and other drainage as defined by the U.S. army corps of engineers, shall be approved by the planning commission.

13. Grading, Erosion Protections; Avoidance Of Visual Scars On Hillsides; Protection Of Underground Utility Lines: Whenever it may be necessary for the developer of a mobile home, manufactured home subdivision, mobile home or RV park to cut and fill, or to alter the contours of the land in any way, he shall comply with the provisions of the city building code.

14. Management: The holder of a valid city business license for the operation of a mobile home or RV park shall be responsible for compliance with this chapter and other applicable ordinances (e.g., section 5-1-1 of this code) or Nevada statutes and regulations. He/she shall maintain the mobile home or RV park in a neat, orderly and sanitary condition at all times. (RMH-1 and RMH-4 districts only.)

15. Signs: All signs for the mobile home or RV park, including the height, size, location, appearance and illumination of such signs, shall be subject to approval of the planning commission prior to the issuance of any conditional use permit. No signs will be installed without approval of said sign by the planning commission. The applicant shall submit a plan showing the locations of such signs and architectural elevations showing the heights, shapes, size and manner of illumination of the signs. (RMH-1 and RMH-4 districts only.)

16. Landscaping: Exposed ground surfaces in the park shall be covered with stone, screening or other materials or protected with a vegetative growth in a well kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust. (RMH-1 and RMH-4 districts only.)

17. Plan: A copy of the final approved plan for the mobile home or RV park shall be conspicuously posted on the site near office, or as designated by the fire department and the license holder shall be responsible for maintenance of the park as per the final approved plan thereafter. (RMH-1 and RMH-4 districts only.)

18. Space Numbering: All spaces shall be numbered, and such number shall be posted in a place clearly visible and conspicuous from the internal street. (RMH-1 and RMH-4 districts only.)

19. Electrical: All mobile home parks shall comply with the national electrical code, article 550, part B. All recreational vehicle parks shall comply with the national electrical code, article 551, part B.

20. Public Telephone: At least one public telephone is required for a mobile home or RV park.

21. Dump Stations: Permitted dump stations in RV parks shall meet all applicable Nevada statutes and regulations and city requirements.

22. Fuel Cylinders: No extra or empty fuel cylinders are allowed to be stored on RV sites. Fuel cylinders being used shall comply with the latest edition of NFPA 58 (standard for the storage and handling of liquefied petroleum gases).

23. Other Requirements: Where this code does not address a particular problem, the use of the latest edition of NFPA 501A (manufactured home installations, sites and communities), 501D (recreational vehicle parks and campgrounds) and 501C (fire safety criteria for recreational vehicles) will be used. Wherever 501A, 501D and 501C and this code differ, the requirements which are more stringent shall apply.

E. Additional Requirements for Mobile Home Subdivision Utilizing Small Lots and Homeowners' Associations in RMH-2 or RMH-3 Residential Mobile Home Districts: All mobile home subdivisions shall be subject to issuance of a conditional use permit, following review by the planning commission. Applications and procedures shall be in the manner provided by this title. Additionally, such subdivisions shall comply with Nevada Revised Statutes chapter 278, the subdivision and other applicable ordinances and regulations of the city and any health regulations of the state health department. In addition to all applicable requirements set forth in subsections A through D of this section, all mobile home subdivisions shall be required to conform to the following standards:

1. Development Requirements: Development requirements shall be as follows:

- a. Minimum overall area: Two (2) acres;
- b. Minimum lot area: Four thousand five hundred (4,500) square feet;
- c. Minimum lot width: Forty five feet (45');
- d. Minimum setback from bordering public street line: Fifteen feet (15'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
- e. Minimum setback from internal street: Twelve feet (12'), except that garages and carports shall be set back twenty feet (20') from the front lot line;
- f. Minimum setback from property line: Seven and one-half feet ( $7\frac{1}{2}$ ');
- g. Minimum distance between mobile home sides or side and end: Fifteen feet (15'); between ends: Fifteen feet (15');
- h. Expandable sections of a mobile home or attached accessory building shall be considered a part of the mobile home proper for setback requirements.

2. Street System:

a. All mobile home lots shall be provided with safe and convenient vehicular access from public or private streets. Alignment and gradient of streets shall be properly adapted to topography.

b. All streets shall be paved and drained in a manner approved by the public works department. Streets shall have a designed structural section based on traffic volumes and soil conditions, but in no event shall the asphaltic pavement be less than two inches (2") in thickness, placed on a base material at least six inches (6") thick and approved by the public works department.

c. Access to mobile home subdivisions shall be designed to minimize congestion and traffic hazards and provide for safe movement of traffic at the entrance or exits to adjoining streets.

d. All interior streets shall have a paved section not less than forty feet (40') in width, back of curb to back of curb, and a right of way not less than fifty feet (50').

e. All streets shall be properly signed and lighted. Lighting system is to be approved by the public works department and shall provide a

minimum level of lighting approved by the city engineer.

- f. Adequate provisions for snow removal and snow storage areas shall be provided.
- g. All streets shall have four foot (4') concrete paved sidewalks on both sides of street.

3. General Requirements:

- a. Pavement of Spaces and Driveways: All vehicle parking spaces and driveways shall be paved.
- b. Covering Of Ground Surfaces: Exposed ground surfaces in all other parts of the mobile home subdivision shall be covered with stone, screening or other material or protected with a vegetative growth in a well kept manner, either of which is capable of preventing soil erosion and eliminating objectionable dust.
- c. Refuse and Garbage: Storage, collection and disposal of garbage and refuse shall be in conformance to any applicable Nevada statutes and regulations, and regulations of the city and state health departments<sup>1</sup>.
- d. Fuel Supply and Storage: Installation of liquified petroleum gas or fuel oil containers within a mobile home subdivision shall be in conformance to any applicable Nevada statutes and regulations, and city ordinances, and to the satisfaction of the fire department.
- e. Fire Protection: In every mobile home subdivision there shall be installed, and properly maintained, fire hydrants as required by the fire department.
- f. Fences: Mobile home subdivisions shall be fenced with a screened fence not more than six feet (6') nor less than four feet (4') in height around the entire boundary of the subdivision, subject to waiver in specific cases by the planning commission at its discretion.
- g. Variations: The planning commission, as part of the conditional use permit procedure, may vary the above requirements in its recommendation to the city. (Ord. 771, 3-26-2013; amd. Ord. 860, 5-25-2021)

**3-5-5: STORAGE AND TEMPORARY COMMERCIAL OFFICE USE:**

Trailer, manufactured home, recreational vehicle and mobile home sales lots may have one and only one mobile home, recreational vehicle or manufactured home used for dwelling purposes, properly connected to utilities. An additional mobile home, recreational vehicle or manufactured home used for office quarters properly connected to utilities may be permitted, subject to the granting of a temporary use permit by the planning commission pursuant to subsection 3-2-3C5 of this title. (Ord. 613, 3-9-2004)

**3-5-6: APPLICATION TO EXISTING AREAS:**

- A. Provisions of this chapter shall apply to the expanded or reconstructed area of those mobile home, RV or manufactured home subdivisions, and mobile home and RV parks whose existing area is reconstructed or expanded after the effective date hereof amending this chapter.
- B. This chapter does not apply to existing mobile home subdivisions or mobile home and RV parks, except in the case of when the existing area is expanded or reconstructed, then that portion of the subdivision or park being expanded or reconstructed shall be made to conform to the provisions of this chapter.
- C. Mobile homes not established on any lot or tract of land not permitted by any provision of this code are not governed by this chapter. Only an existing mobile home used for dwelling purposes by the owner of the premises may be removed or replaced without having to conform to the provisions of this chapter. (Ord. 398, 4-24-1990)

**3-5-7: MODIFICATION OF STANDARDS:**

The planning commission, as part of the conditional use permit review pursuant to section 3-2-18 of this title, and where just cause or circumstance warrants, may vary or modify the standards and requirements of this chapter. (Ord. 534, 12-14-1999)

**CHAPTER 6**

**RESERVED**

**CHAPTER 7**

**MOVEMENT OF BUILDINGS**

SECTION:

**3-7-1: Title**

**3-7-2: Consent Required**

**3-7-3: Application And Procedure**

**3-7-4: Public Hearing**

**3-7-5: Exceptions**

**3-7-6: Action On Application**

**3-7-7: Designation Of Route And Time**

**3-7-8: Duties Of Permittee**

**3-7-9: Bond Requirements**

**3-7-1: TITLE:**

This chapter may be cited as *MOVEMENT OF BUILDINGS*. (Ord. 265, 11-28-1978)

**3-7-2: CONSENT REQUIRED:**

It shall be unlawful for any person to move or cause to be moved any building or structure of any kind or description to any lot, piece or parcel of land within the city, or within three (3) miles of any exterior boundary of the city, or over, along or across any highway, street or alley in the city,

unless the consent of the city council for such moving has been obtained prior to the move, except as hereinafter provided in this chapter. (Ord. 265, 11-28-1978)

