

Title 17
ZONING^{1,2}

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: NRS §§ 278.250 _ 278.260.

Footnote 2: The current zoning map is available for examination in the county clerk's office.

Chapter 17.02
GENERAL PROVISIONS

17.02.010: PURPOSE:

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17.02.010: PURPOSE:

To promote the public health, safety, morals, convenience, general welfare; to lessen traffic congestion in the streets; to provide light and air for all buildings; to avoid undesirable concentrations of population; to prevent overcrowding of land and to facilitate adequate provisions of transportation, water, sewage, schools, parks and other public requirements; and to provide the economic and social advantages gained from a comprehensively planned use of land resources, there is established a natural resources and land use plan in conjunction with the approved master plan and zoning laws regarding the communities and rural areas of Mineral County. The term "Land Use Plan" used within this code shall include but not be limited to Master Plan and Zoning Plan.

17.02.020: INTENT; APPLICATION:

In interpretation and application, the provisions of this title shall be held to be minimum provisions only for the promotion of the health, safety, morals, convenience, property and general welfare of the public. It is not intended that this title repeal or in any way interfere with existing law or ordinances, regulations or permits other than those relating to land use and the construction and use of structures.

17.02.030: INTERPRETATION:

When this title imposes a greater restriction upon the use of land, or upon height, bulk, location or use of buildings than is required by existing provisions of law or by private covenant or other restrictions, the provisions of this title shall prevail; private covenants or deed restrictions which impose more restrictive conditions than contained in this title are not superseded by this title.

17.02.040: CITATION:

This title to be known as the land use regulations of the county of Mineral, and the land use map of said county are made a part. The term land use plan used in this code shall include but not be limited to include the master plan and the zoning plan of the county of Mineral pursuant to the provisions of Nevada Revised Statutes chapter 278 as they may be hereafter amended or supplemented.

17.02.050: APPLICABILITY:

The provisions of this title governing the use of land, buildings, and structure, the size of yards, height and bulk of buildings, density of population and other provisions are in effect upon all land within the boundaries of each and every zoning district herein established except all lands within any federal reservation boundary.

17.02.060: CLASSIFICATIONS:

The following shall prevail:

- A. Lesser Restrictive Uses: The express enumeration in this title of a particular class of building or use in any district shall be determined a prohibition of such building or use in all other districts unless so specified.
- B. Uses Not Specifically Included: Uses not specifically included in any zoning district and not specifically excluded there from by this title, may be included in that district as determined by the planning commission if such uses are similar to and not more obnoxious to uses specifically included or if such uses are accessory to uses which are specifically included. The planning commission may reclassify a use when such reclassification does not violate the intent of this title and provided the commission publishes a newspaper notification and holds at least one public hearing thereon.

17.02.070: BUILDINGS UNDER CONSTRUCTION:

Any building for which a lawful permit has been issued which is in conflict with this title, or any amendment hereto, and on which substantial work has been performed before the effective date hereof, or any amendment thereto, may be continued and completed in accordance with the plans and specifications upon which basis the permit was issued.

17.02.080: LOT DIVIDED INTO SEPARATE OWNERSHIP:

Where a lot is divided into separate ownerships and the area of either portion is such that the number and location of buildings thereon no longer conform to the lot area requirements of the particular district, then in the determination of the permissive number and location of buildings on either portion, both parts shall be considered as one parcel only.

17.02.100: KEEPING ANIMALS AND PETS; RAISING AGRICULTURAL PRODUCTS:

Nothing contained in this title shall be construed to prevent the keeping of animals and pets, raising of any bush, tree, berry or truck crop and sale of such crops from premises in residential zones, provided no permanent stores or stands are constructed for same.

17.02.110: RECREATIONAL VEHICLE

No recreational vehicle shall be used for permanent living quarters on any property unless allowed by a conditional use permit other than a recreational vehicle or mobile home park, as defined in **NRS 482.1005**

17.02.120: ABANDONED RIGHTS OF WAY/OR EASEMENTS:

A process defined in detail in Nevada Revised Statutes (NRS) chapter 278.479 through 278.4965 inclusive.