### **3-7-3: APPLICATION AND PROCEDURE:**

Except as provided in section 3-7-4 of this chapter, any person who owns, has any interest in, possesses or controls any building or structure of any kind or description and who desires or intends to move any such building or structure in, upon, over, along, across or through any public highway, street or alley within the city, or within three (3) miles of any exterior boundary of the city, shall first file a written application with the building inspector requesting the review by and recommendation of the planning commission and consent of the city council to such move and the issuance of a permit pursuant hereto. The application filed with the building inspector shall set forth the following:

- A. Description; Current Location: A description of and the location of the building or structure proposed to be moved, giving street number, if any, construction, materials, dimensions, and condition of exterior, interior, plumbing and wiring;
- B. New Location: The proposed new location of such building or structure;
- C. Route: The route over which it is proposed to move the building or structure, and the proposed date of and the estimated time necessary to complete the move;
- D. Use: The purpose for which the building or structure is to be used in its new location;
- E. Description Of Work: A description of the alteration, repair, remodeling and other type of work that is to be performed upon the building or structure with a specification of the type of exterior finish that will be on the building or structure upon completion;
- F. Cost Estimate: An accurate estimate of the cost of moving such building or structure and completion of the work on the building or structure and the previous and new locations required by this chapter. (Ord. 265, 11-28-1978)

### **3-7-4: PUBLIC HEARING:**

A. Required; Notice: The application shall be presented to the planning commission at its next regular meeting after the filing of the application, and the planning commission shall set the matter for public hearing. The city clerk shall give notice of the time, place and purpose of such hearing by mailing a notice thereof not less than ten (10) days prior to the date of such hearing to each property owner owning property within three hundred feet (300') of the exterior limits of the parcel of property onto which the building or structure is to be moved. For the purposes of this chapter, "property owner" shall mean the taxpayer shown upon the latest assessment rolls of Elko County as being taxable for the property, the address on the assessment roll to be the address used for mailing of notice.

B. Decision Of Planning Commission; Recommendation: The planning commission shall file a written report with the city council that the application be granted as requested, granted subject to specific conditions, or denied. The planning commission recommendation shall be transmitted to the city clerk and a copy mailed to the applicant. Failure by the planning commission to file a report with the city council shall be deemed approval by the planning commission. (Ord. 265, 11-28-1978)

### **3-7-5: EXCEPTIONS:**

If the building or structure to be moved is to be moved more than three (3) miles beyond the city limits; or if said building or structure to be moved was constructed pursuant to a permit issued by the building inspector's office and in conformity with all current building codes of the city within a period of sixty (60) days prior to the date specified for moving; or if said building or structure is a new building constructed or prefabricated outside the city limits which has never been occupied or used for the purpose for which it is designed and which satisfied all applicable requirements of the current building or construction codes of the city; or if said building contains under four hundred (400) square feet of floor space and has not or is not now used for human habitation, then, in any of these events, the detailed application, notices and the public hearing provided for in sections 3-7-3 and 3-7-4 of this chapter shall be dispensed with and an application for a moving permit shall be made directly to the building inspector, which shall set forth sufficient information to establish that the applicant is entitled to a permit without a public hearing. If in the opinion of the building inspector the applicant is entitled to a permit without public hearing pursuant to this section, then, upon payment of a filing fee as set by resolution of the city council, all other costs incurred by the city and the filing of the bond as required by section 3-7-8 of this chapter, the building inspector shall issue a moving permit to the applicant, subject to the terms and provisions of this chapter. (Ord. 290, 8-26-1980)

### **3-7-6: ACTION ON APPLICATION:**

The city council shall, after the presentation of the application, receipt of the planning commission recommendations, the public hearing and the consideration of all statements and materials submitted to it, either grant the application and consent to the move and authorize the issuance of a removal permit, subject to payment of a filing fee as set by resolution of the city council, all costs of publication and mailing, other costs incurred by the city, and the posting of a bond as required by section 3-7-8 of this chapter, or shall deny such application and refuse to consent to the moving and the issuance of a permit therefor. (Ord. 290, 8-26-1980)

### **3-7-7: DESIGNATION OF ROUTE AND TIME:**

If a permit is issued, the building inspector shall designate the streets over which the building or structure may be moved so as to minimize congestion and traffic hazards on public streets and shall set the time within which the same shall be moved. (Ord. 265, 11-28-1978)

### **3-7-8: DUTIES OF PERMITTEE:**

Every permittee under this chapter shall:

- A. Move the building or structure only over the streets designated by the building inspector.
- B. Comply with all building, fire and construction codes, and any zoning ordinances, and all other applicable ordinances and laws upon relocating the building or structure in the city, or within three (3) miles of the exterior boundaries of the city.
- C. Remove all rubbish and materials and fill all excavations to existing grade at the original building site so that the premises is left in a safe and sanitary condition, if the original site is within the city or within three (3) miles of the city limits.
- D. Remove all building material, rubbish and scraps from the new site and fill in the site to existing grade so that the new site is in a safe, sanitary and orderly condition.
- E. Complete the moving of said building or structure, the repair, remodeling and alteration of such building or structure as necessary to bring it into compliance with the requirements of this title, as amended, and all other applicable codes and ordinances relating to buildings and construction within the city, and perform all of the duties of the permittee under the terms of this section within six (6) months from the date of the issuance of the permit hereunder; provided, the city council may, for good cause shown, extend this completion date. (Ord. 265, 11-28-1978)

### **3-7-9: BOND REQUIREMENTS:**

A. Conditions: Prior to the issuance of any removal permit pursuant to this section, the applicant shall file with the city clerk a bond, approved as to form by the city attorney, in the reasonable amount set by the city council at the time of approval of the application in cases acted on by such council or by the building inspector in cases acted on by him pursuant to this section, which bond shall be conditioned:

1. The moving of the building or structure; the necessary repairs, remodeling and alteration of such building or structure as necessary to bring it into compliance with all applicable building and construction codes, fire codes and zoning ordinances of the city; and the removal of all rubbish and materials from both the old and new building locations and the filling of all holes, trenches, and excavations to grade at both the old and new locations of the building; and all other work required of the permittee under this section; and shall be completed within the time set by the city council; and

2. The permittee shall pay for all damages that may accrue to the highway, streets or alleys, curbs, gutters, sidewalks, fire hydrants and water or sewer pipes in the city, or to any property of any person, in the moving of said building or structure; and

3. The permittee will pay all damages and costs and expenses necessary for the removal of, or the changing of, any telephone, telegraph, electric power, television or any other wires used for public convenience or utilities in the city, and all damages for the removal of any poles from the streets, sidewalks or alleys in the city; and

4. The permittee shall pay all other damages, costs or expenses incurred by the city or any person, who in any manner is damaged during the process of moving such building or structure.

B. Right To Sue And Collect: Said bond may be sued upon and collected upon by the city or any person or legal entity in any manner damaged by the moving of such building or structure. (Ord. 265, 11-28-1978)

## CHAPTER 8

### FLOODPLAIN MANAGEMENT

#### SECTION:

#### **3-8-1: Statutory Authorization, Findings Of Facts, Purpose And Methods**

#### **3-8-2: Definitions**

#### **3-8-3: General Provisions**

#### **3-8-4: Administration**

#### **3-8-5: Provisions For Flood Hazard Reduction**

#### **3-8-6: Variance Procedures**

#### **3-8-7: Map Revision/Amendment Procedures**

#### **3-8-1: STATUTORY AUTHORIZATION, FINDINGS OF FACTS, PURPOSE AND METHODS:**

A. Statutory Authorization: The legislature of the state of Nevada in Nevada Revised Statutes 278.020, 244A.057, and 543.020 confers upon local government units authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city council of the city of Elko does hereby adopt the following floodplain management regulations.

#### B. Finding Of Fact:

1. The flood hazard areas of city of Elko are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. These flood losses are caused by structures that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effects of obstructions in areas of special flood hazards, which increase flood heights and velocities, also contribute to flood losses.

C. Statement Of Purpose: It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazards;
6. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
7. Ensure potential buyers are notified of property located in areas of special flood hazards;
8. Ensure those who occupy the areas of special flood hazards assume responsibility for their actions; and
9. Maintain qualifying standards for participation in the national flood insurance program.

#### D. Methods Of Reducing Flood Losses: To accomplish its purposes, this chapter includes methods and provisions to:

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
2. Require that land uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, alluvial fans, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
4. Control filling, grading, dredging, and other development which may increase flood damage; and

5. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 736, 6-14-2011)

### **3-8-2: DEFINITIONS:**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

**ACCESSORY STRUCTURE:** A structure used solely for parking (2 car detached garages or smaller) or limited storage (small, low cost sheds).

**ACCESSORY USE:** A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

**ALLUVIAL FAN:** A geomorphologic feature characterized by a cone or fan shaped deposit of clay, silt, sand, gravel, and boulders that have been eroded from mountain slopes, transported by flood flows, and deposited on the valley floor.

**ALLUVIAL FAN FLOODING:** Flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high velocity flows: active processes of erosion, sediment transport, deposition, and unpredictable flow paths.

**ANCHORING:** A series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces.

**APEX:** The highest point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

**APPEAL:** A request for a review of the local floodplain administrator's interpretation of any provisions of this chapter.

**AREA OF SHALLOW FLOODING:** Designated zones AO and AH on a community's flood insurance rate map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (3') where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**AREA OF SPECIAL FLOOD HAZARD:** See definition of Special Flood Hazard Area (SFHA).

**AREA OF SPECIAL FLOOD RELATED EROSION HAZARD:** The land within a community which is most likely to be subject to severe flood related erosion losses. This area may be designated as zone E on the flood insurance rate map (FIRM).

**AREA OF SPECIAL MUDSLIDE (i.e., MUDFLOW) HAZARD:** The area subject to severe mudslides (i.e., mudflows). This area is designated as zone M on the flood insurance rate map (FIRM).

**BASE FLOOD:** A flood which has a one percent (1%) chance of being equaled or exceeded in any given year. (Also called the "100-year flood".)

**BASE FLOOD ELEVATION:** The height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplain of riverine areas.

**BASEMENT:** Any area of the building having its floor subgrade (below ground level) on all sides. A subgrade crawl space is considered a basement unless it meets the minimum technical requirements defined in FEMA technical bulletin 11-01 (crawl space construction for buildings located in special flood hazard areas, 2001) and the community has adopted the standards of FEMA technical bulletin 11-01.

**BUILDING:** See definition of Structure.

**COMMUNITY:** Any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

**COMMUNITY RATING SYSTEM (CRS):** A program developed by FIA to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

**CONDITIONAL LETTER OF MAP AMENDMENT (CLOMA):** A letter from FEMA stating that a proposed structure that is not to be elevated by fill would not be inundated by the base flood if built as proposed.

**CONDITIONAL LETTER OF MAP REVISION (CLOMR):** Procedures by which contractors, developers and communities can request review and determination by the federal insurance administrator of scientific and technical data for a proposed project, when complete and functioning effectively would modify the elevation of individual structures and parcels of land, stream channels, and floodplains on the FIRM.

**CONDITIONAL LETTER OF MAP REVISION (Based On Fill) (CLOMR-F):** A letter from FEMA stating that a parcel of land or proposed structure that is to be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

**CRITICAL STRUCTURES:** Any structure for which even a slight chance of flooding would reduce or eliminate its designed function of supporting a community in an emergency. Fire stations, hospitals, municipal airports, police stations, communication antennas or towers, eldercare facilities (retirement homes), fuel storage facilities, schools designated as emergency shelters, fresh water and sewage treatment facilities are some examples of critical structures.

**DATE OF CONSTRUCTION:** The date that the building permit was issued provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty (180) days of the permit date.

**DESIGNATED FLOODWAY:** The channel of a stream and the portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

**DEVELOPMENT:** Any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

**DIGITAL FLOOD INSURANCE RATE MAP (DFIRM):** The official map, in digital format, on which the federal emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. The DFIRM is the legal equivalent of the FIRM in communities where a DFIRM is available (see definition of Flood Insurance Rate Map (FIRM)).

**DRY FLOODPROOFING:** A floodproofing method used to design and construct buildings so as to prevent the entrance of floodwaters.

**ELEVATION CERTIFICATE:** The elevation certificate is required in order to properly rate post-FIRM buildings, which are buildings constructed after publication of the flood insurance rate map (FIRM), for flood insurance zones A1-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/A1-A30, AR/AH, and AR/AO. The elevation certificate is not required for pre-FIRM buildings unless the building is being rated under the optional post-FIRM flood insurance rules.



**ENCLOSURE:** That portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls.

**ENCROACHMENT:** The advance or infringement of uses, plant growth, excavation, fill, buildings, permanent structures or development, storage of equipment and materials, or any other physical object placed in the floodplain, that hinders the passage of water or otherwise affects flood flows.

**EROSION:** The process of the gradual wearing away of any landmass. This peril is not per se covered under the program. (See definition of Flood Related Erosion.)

**EXPANSION TO A MANUFACTURED HOME (MOBILE HOME) PARK:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads).

**EXISTING MANUFACTURED HOME (MOBILE HOME) PARK OR SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA):** The federal agency under which the national flood insurance program (NFIP) is administered.

**FEDERAL INSURANCE ADMINISTRATION (FIA):** The government unit, a part of federal emergency management agency (FEMA) that administers the national flood insurance program (NFIP).

**FLASH FLOOD:** A flood that crests in a short period of time and is often characterized by high velocity flows. It is often the result of heavy rainfall in a localized area.

**FLOOD CONTROL:** Keeping floodwaters away from specific developments or populated areas, areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

**FLOOD, FLOODING OR FLOODWATERS:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of floodwaters; the unusual and rapid accumulation or runoff of surface waters from any source and mudslides (i.e., mudflows) and the condition resulting from flood related erosion.

**FLOOD HAZARD BOUNDARY MAP (FHBM):** An official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (i.e., mudflow) related erosion areas having special hazards have been designated as zones A, M, and/or E.

**FLOOD INSURANCE RATE MAP (FIRM):** Official map on which the federal emergency management agency or federal insurance administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community. Includes digital flood insurance rate map (DFIRM) in communities where a DFIRM is available (see definition of Digital Flood Insurance Rate Map (DFIRM)).

**FLOOD INSURANCE RISK ZONE DESIGNATIONS:** The zone designations indicating the magnitude of the flood hazard in specific areas of a community. See definition of Special Flood Hazard Area (SFHA).

**Zone A:** Special flood hazard areas inundated by the 100-year flood; base flood elevations are not determined.

**Zone A1-30 And Zone AE:** Special flood hazard areas inundated by the 100-year flood; base flood elevations are determined.

**Zone AO:** Special flood hazard areas inundated by the 100-year flood; with flood depths of one to three feet (3') (usually sheet flow on sloping terrain); average depths are determined. For areas of alluvial fan flooding, velocities are also determined.

**Zone AH:** Special flood hazard areas inundated by the 100-year flood; flood depths of one to three feet (3') (usually areas of ponding); base flood elevations are determined.

**Zone AR:** Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection.

**Zones AR/A1-30, AR/AE, AR/AH, AR/AO, And AR/A:** Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.

**Zone A99:** Special flood hazard areas inundated by the 100-year flood to be protected from the 100-year flood by a federal flood protection system under construction; no base flood elevations determined.

**Zone B And Zone X (Shaded):** Areas of 500-year flood; areas subject to the 100-year flood with average depths of less than one foot (1') or with contributing drainage area less than one square mile; and areas protected by levees from the base flood.

**Zone C And Zone X (Unshaded):** Areas determined to be outside the 500-year floodplain.

**Zone D:** Areas in which flood hazards are undetermined.

**Zone E:** Area of special flood related erosion hazards.

**Zone M:** Area of special mudslide or mudflow hazards.

**FLOOD INSURANCE STUDY (FIS):** The official report provided by the federal insurance administration that includes flood profiles, the flood insurance rate map, and the water surface elevation of the base flood.

**FLOOD RELATED EROSION:** The collapse or subsidence of land along a stream or wash, the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

**FLOOD RELATED EROSION PRONE AREA:** A land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind driven currents, is likely to suffer flood related erosion damage.

**FLOODPLAIN ADMINISTRATOR:** The community official designated by title to administer and enforce the floodplain management regulations. The floodplain administrator for the city of Elko is defined in subsection 3-8-4A, "Designation Of The Local Floodplain Administrator", of this chapter to be the city engineer or designated staff member.

**FLOODPLAIN AND FLOOD PRONE AREA:** Any land area susceptible to being inundated by waters from any source. (See definition of Flood,

Flooding Or Floodwaters.)

**FLOODPLAIN MANAGEMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works and floodplain management plans, regulations and ordinances.

**FLOODPLAIN MANAGEMENT REGULATIONS:** This chapter, and any federal, state or local regulations plus community zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a grading and erosion control) and other applications of police power which control development in flood prone areas to prevent and reduce flood loss and damage.

**FLOODPROOFING:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents. Refer to FEMA technical bulletins TB-1 (openings in foundation walls and walls of enclosures, 2008), TB-3 (non-residential floodproofing - requirements and certification, 1993), and TB-7 (wet floodproofing requirements, 1993) for guidelines on dry and wet floodproofing.

**FLOODWAY:** The channel of a river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. Also referred to as "regulatory floodway".

**FOOTING:** The enlarged base of a foundation wall, pier, or column, designed to spread the load of the structure so that it does not exceed the soil bearing capacity.

**FOUNDATION:** The underlying structure of a building usually constructed of concrete that supports the foundation walls, piers, or columns.

**FOUNDATION WALLS:** A support structure that connects the foundation to the main portion of the building or superstructure.

**FRAUD/VICTIMIZATION:** Related to variances of this chapter, the variance granted must not cause fraud on or victimization to the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities, and remains a part of the community for fifty (50) to one hundred (100) years. Buildings permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. Additionally future owners may be unaware of the risk potential to the property due to flood damage and the extremely high rates for flood insurance.