Chapter 17.04 DEFINITIONS

17.04.010: CONSTRUCTION; INTERPRETATION:

17.04.020: DEFINITIONS; GENERALLY:

17.04.010: CONSTRUCTION; INTERPRETATION:

Certain words and phrases are defined, and certain provisions shall be construed as set out in this chapter unless it is apparent from the context that they have a different meaning. All words used in the present tense include the future; all words in the singular include the plural; "building" includes the structure; "shall" is mandatory; "person" includes a firm, association, corporation, partnership, and natural person; "used" includes arranged, designed or intended to be used; "construct" includes erect, reconstruct, alter, move in and move upon.

17.04.020: DEFINITIONS; GENERALLY:

The definitions shall apply as set forth in this chapter.

ACCESS: A near, clear, and unobstructed usable approach of not less than ten feet (10') in width to a legally dedicated public way.

ADMINISTRATOR: The planning director, consultant, or other agent of the planning commission as duly appointed thereby; acting in a capacity of administrator.

ALLEY: A public thoroughfare or way twenty feet (20') or less wide, and/or a secondary means of access to abutting property.

APARTMENT HOUSE: The same as multiple-dwelling (see definition of Dwelling).

AUTO SERVICE STATION: An area used exclusively for retail sales of automotive fuels or oils, having storage tanks and pumps located thereon and including minor repairs and washing, retail sales and food service, but not including body repairs or battery rebuilding.

BILLBOARD: An outdoor advertisement making a material or service known, such advertisement being remote from point of sale of such material or service.

BOARDING HOUSE, ROOMING HOUSE, BED AND BREAKFAST: A building or portion thereof (not a motel) where, for compensation, meals and/or lodging are provided for more than three (3) guests.

BUILDING: Any structure having a roof supported by columns or walls and used for the enclosure of persons, animals or chattels, but not including a trailer or mobile home.

BUILDING, ACCESSORY: A subordinate building, the use of which is incidental to that of the main building, or a potential main building.

BUILDING HEIGHT: Vertical distance from the average level of the highest and lowest points of that portion of the lot covered by the building to the ceiling line of the topmost floor.

BUILDING, MAIN: A building devoted to the principal use of the lot upon which it is situated.

BUILDING SETBACK: The distance between the property line and the nearest portion of a building foundation on the property.

CHILDCARE FACILITY: As defined by NRS 432A.024

CLUB: A nonprofit association of persons organized, not including a group organized for some common purpose, but solely or primarily to render a service which is usually a commercial enterprise.

COMMISSIONS AND PUBLIC OFFICIALS: “County”, “county commissioners”, “county clerk”, “district attorney”, “building inspector or department” and “planning commission”, mean the county, county commissioners, district attorney, building inspector or department and planning commission of, or empowered to act for, the county of Mineral, Nevada.

DWELLING: Any building or portion thereof, used exclusively for residential purposes but shall not include hotels, clubs, boarding houses or rooming houses, fraternity or sorority houses, institutions.

LIVING RESIDENTIAL DWELLING UNIT: A building or portion of a building, planned, designed or used as a residence for one family only, living independently of other families or persons, and having its own bathroom, kitchen and housekeeping facilities included in the unit.

FAMILY: One person living alone, or two (2) or more persons related by blood, marriage, or legal adoption, or a group not exceeding four (4) as a single housekeeping unit.

GAMING: Any legally constituted gambling enterprise authorized under the Nevada state Law and operated incidental to the conduct of a licensed retail business.

GAMING ENTERPRISE DISTRICT: An area that has been approved by a county, city or town as suitable for operating and establishment that has been issued a nonrestrictive gaming license.

GARAGE, PRIVATE: A space intended for or used by the private automobiles of family’s resident upon the lot.