**FREEBOARD:** A margin of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**FUNCTIONALLY DEPENDENT USE:** A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only marina facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and boat building and boat repair facilities, but does not include long term storage or related manufacturing facilities.

**GOVERNING BODY:** The local governing unit, county or municipality that is empowered to adopt and implement regulations to provide for public health, safety and general welfare of its citizenry.

**HARDSHIP:** Related to variances of this chapter. The exceptional hardship would result from a failure to grant the requested variance. The city council requires the variance be exceptional, unusual, and pertain only to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

**HIGHEST ADJACENT GRADE:** The highest natural elevation of ground surface prior to construction next to the proposed walls of a structure.

**HISTORIC STRUCTURE:** Any structure that is:

- A. Listed individually in the national register of historic places (a listing maintained by the department of the interior) or preliminarily determined by the secretary of the interior as meeting the requirements for individual listing on the national register;
- B. Certified or preliminarily determined by the secretary of the interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the secretary of the interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the secretary of the interior or directly by the secretary of the interior in states without approved programs.

**HYDRAULICS:** The science that deals with practical applications of water in motion.

**HYDRODYNAMIC LOADS:** Forces imposed on structures by floodwaters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.

**HYDROLOGY:** The science of the behavior of water in the atmosphere, on the earth's surface and underground.

**HYDROSTATIC LOADS:** Forces imposed on a flooded structure due to the weight of the water.

**LETTER OF MAP AMENDMENT (LOMA):** The procedure by which any owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area can submit scientific and technical information to the federal insurance administrator for review to remove the property from said area. The administrator will not consider a LOMA if the information submitted is based on alteration of topography or new hydrologic or hydraulic conditions since the effective date of the FIRM.

**LETTER OF MAP REVISION (Based On Fill) (LOMR-F):** A letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

**LETTER OF MAP REVISION (LOMR):** An official revision to a currently effective FIRM. An LOMR officially changes flood zone, floodplain and floodway designations, flood elevations and planimetric features.

**LEVEE:** A manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**LEEVE SYSTEM:** A flood protection system, which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that the enclosure does not violate applicable nonelevation design requirements.

**MANUFACTURED HOME (MOBILE HOME):** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include "recreational vehicles".

**MANUFACTURED HOME PARK OR SUBDIVISION:** A parcel or contiguous parcels of land divided into two (2) or more manufactured home lots for rent or sale.

**MARKET VALUE:** For the purposes of determining substantial improvement, market value pertains only to the structure in question. It does not pertain to the land, landscaping or detached accessory structures on the property. For determining improvement, the value of the land must always be subtracted.

Market value shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

A. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

B. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

**MOBILE HOME:** Having the same meaning as the definition of Manufactured Home (Mobile Home).

**MUDSLIDE (i.e., MUDFLOW):** A condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the federal insurance administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

**MUDSLIDE PRONE AREA:** An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflows.

**NATIONAL GEODETIC VERTICAL DATUM (NGVD):** As corrected in 1929, is a vertical control used as a reference for establishing various elevations within the floodplain. Flood elevations on flood insurance rate maps published for Nevada communities prior to 2007 were typically referenced to NGVD 29.

**NATURAL GRADE:** The grade unaffected by construction techniques such as fill, landscaping, or berming.

**NEW CONSTRUCTION:** Buildings for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, including any subsequent improvements.

**NEW MANUFACTURED HOME (MOBILE HOME) SUBDIVISION:** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads is completed on or after the effective date of these floodplain management regulations adopted by the city of Elko.

**NONRESIDENTIAL:** Includes, but is not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), poolhouses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six (6) months' duration.

**NORTH AMERICAN VERTICAL DATUM (NAVD):** A vertical control used as a reference for establishing various elevations within the floodplain based upon the general adjustment of the North American datum of 1988. Flood elevations on digital flood insurance rate maps for Nevada communities are referenced to NAVD 88.

**OBSTRUCTION:** Includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**100-YEAR FLOOD:** Having the same meaning as the definition of Base Flood.

**PHYSICAL MAP REVISIONS (PMR):** A reprinted NFIP map incorporating changes to floodplains, floodways, or flood elevations. Because of the time and cost involved to change, reprint, and redistribute an NFIP map, a PMR is usually processed when a revision reflects large scope changes.

**PONDING HAZARD:** A flood hazard that occurs in flat areas when there are depressions in the ground that collect "ponds" of water. The ponding hazard is represented by the zone designation AH on the FIRM.

**POST-FIRM CONSTRUCTION:** Construction or substantial improvement that started on or after the effective date of the initial flood insurance rate map (FIRM) of the community or after December 31, 1974, whichever is later.

**PRE-FIRM CONSTRUCTION:** Construction or substantial improvement which started on or before December 31, 1974, or before the effective date of the initial flood insurance rate map (FIRM) of the community, whichever is later.

**PRINCIPAL RESIDENCE:** A single-family dwelling in which at the time of loss, the named insured or the named insured's spouse has lived for either: a) eighty percent (80%) of the calendar year, or b) eighty percent (80%) of the period of ownership, if less than one year.

**PRINCIPAL STRUCTURE:** A structure used for the principal use of the property as distinguished from an accessory use.

**PROGRAM DEFICIENCY:** A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

**PROPER OPENINGS FOR ENCLOSURES** (Applicable To Zones A, A1-A30, AE, AO, AH, AR, And AR Dual): All enclosures below the lowest floor must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two (2) openings, with positioning on at least two (2) walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided.

**PUBLIC SAFETY/NUISANCE:** Related to variances of this chapter. The granting of a variance must not result in anything which is injurious to safety or health of the entire community or neighborhood, or any number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**RECREATIONAL VEHICLE:** A vehicle built on a single chassis, four hundred (400) square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**RIVERINE:** Relating to, formed by, or resembling a river including tributaries, stream, brook, etc.

**SHEET FLOW AREA:** Having the same meaning as the definition of Area Of Shallow Flooding.

**SPECIAL FLOOD HAZARD AREA (SFHA):** Darkly shaded area on a flood hazard boundary map (FHBM) or a flood insurance rate map (FIRM) that identifies an area that has a one percent (1%) chance of being flooded in any given year (100-year floodplain). Over a thirty (30) year period, the life of most mortgages, there is at least a twenty six percent (26%) chance that this area will be flooded. The FIRM identifies these shaded areas as FIRM zones A, AO, AH, A1-A30, AE, A99, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V, V1-V30, and VE. See definition of Flood Insurance Risk Zone Designations.

**START OF CONSTRUCTION:** Includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**STRUCTURE:** A walled and roofed building that is principally aboveground and includes gas or liquid storage tanks and manufactured homes.

**SUBSTANTIAL DAMAGE:** Includes:

A. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred; or

B. Flood related damages sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty five percent (25%) of the market value of the structure before the damage occurred. This is also known as "repetitive loss".

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

B. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**VARIANCE:** A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

**VIOLATION:** The failure of a structure or other development to be fully compliant with this chapter. A structure or other development in a special flood hazard area, without an elevation certificate, other certifications or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

**WATER SURFACE ELEVATION:** The height, in relation to the North American vertical datum (NAVD) of 1988, or (other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE:** A lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 736, 6-14-2011)

### **3-8-3: GENERAL PROVISIONS:**

A. **Lands To Which This Chapter Applies:** This chapter shall apply to all areas of special flood hazards within the jurisdiction of city of Elko.

B. **Basis For Establishing Areas Of Special Flood Hazard:** The areas of special flood hazard identified by the federal insurance administration (FIA) of the federal emergency management agency (FEMA) in the flood insurance study (FIS) dated November 16, 1995, and accompanying flood insurance rate maps (FIRM) and flood boundary and floodway maps (FBFM), dated November 16, 1995, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. The FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The FIS, FIRMs and FBFMs are on file at the Elko engineering department located at 1755 College Parkway, Elko, NV 89801.

C. **Compliance:** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof, be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein shall prevent the city of Elko from taking such lawful action as is necessary to prevent or remedy any violation.

D. **Abrogation And Greater Restrictions:** This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and other ordinances, easement, covenant, or deed restriction conflict or overlap, whichever imposed the

more stringent restrictions or that imposing the higher standards, shall prevail.

E. Interpretation: The interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning And Disclaimer Of Liability: The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Elko, any officer or employee thereof, the state of Nevada, or the federal insurance administration, federal emergency management agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. Declaration Of Public Nuisance: Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after August 1, 1983, in violation of this chapter is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

H. Abatement Of Violations: Within thirty (30) days of discovery of a violation of this chapter, the floodplain administrator shall submit a report to the city council which shall include all information available to the floodplain administrator which is pertinent to said violation. Within thirty (30) days of receipt of this report, the city council shall either:

1. Take any necessary action to effect the abatement of such violation; or
2. Issue a variance to this chapter in accordance with the provisions of section 3-8-6, "Variance Procedures", of this chapter; or
3. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such information must be provided to the floodplain administrator within thirty (30) days of such order, and he shall submit an amended report to the city council within twenty (20) days. At their next regularly scheduled public meeting, the governing body shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of section 3-8-6, "Variance Procedures", of this chapter.
4. Submit to the administrator of federal insurance administration a declaration for denial of insurance, stating that the property is in violation of a cited statute or local law, regulation or ordinance, pursuant to section 1316 of the national flood insurance act of 1968 as amended.

I. Unlawful Acts:

1. It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the floodplain administrator. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the floodplain administrator.

2. Any person violating the provisions of this section shall be guilty of a class 2 misdemeanor. (Ord. 736, 6-14-2011)

### **3-8-4: ADMINISTRATION:**

A. Designation Of The Local Floodplain Administrator: The Elko city engineer or designated staff member is hereby appointed local floodplain administrator to administer and implement this local ordinance by granting or denying floodplain development permits in accordance with its provisions.

B. Establishment Of Development Permit: A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in the city of Elko for the purpose of protecting its citizens from increased flood hazards and ensuring new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the flood insurance rate map enumerated in subsection 3-8-3B, "Basis For Establishing Areas Of Special Flood Hazard", of this chapter, without a valid floodplain development permit. Applications for a permit shall be made on forms furnished by the local floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

C. Permit Application: The applicant shall provide at least the following information, where applicable. Additional information may be required on the permit application forms.

1. The proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all residential and nonresidential structures whether new or substantially improved to be located in zones A, A1-A30, AE, and AH, if base flood elevations data are available.

2. In zone AO the proposed elevation in relation to mean sea level of the lowest floor (including basement) and the elevation of the highest adjacent grade of all residential and nonresidential structures whether new or substantially improved.

3. The proposed elevation in relation to mean sea level, to which any new or substantially improved nonresidential structure will be floodproofed.

4. A certificate from a licensed professional engineer or architect in the state of Nevada that any utility floodproofing meets the criteria in subsection 3-8-5B, "Standards For Utilities", of this chapter.

5. A certificate from a licensed professional engineer or architect in the state of Nevada that any nonresidential floodproofed structures meet the criteria in subsection 3-8-5A5, "Nonresidential Floodproofing Requirements", of this chapter.

6. When a watercourse will be altered or relocated as a result of the proposed development, the applicant must submit the maps, computations, and other materials required by the federal emergency management agency (FEMA) to process a letter of map revision (LOMR) and pay any fees or other costs assessed by FEMA for processing the revision.

7. A technical analysis, by a professional engineer licensed in the state of Nevada, showing the proposed development located in the special flood hazard area will not cause physical damage to any other property.

8. When there is no base flood elevation data available for zone A from any source, the base flood elevation data will be provided by the permit applicant for all proposed development of subdivisions, manufactured home and recreational vehicle parks in the special flood hazard areas, for all developments of fifty (50) lots or five (5) acres, whichever is less.

D. Duties And Responsibilities Of The Local Floodplain Administrator: Duties and responsibilities of the local floodplain administrator shall include, but not be limited to, the following:

1. Permit Application Review: The floodplain development permit will not be issued by the local floodplain administrator until the following has been accomplished:

- a. Review all applications for completeness, particularly with the requirements of subsection C, "Permit Application", of this section, and for compliance with the provisions and standards of this chapter.
- b. Review all subdivision and other proposed new development, including manufactured home and recreational vehicle parks to determine whether the proposed development site will be reasonably safe from flooding. When the proposed building site is located in the special flood hazard area, all new construction and substantial improvements will meet the applicable standards of subsection 3-8-5A, "Standards Of Construction", of this chapter.
- c. Determine whether any proposed development in the special flood hazard area may result in physical damage to any other property to include stream bank erosion and any increase in velocities or that it does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one-half foot ( $1/2'$ ) at any point. To assist the local floodplain administrator in making this determination, the permit applicant may be required to submit additional technical analyses.
- d. Ensure all other required state and federal permits have been received.
- e. For construction on an existing structure, determine if proposed construction constitutes substantial improvement or repair of a substantially damaged structure.

2. Use Of Other Flood Data:

- a. When the federal emergency management agency has designated special flood hazard areas on the community's flood insurance rate maps (FIRM) but has neither produced water surface elevation data nor identified a floodway, the local floodplain administrator shall attempt to obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data developed pursuant to subsection D6, "Retaining Floodplain Development Documentation", of this section, as criteria for requiring new construction, substantial improvements or other proposed development meets the requirements of this chapter.
- b. When base flood elevations are not available, the local floodplain administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the special flood hazard areas. This information shall be submitted to the city council for adoption.
- c. When base flood elevations are not available from any other source, base flood elevations shall be obtained using one of two (2) methods from the FEMA publication, FEMA 265, "Managing Floodplain Development In Approximate Zone A Areas - A Guide For Obtaining And Developing Base (100-Year) Flood Elevations", dated July 1995.

3. Alteration Of Watercourses: Prior to issuing a permit for any alteration or relocation of watercourse the local floodplain administrator must:

- a. Have processed letter of map revision (LOMR).
- b. Notify all adjacent communities, Nevada's national flood insurance program coordinator, and submittal of evidence of such notification to the federal insurance administration, and the federal emergency management agency.
- c. Determine that the potential permit recipient has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4. Inspections: The local floodplain administrator or designee shall make periodic inspections throughout the period of construction to monitor compliance with the requirements of the floodplain development permit or any variance provisions.

5. Stop Work Orders: The local floodplain administrator shall issue, or cause to be issued, a stop work for any floodplain development found noncompliant with the provisions of this chapter or conditions of the development permit and all development found ongoing without a floodplain development permit. Disregard of a stop work order shall subject the violator to the penalties described in subsection 3-8-3C, "Compliance", of this chapter.

6. Retaining Floodplain Development Documentation: The local floodplain administrator shall obtain and retain for public inspection and have available for the national flood insurance program coordinator or the federal emergency management agency representative conducting a community assistance visit, the following:

- a. Floodplain development permits and certificates of compliance.
- b. Elevation certificates with record of certification required by subsection 3-8-5A4, "Lowest Floor Certification Requirements", of this chapter.
- c. Certifications required by subsection 3-8-5A5, "Nonresidential Floodproofing Requirements", of this chapter.
- d. Elevation certificates with record of certification required by subsection 3-8-5A6, "Requirements For Areas Below The Lowest Floor", of this chapter.
- e. Elevation certificates with record of certification of elevation required by subsection 3-8-5C, "Standards For Subdivisions", of this chapter.
- f. Certification required by subsection 3-8-5G, "Floodways", of this chapter.
- g. Variances issued pursuant to section 3-8-6, "Variance Procedures", of this chapter.
- h. Notices required under subsection D3, "Alteration Of Watercourses", of this section.
- i. Reports required by subsection 3-8-5H, "Mudslide (i.e., Mudflow) Prone Areas", of this chapter.

7. Map Determinations: The local floodplain administrator may make map interpretations where needed, in writing with appropriate documentation, as to the exact location of the boundaries of the areas of special flood hazard and where there appears to be a conflict between a mapped boundary and actual field conditions.

8. Appeals: The city council of the city of Elko shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter.

9. Submission Of New Technical Data To FEMA: When the city of Elko base flood elevations either increase or decrease resulting from physical changes affecting flooding conditions, as soon as practicable, but not later than six (6) months after the date such information becomes

available, the city of Elko will submit the technical or scientific data to FEMA. Such submissions are necessary so that upon confirmation of the physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

10. Nonconversion Of Enclosed Areas Below The Lowest Floor: To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the floodplain administrator shall:

- a. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet (5') or higher;
- b. Enter into a "nonconversion agreement for construction within flood hazard areas" or equivalent with the city of Elko. The agreement shall be recorded with the Elko County recorder as a deed restriction. The nonconversion agreement shall be in a form acceptable to the floodplain administrator and county counsel; and
- c. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least seventy two (72) hours. (Ord. 736, 6-14-2011)