GARAGE, PUBLIC: A building for the care, repair, storage or hire of motor vehicles.

HOME OCCUPATION: A use customarily carried on by the dwelling occupant and incidental to the primary residential purpose, providing the residential character of the property is not changed.

HOTEL OR RESORT HOTEL: A building occupied by guests as a temporary residence of individuals, lodged with or without meals and where there are generally no provisions for cooking in an individual unit.

JUNKYARD: Any space used for storage, abandonment or sale of junk, scrap material or similar waste, including dismantling, demolition or abandonment of automobiles, other vehicles, machinery or parts.

KITCHEN: A room used for cooking or the preparation of food.

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

LOT: A distinct part or parcel of land divided with the intent to transfer ownership or for building purposes and which abuts upon a means of legal access.

FRONT LOT LINE: The narrowest lot dimensions fronting a street.

LOT DEPTH: The distance between the front and rear lot lines measured in the mean direction of the side lines.

WIDTH OF LOT: The distance between the side lot lines measured at right angles to the lot depth at a point midway between the front and rear lot line.

MASTER PLAN: The most current Mineral County Master Plan, adopted by the Mineral County Board of Commissioners pursuant to NRS 278.230.

MODULAR MANUFACTURED HOMES: A “single-family” dwelling is a “manufactured home”; provided, however, it meets the following criteria:

- A. That it is built on a permanent chassis.
- B. Designed to be used with or without a permanent foundation as a dwelling when connected to utilities.
- C. Transportable in one or more sections.
- D. Eight feet or more in body width or forty (40) feet or more in body length when transported or, when erected on-site, contains 320 square feet or more.
- E. The term includes plumbing, heating, and electrical systems of the structure.
- F. That every manufactured home manufactured after June 15, 1976, which is sold or offered for sale in this State must bear a label of compliance issued by the United States Department of Housing and Urban Development.

That every manufactured home, mobile home and commercial coach which is reconstructed in this State must be certified by the Division or by a licensed engineer that it is reconstructed in compliance with the standards or their equivalent applicable at the time of original manufacture.

MOTEL: Two (2) or more accommodations for sleeping within a building used mainly by transients with an individual, private on-site parking area attached or accessible to each unit.

PARCEL OF LAND: Any unit or contiguous units of land in the possession of or recorded as the property of one person.

PARKING SPACE: A permanently maintained space on a lot or parcel, suitable for the parking of one automobile, not less than eighteen feet (18') long by eight and one-half feet (8^{1/2}') wide.

RECREATIONAL VEHICLE: Recreational vehicle means a vehicular-type unit primarily designed as temporary living quarters for travel, recreational or camping use, which may be self-propelled, mounted upon, or drawn by, a motor vehicle.

RECREATIONAL VEHICLE (PARK): Any lot or parcel used for parking of two (2) or more trailers used for housekeeping, sleeping or living purposes according to NRS 482.1005

REQUIRED AREA: The minimum area of a lot or parcel necessary to permit its use under the provisions of this chapter and means, for the purposes of this chapter:

- A. Any lot shown as part of a subdivision recorded as a final plat in the manner provided by law; or
- B. Any land separated as a lot or parcel prior to adoption and effective date of original Mineral County land use ordinance, or adoption of additional zoning districts, if the area and use comply with all other regulations pertaining to district in which located.
- C. Any lot or parcel of land which has an area not less than that required in the respective land use district.

REQUIRED WIDTH:

- A. The average width of a lot which is shown as part of a subdivision recorded as a final map; or

B. An average width as may be required in respective zones as herein set forth.

C. The average width of a parcel of land which is not part of a recorded subdivision; provided, that the person having right of possession of the parcel neither owns nor has right of possession of any contiguous parcel of property; and further provided, that the deed or contract of sale by which such property was defined is dated prior to the effective date hereof.

ROOM: An un-subdivided portion of interior of dwelling, excluding bathrooms, kitchen closets, hallways and porches.