### **3-8-5: PROVISIONS FOR FLOOD HAZARD REDUCTION:**

A. Standards Of Construction: In all areas of special flood hazard the following standards are required:

1. Anchoring:
  - a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
  - b. All manufactured homes shall meet the anchoring standards of subsection E, "Standards For Manufactured Homes", of this section.
2. Construction Materials And Methods: All new construction and substantial improvements shall be constructed:
  - a. With materials and utility equipment resistant to flood damage;
  - b. Using methods and practices that minimize flood damage;
  - c. Ensure electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities are designed or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
  - d. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
3. Elevation Requirements For Lowest Floor: Residential construction, new or substantial improvements, shall have the lowest floor, including basement:
  - a. In zone AO, elevated above the highest adjacent grade to a height two feet (2') above the depth number specified in feet on the FIRM, or elevated at least three feet (3') above the highest adjacent grade if no depth number is specified.
  - b. In zone A, elevated two feet (2') above the base flood elevation, as determined by this community.
  - c. In all other zones, elevated two feet (2') above the base flood elevation.
4. Lowest Floor Certification Requirements: Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the community building inspector to be properly elevated. The certification shall be provided to the floodplain administrator using the current FEMA elevation certificate.
5. Nonresidential Floodproofing Requirements: Nonresidential construction shall either be elevated to conform with subsection A3, "Elevation Requirements For Lowest Floor", of this section or together with attendant utility and sanitary facilities:
  - a. Will be floodproofed below the elevation recommended under subsection A3, "Elevation Requirements For Lowest Floor", of this section so that the structure is watertight with walls substantially impermeable to the passage of water;
  - b. Will have the structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - c. Will be certified by a registered professional engineer or architect that the standards of subsection A3, "Elevation Requirements For Lowest Floor", of this section are satisfied. The certification shall be provided to the floodplain administrator.
6. Requirements For Areas Below The Lowest Floor: All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall follow the guidelines in FEMA technical bulletins TB-1 (openings in foundation walls and walls of enclosures, 2008) and TB-7 (wet floodproofing requirements, 1993) and must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:
  - a. Must have a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - b. The bottom of all such openings will be no higher than one foot (1') above the lowest adjacent finished grade.Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.
7. Crawl Space Construction: This subsection applies to buildings with crawl spaces up to two feet (2') below grade. Below grade crawl space construction in accordance with the requirements listed below will not be considered basements.
  - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet (5') per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
  - b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA technical bulletin TB-1 (openings in foundation walls and walls of enclosures, 2008);

c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;

d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and

e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

f. Requirements for all below grade crawl space construction, in addition to the above requirements, to include the following:

(1) The interior grade of a crawl space below the BFE must not be more than two feet (2') below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of FEMA technical bulletin 11-01 (crawl space construction for buildings located in special flood hazard areas, 2001);

(2) The height of the below grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (4') (shown as L in figure 3 of technical bulletin 11-01, crawl space construction for buildings located in special flood hazard areas, 2001) at any point;

(3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed seventy two (72) hours; and

(4) The velocity of floodwaters at the site should not exceed five feet (5') per second for any crawl space. For velocities in excess of five feet (5') per second, other foundation types should be used.

#### 8. Garages And Low Cost Accessory Structures:

##### a. Attached Garages:

(1) A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwater in accordance with subsection A6, "Requirements For Areas Below The Lowest Floor", of this section. Areas of the garage below the BFE must be constructed with flood resistant material in accordance with subsection A2a of this section.

(2) A garage attached to a nonresidential structure must meet the above requirements or be floodproofed. For guidance on below grade parking areas, see FEMA technical bulletin TB-6 (below- grade parking requirements, 1993).

##### b. Detached Garages And Accessory Structures:

(1) "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage (small, low cost sheds), as defined in section 3-8-2, "Definitions", of this chapter, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:

(A) Use of the accessory structure must be limited to parking or limited storage;

(B) The portions of the accessory structure located below the BFE must be built using flood resistant materials;

(C) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;

(D) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;

(E) The accessory structure must comply with floodplain encroachment provisions in subsection G, "Floodways", of this section; and

(F) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection A6, "Requirements For Areas Below The Lowest Floor", of this section.

(2) Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in subsection A6, "Requirements For Areas Below The Lowest Floor", of this section.

#### B. Standards For Utilities:

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters or discharge from the systems into floodwaters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall.

3. On site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

#### C. Standards For Subdivisions:

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

2. All subdivision plans will provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final lowest floor and pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

6. Additionally all subdivision proposals will demonstrate, by providing a detailed hydrologic and hydraulic analyses that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

#### D. Standards For Critical Structures: Critical structures are not authorized in a special flood hazard area, unless:

1. All alternative locations in flood zone X have been considered and rejected.

2. All alternative locations in flood zone shaded X have been considered and rejected.



If the floodplain manager determines the only practical alternative location for the development of a new or substantially improved critical structure is in a special flood hazard area he must:

1. Give public notice of the decision and reasons for the elimination of all alternative locations.

E. Standards For Manufactured Homes:

1. All manufactured homes that are placed or substantially improved, within zones A, AH, AE, and on the community's flood insurance rate map, on sites located:

- a. Outside of a manufactured home park or subdivision;
- b. In a new manufactured home park or subdivision;
- c. In an expansion to an existing manufactured home park or subdivision; or

d. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as a result of a flood:

(1) Shall be elevated on a permanent foundation so that the lowest floor will be elevated at least two feet (2') above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over the top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of subsection D, "Standards For Critical Structures", of this section will be elevated so that either:

a. The bottom of structural frame or the lowest point of the manufactured home is at least two feet (2') above the base flood elevation; or

b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty six inches (36") in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

3. Within zone A, when no base flood elevation data is available, new and substantially improved manufactured homes shall have the floor elevated at least three feet (3') above the highest adjacent grade.

4. Within zone AO, the floor of all new and substantially improved manufactured homes will be elevated above the highest adjacent grade at least two feet (2') above the depth number specified on the FIRM, or at least three feet (3') above the highest adjacent grade if no depth number is specified.

F. Standards For Recreational Vehicles: All recreational vehicles placed on sites within the floodplain on the community's flood insurance rate map will either:

1. Be on the site for fewer than one hundred eighty (180) consecutive days;

2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

3. Will meet the permit requirements of subsection 3-8-4C, "Permit Application", of this chapter and the elevation and anchoring requirements for manufactured homes in subsection E, "Standards For Manufactured Homes", of this section.

G. Floodways: Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. If a floodway has not been designated within the special flood hazard areas established in subsection 3-8-3B, "Basis For Establishing Areas Of Special Flood Hazard", of this chapter, no new construction, substantial improvement, or other development (including fill) shall be permitted within zones A1-30 and AE, unless it has been demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot (1') at any point within the community.

2. In designated floodways located within the special flood hazard areas established in subsection 3-8-3B, "Basis For Establishing Areas Of Special Flood Hazard", of this chapter encroachment shall be prohibited, including fill, new construction, substantial improvements, storage of equipment or supplies, and any other development within the adopted regulatory floodway; unless it has been demonstrated through hydrologic and hydraulic analyses, performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge, and the federal emergency management agency has issued a conditional letter of map revision (CLOMR).

3. If subsections G1 and G2 of this section have been satisfied; all proposed new development and substantial improvements will comply with all other applicable flood hazard reduction provisions of this section.

H. Mudslide (i.e., Mudflow) Prone Areas:

1. All permit applications will be reviewed by the floodplain administrator to determine if the proposed development will be located within a mudslide area.

2. The reviewing process will determine if the proposed site and improvements will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to, the following:

- a. Type and quality of soils.
- b. Evidence of groundwater or surface water problems.
- c. Depth and quality of any fill.
- d. The overall slope of the site.
- e. The weight that any proposed structure will impose on the slope.

3. When a proposed development is located in an area that may have mudslide hazards, the following will be the minimum requirements:

- a. A site investigation and further review be made by persons qualified in geology and soils engineering.
  - b. The proposed grading, excavations, new construction, and substantial improvements are adequately designed and protected against mudslide damages.
  - c. The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on site or off site disturbances.
  - d. Drainage, planting, watering, and maintenance be such as not to endanger slope stability.
4. When a proposed development is determined to be within a mudslide hazard area, the following requirements will include, but not be limited to:
- a. Adopting and enforcing a grading ordinance in accordance with data supplied by the federal emergency management agency.
  - b. Regulate the location of foundation systems and utility systems of new construction and substantial improvements.
  - c. Regulate the location, drainage and maintenance of all excavations, cuts and fills and planted slopes.
  - d. Provide special requirements for protective measures including, but not necessarily limited to, retaining walls, buttress fills, subdrains, diverted terraces, and benching.
  - e. Require engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering and geology reports.

I. Flood Related Erosion Prone Areas:

- 1. All permit applications will be reviewed by the floodplain administrator to determine if the proposed development will be located within a special flood related erosion hazard area.
- 2. The reviewing process will determine if the proposed site alterations and improvements will be reasonably safe from flood related erosion and will not cause flood related erosion hazards or otherwise aggravate the existing flood related erosion hazard.
- 3. When the proposed development is found to be in the path of flood related erosion or to increase the erosion hazard, require the improvement to be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.
- 4. When it has been determined the proposed development is in a special flood related erosion hazard, as delineated zone E on the community FIRM, require:
  - a. A setback for all new development from the lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated according to the flood related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open spaces purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

J. Alluvial Fan Advisory:

- 1. Alluvial fans present a unique flood hazard environment where the combination of sediment, slope, and topography create an ultra hazardous condition for which elevation on fill will not provide reliable protection. Active alluvial fan flooding is characterized by flow path uncertainty combined with abrupt deposition and erosion. As a result, any area of an alluvial fan may be subject to intense flood hazards.

The technology of mathematically modeling the hydrodynamics of water and debris flows for alluvial fans is still in the early development stage. The federal emergency management agency (FEMA) has formulated a mapping procedure for the purpose of defining the likelihood of flood hazards on inundated alluvial fan zones to be used for flood insurance purposes and general floodplain regulation, referred to as the FEMA alluvial fan methodology.

An active alluvial fan flooding hazard is indicated by three (3) related criteria:

- a. Flow path uncertainty below the hydrographic apex;
- b. Abrupt deposition and ensuing erosion of sediment as a stream or debris flow loses its competence to carry material eroded from a steeper, upstream source area; and
- c. An environment where the combination of sediment availability, slope, and topography creates an ultra hazardous condition for which elevation on fill will not reliably mitigate the risk.

Inactive alluvial fan flooding is similar to traditional riverine flood hazards, but occurs only on alluvial fans. It is characterized by flow paths with a higher degree of certainty in realistic assessments of flood risk or in the reliable mitigation of the hazard. Counter to active alluvial fan flooding hazards, an inactive alluvial fan flooding hazard is characterized by relatively stable flow paths. However, areas of inactive alluvial fan flooding, as with active alluvial fan flooding, may be subject to sediment deposition and erosion, but to a degree that does not cause flow path instability and uncertainty.

An alluvial fan may exhibit both active alluvial fan flooding and inactive alluvial fan flooding hazards. The hazards may vary spatially or vary at the same location, contingent on the level of flow discharge. Spatially, for example, upstream inactive portions of the alluvial fan may distribute flood flow to active areas at the distal part of the alluvial fan. Hazards may vary at the same location, for example, with a flow path that may be stable for lower flows, but become unstable at higher flows.

More detailed information can be found at FEMA's website: "Guidelines For Determining Flood Hazards On Alluvial Fans" at <http://www.fema.gov/>.

- 2. The NFIP does not allow for the removal of land from the floodplain based on the placement of fill (LOMR-F) in alluvial fan flood hazard areas. The NFIP will credit a major structural flood control project, through the LOMR process, that will effectively eliminate alluvial fan flood hazards from the protected area. Details about map revisions for alluvial fan areas can be found in the code of federal regulations at title 44, part 65.13. (Ord. 736, 6-14-2011)

### 3-8-6: VARIANCE PROCEDURES:

A. Nature Of Variances: The variance criteria set forth in this section are based on the general principal of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to

the structure, its inhabitants, or the property owners.

It is the duty of the city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

If, upon review, the administrator of FEMA determines that community practices indicate a pattern of issuing variances that is inconsistent with the objectives of sound floodplain management, the community may be suspended from the national flood insurance program.

**B. Appeal Board:**

1. In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

- a. The danger of materials being swept onto other lands and injuring others;
- b. The danger to life and property due to flooding or erosion damage;
- c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
- d. The importance of the services provided by the proposed facility to the community;
- e. The necessity to the facility of a waterfront location, where applicable;
- f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
- g. The compatibility of the proposed use with existing and anticipated development;
- h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- i. The safety of access to the property in time of flood for ordinary and emergency vehicles;
- j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;
- k. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

2. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

- a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage;
- b. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Elko County recorder and shall be recorded in a manner so that it appears as an exception on the title of the affected parcel of land.

3. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the federal insurance administration, federal emergency management agency.

**C. Conditions For Variances:**

1. Generally, variances may be issued for new construction, substantial improvements, and other proposed new development to be erected on a lot of one-half ( $\frac{1}{2}$ ) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of sections 3-8-4, "Administration", and 3-8-5, "Provisions For Flood Hazard Reduction", of this chapter have been fully considered. As the lot size increases beyond one-half ( $\frac{1}{2}$ ) acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of "historic structures", as defined in section 3-8-2, "Definitions", of this chapter, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposed, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.

5. Variances shall only be issued upon a:

- a. Showing of good and sufficient cause such as renovation, rehabilitation, or reconstruction. Variances issued for economic considerations, aesthetics, or because variances have been used in the past are not good and sufficient cause.
- b. A determination that failure to grant the variance would result in exceptional "hardship", as defined in section 3-8-2, "Definitions", of this chapter, to the applicant.
- c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, as defined in section 3-8-2 of this chapter, cause fraud or victimization, as defined in section 3-8-2 of this chapter, of the public, or conflict with existing local laws or ordinances.

6. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of subsections C1 through C5 of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

7. Upon consideration of all the factors of subsection B, "Appeal Board", of this section and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

8. The city council shall maintain the records of all appeal actions and report any variance to the federal emergency management agency upon request.

9. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 736, 6-14-2011)

### **3-8-7: MAP REVISION/AMENDMENT PROCEDURES:**

A. Letters Of Map Revision/Amendment: National flood insurance program regulations provide procedures to remove property from the 100-year floodplain or from a special flood hazard area. Amendments and revisions to community flood insurance rate maps cannot adversely impact the floodplain or floodway delineations of the level of the 100-year flood.

There are several procedures provided whereby the federal insurance administrator will review information from the community, an owner, or a lessee of property where it is believed the property should not be included in a special flood hazard area.

Submissions to FEMA for revisions to effective flood insurance studies (FISs) by individual and community requesters will require the signing of application/certification forms. These forms will provide FEMA with assurance that all pertinent data relating to the revision is included in the submittal. They will also assure that: 1) the data and methodology are based on current conditions; 2) qualified professionals have assembled data and performed all necessary computations; and 3) all individuals and organizations impacted by proposed changes are aware of the changes and will have an opportunity to comment on them. FEMA procedures permit the following types of request:

A request for a revision to the effective FIS information (FIRM, FBFM, and/or FIS report) is usually a request that FEMA replace the effective floodplain boundaries, flood profiles, floodway boundaries, etc., with those determined by the requester. Before FEMA will replace the effective FIS information with the revised, the requester must: 1) provide all of the data used in determining the revised floodplain boundaries, flood profiles, floodway boundaries, etc.; 2) provide all data necessary to demonstrate that the physical modifications to the floodplain have been adequately designed to withstand the impacts of the one percent (1%) annual chance flood event and will be adequately maintained; 3) demonstrate that the revised information (e.g., hydrologic and hydraulic analyses and the resulting floodplain and floodway boundaries) are consistent with the effective FIS information.

Requests for amendments or revisions to FEMA maps must be reviewed and submitted to FEMA by the city council of the city of Elko with the applicant for a map amendment or revision required to prepare all the supporting information and appropriate FEMA forms.

The scientific or technical information to be submitted with these requests may include, but is not limited to, the following:

1. An actual copy of the recorded plat map bearing the seal of the appropriate recordation official, county clerk or recorder of deeds, indicating the official recordation and proper citation, deed or plat book volume and page number, or an equivalent identification where annotation of the deed or plat book is not the practice.

2. A topographical map showing:

- a. Ground elevation contours in relation to the NGVD (national geodetic vertical datum).
- b. The total area of the property in question.
- c. The location of the structure or structures located on the property in question.
- d. The elevation of the lowest adjacent grade to a structure or structures.

e. An indication of the curvilinear line which represents the area subject to inundation by a base flood. The curvilinear line should be based upon information provided by an appropriate authoritative source, such as a federal agency, department of water resources, a county water control district, a county or city engineer or designated staff member, a federal emergency management agency flood insurance study, or a determination by a registered professional engineer.

3. A copy of the FHBM or FIRM indicating the location of the property in question.

4. A certification by a registered professional engineer or licensed land surveyor that the lowest grade adjacent to the structure is above the base flood elevation.

5. The completion of the appropriate forms in the federal emergency management agency's packets, amendments and revisions to national flood insurance program maps (MT-1 FEMA form 81-87 series and MT-2 FEMA form 81-89 series). (Ord. 736, 6-14-2011)

## **CHAPTER 9**

### **SIGN REGULATIONS**

SECTION:

**3-9-1: Title**

**3-9-2: Adoption Of International Building Code, Appendix H**

**3-9-3: Purpose**

**3-9-4: Definitions**

**3-9-5: General Provisions**

**3-9-6: Exempted Signs**

**3-9-7: Permitted Freestanding Signs**

**3-9-8: Temporary Signs**

**3-9-9: Off Premises And On Premises Signs**

### **3-9-10: Abandoned Signs**

### **3-9-11: Modification Of Standards**

### **3-9-12: Illumination**

### **3-9-13: Administration And Enforcement**

#### **3-9-1: TITLE:**

This chapter shall be known and may be cited as the *CITY OF ELKO SIGN ORDINANCE*. (Ord. 608, 10-28-2003)

#### **3-9-2: ADOPTION OF INTERNATIONAL BUILDING CODE, APPENDIX H:**

There is hereby adopted for the purpose of prescribing regulations governing signs, that certain code known as the international building code, appendix H, entitled "Signs", recommended by the International Code Council, Inc., being particularly the latest edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, such to become effective upon the effective date hereof. One copy of the latest edition being adopted shall be approved by the city council and placed on file in the office of the city clerk. From the date on which such filed edition of said code shall take effect, the provisions thereof shall be controlling within the limits of the city. The code is hereby adopted as the rules and regulations for the governing of signs. In the event any of the provisions of the latest edition of the international building code, appendix H, conflict with any of the provisions of this chapter, the provisions of this chapter shall govern and be controlling. (Ord. 639, 9-13-2005)

#### **3-9-3: PURPOSE:**

It is the intent of this chapter to promote and protect the health, safety and welfare of the citizens of the city by establishing standards to ensure the placement of safe, effective signage throughout the city. Specific regulations and standards are intended to address the following:

- A. To ensure that signs erected within the city are constructed of safe, durable materials and secured in a manner adequate to withstand physical stresses.
- B. To protect and enhance property values and create an attractive economic and business climate.
- C. To protect and enhance the physical beauty and appearance of the community.
- D. To reduce sign or advertising distractions and obstructions that may adversely affect or conflict with traffic control signs, signals and other traffic control devices.
- E. To reduce visual clutter along streets and roadways thus providing each sign user an opportunity for effective identification and advertising by addressing the quantity, height and area of freestanding signs on all sites. (Ord. 608, 10-28-2003)

#### **3-9-4: DEFINITIONS:**

**ABANDONED SIGN:** A sign which no longer identifies or advertises a bona fide business, service, product or activity and which has been operationally discontinued for a period of two (2) years.

**BLANKETING:** The partial or complete shutting off of the face of one sign by another sign.

**DIRECTIONAL SIGN:** A sign designed for the purpose of guiding and directing pedestrians or vehicular traffic to a specific site.

**FREESTANDING SIGN:** A sign supported permanently upon the ground by footings, poles, pylons and not attached to any building.

**OFF PREMISE SIGN:** A sign which advertises a business, activity, use, product or service and is located off the property providing the business, activity, use, product or service.

**ON PREMISE SIGN:** A sign which advertises a business, activity, use, product or service and is located on the same property providing the business, activity, use, product or service.

**PORTABLE SIGN:** A sign not permanently affixed to the ground or to a building or structure that is designed easily to be moved from place to place.

**SIGN:** Any commercial communication device intended to attract attention to and advertise a business, service, activity or product. Such definition includes any letters, figures, symbols, trademarks or other copy meant to aid in such advertisement.

**TEMPORARY SIGN:** A sign (including a portable sign), pendant, valance or advertising display constructed of cloth, canvas or other light material (with or without frames), intended to be displayed for a limited period of time only. (Ord. 608, 10-28-2003)

#### **3-9-5: GENERAL PROVISIONS:**

A. Permit Required; Application: No sign shall hereafter be erected, reerected, constructed, reconstructed or altered without first having obtained a sign permit from the city building department. Application for a sign permit shall be made upon forms provided by the city and shall be accompanied by such information as may be required to ensure conformance with regulations contained within this chapter.

B. Placement Restrictions:

1. No sign shall be placed within any utility, access or drainage easement.
2. No permanent sign or sign foundation shall be placed within any public street right of way without first having obtained approval of a revocable permit to occupy the right of way from the city council, or authorized city personnel.
3. No sign shall be erected or placed that shall impede the safe movement of vehicles and/or pedestrians, or obstruct any signs for traffic control, direction to public facilities, or for regulatory notice, warning or other public purposes. No sign shall obstruct the view of a fire hydrant.
4. No signs shall be attached to any public utility poles or structures, nor traffic control devices, posts or signs.

C. Airport Restrictions: All sign heights and locations shall be subject to Elko regional airport airspace restrictions as set forth by part 77 of the federal aviation regulations. (Ord. 608, 10-28-2003)

#### **3-9-6: EXEMPTED SIGNS:**

The provisions of this chapter shall apply to all signs erected in the city, except for the following, which shall be exempt from conformance with provisions contained within this chapter:

- A. Construction signs having an area not in excess of forty eight (48) square feet, provided such signs are erected no more than sixty (60) days prior to construction, are confined to the site of construction, and are removed not more than thirty (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. 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 thirty two (32) square feet of area, shall not be illuminated and shall be set back at least ten feet (10') 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. (Ord. 608, 10-28-2003)

### **3-9-7: PERMITTED FREESTANDING SIGNS:**

- A. Specified: Each property, lot or parcel of record within any commercial or industrial zoning district of the city is permitted the following:
  - 1. One freestanding sign on each street frontage, except that a gasoline service station may have one additional trade name or pricing sign if the premises has only one street frontage and except that an automotive dealership may have one sign for each new car dealership. Frontage along a freeway or interstate highway is not considered street frontage.
  - 2. Directional or instructional signs which do not advertise a business, other than the business logo but which identify restrooms, public telephones, walkways or signs providing direction, such as parking lot entrances and exit signs and those of a similar nature. Directional signs are limited to one sign per driveway approach and shall not exceed an area of six (6) square feet.
  - 3. Off premise signs shall observe a minimum separation distance of six hundred feet (600').
- B. Sign Height:
  - 1. The maximum height of a freestanding sign shall be twenty five feet (25') if located on property abutting a street right of way having a twenty five (25) mile per hour or less speed limit.
  - 2. The maximum height of a freestanding sign shall be thirty five feet (35') if located on property abutting a street right of way having a speed limit greater than twenty five (25) miles per hour.
  - 3. The maximum height of a freestanding sign shall be forty five feet (45') if located on property within one hundred feet (100') of the Interstate Route 80 right of way.
- C. Sign Area:
  - 1. The maximum area of a freestanding sign shall be two (2) square feet of sign area for every one linear foot of building frontage facing the adjacent street.
  - 2. The maximum sign area of a freestanding sign proposed on vacant, undeveloped land shall be one square foot for every one foot (1') of property frontage along the adjacent street.
- D. Nonpermitted Freestanding Signs: Freestanding signs, other than exempted signs and signs authorized as part of an approval of a conditional use permit for a medical office use, professional office use, multi-family residential use or similar conditional use, are not permitted in any residential zoning district. (Ord. 608, 10-28-2003)

### **3-9-8: TEMPORARY SIGNS:**

- A. Permitted; Requirements: Temporary signs may be placed in any commercial or industrial zoning district of the city, subject to the following requirements and other applicable provisions stated in this chapter:
  - 1. Each lot or parcel of record may have two (2) temporary signs, each sign not to exceed sixteen (16) square feet in size, or one temporary sign, not to exceed thirty two (32) square feet in size.
  - 2. No temporary sign shall obstruct or impair the use of the public sidewalk by pedestrians or impair the use of public or private streets or driveways, traffic control signs, bus stops, fire hydrants, or any other type of street furniture, or otherwise create a hazard, including a tripping hazard.
  - 3. A temporary sign shall be designed to be stable under all weather conditions, including high winds.
  - 4. A temporary sign may be internally illuminated.
  - 5. A temporary sign shall be placed only with the consent of the property owner.
  - 6. A temporary sign may be placed for a period of time of up to sixty (60) days at which time the sign shall be removed or replaced.
  - 7. No temporary sign shall be placed without first having obtained a sign permit or sign clearance from the city planning or building department.
  - 8. No temporary signs shall be placed within the public street right of way except for areas improved with sidewalk or landscaping, provided the sign is set back a minimum of three feet (3') from the curb face of the roadway and a minimum unobstructed sidewalk area five feet (5') in width is maintained for pedestrian use, and provided the temporary sign is removed from the sidewalk at dusk.
- B. Placement In Residential Districts Prohibited: Temporary signs, other than exempted signs, are not permitted in any residential zoning district. (Ord. 608, 10-28-2003)

### **3-9-9: OFF PREMISES AND ON PREMISES SIGNS:**

Off premises and on premises signs are permitted in any commercial or industrial zoning district in accordance with the provisions of this chapter, but are not permitted in any residential zoning district. (Ord. 608, 10-28-2003)

### **3-9-10: ABANDONED SIGNS:**

All abandoned signs and abandoned sign support structures shall be removed by the property owner or owner of the premises within three (3) months after abandonment. (Ord. 608, 10-28-2003)

### **3-9-11: MODIFICATION OF STANDARDS:**

In any zoning district, the planning commission, upon demonstration of just cause, may modify any or all of the provisions contained within this chapter under the variance procedures contained within section 3-2-22 of this title. Additionally, the planning commission may include the following criteria when evaluating and considering a modification of sign regulations contained within this chapter:

- A. Blanketing of the proposed sign by other signs or structures in the area.
- B. Multiple businesses on the same property or multiple tenants within the same building.

C. Topographic features, such as grade differential between the subject property and the adjacent roadway. (Ord. 608, 10-28-2003)

**3-9-12: ILLUMINATION:**

All signs shall be designed and installed to direct and shield light away from any residential district and adjacent streets, in accordance with section 3-2-3 of this title. Techniques, such as use of opaque sign backgrounds, may be required to control illumination spillover and meet this objective. (Ord. 608, 10-28-2003)

**3-9-13: ADMINISTRATION AND ENFORCEMENT:**

A. The administration and enforcement of this chapter shall be the responsibility of the city building and planning departments.

B. This chapter is not intended to conflict with or supersede other sections of the city code pertaining to the installation of signs. In the event of a conflict, the most stringent provision shall prevail. (Ord. 608, 10-28-2003)