SCHOOL: An institution of learning, public or private, which offers instruction in several branches of learning required to be taught in public schools of the state of Nevada.

SIDEWALK: That portion of a street adjacent to the right of way line, usually paved, for pedestrian movement.

SIGN: An outdoor advertisement making a material or service known, and located at the place of sale.

STREET: A public thoroughfare twenty feet (20') or more in width which affords a primary means of access to abutting property.

STRUCTURE: Any construction except a fence, tent, trailer (mobile home) or vehicle, including signs, but not fences or walls used as fences.

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

THOW: A tiny house on wheels, for the purposes of these guidelines, is a structure which is intended as a full-time residence or year-round rental property and meets the following conditions:

A. Built on a trailer that is registered with the builders local DMV.

B. Towable by a bumper hitch, frame towing hitch, or fifth-wheel connection. Cannot move and was not designed to be moved under its own power.

C. Is no more than 8'6" wide, 30' long, and 13'6" high.

D. Has at least seventy (70) square feet of first floor interior living space, and no more than 255 square feet. (excludes any lofts)

E. Includes basic functional areas that support daily routines (such as cooking, sleeping and toiletry).

F. Meets or exceeds the minimum standards for construction as specified in MC Ord #

TRAILER: NRS 482.125 "Trailer" means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

YARDS: An open space on the same lot or parcel within the building, extending from the building footprint to the nearest lot line, to be unoccupied and unobstructed except as provided in this definition.

FRONT YARD: A yard lying between the foundation of the building and the front lot line and extending across the full width of the lot or parcel.

REAR YEAR: A yard between the building and the rear lot line and extending across the full width of the lot or parcel.

SIDE YARD: A yard lying between the side lot line and the building and extending from the front yard line to the rear yard line.

ZONING MAP OR MAPS: The most current Mineral County zoning map or maps, adopted by the Mineral County Board of Commissioners pursuant to NRS 278.250.

Chapter 17.06 DISTRICTS

17.06.010: ZONING DISTRICTS ESTABLISHED:

17.06.020: ADOPTION OF ZONING MAP:

17.06.030: DETERMINATION OF ZONE DISTRICTS:

17.06.040: INTERPRETATION OF ZONE DISTRICT BOUNDARIES:

17.06.050: VACATED RIGHTS OF WAY:

17.06.060: ANNOTATING ZONE DISTRICT BOUNDARY CHANGES:

17.06.010: Zoning Districts Established:

In order to classify, regulate, restrict and segregate the use of lands; the location, use, bulk, height of structures; and to carry out the purposes of this title, zoning districts are established as follows:

AGRICULTURAL DISTRICTS:

- A-1 First agricultural
- A-2 Second agricultural

RESIDENTIAL DISTRICTS:

- R-1 Single-family
- R-2 Limited multiple residence
- R-3 Multiple-family residence
- T-Mobile Home overlay residential

NC-R NEIGHBORHOOD COMMERCIAL/ RURAL DISTRICT

RR RURAL RANCHETTE DISTRICT

NONRESIDENTIAL DISTRICTS:

- C-1 Commercial
- CD-1 Commercial
- M1- Industrial
- DI- Design Industrial M-3 Open use
- P-Public

17.06.020: ADOPTION OF ZONING MAP:

The several Districts and boundaries thereof are established and adopted as shown on that document entitled Zoning Map and updated from time to time as required to compensate for individual amendments. Said Map when approved pursuant to NRS 278.260 reflects an attempt to comply with the County's Master Plan with respect to uses allowed in a specific area. Strict conformity with the Master Plan is not required, however a goal. Ref: NRS 278.250

17.06.030: DETERMINATION OF ZONE DISTRICTS:

In the creation of this Title and inclusion of the Zoning Map(s) the County has given due and careful consideration to the suitability of each zone district for the regulations applied thereto. The location and extent of each district and the comprehensive grouping and arrangement of the various uses and densities of

population in accordance with a well-considered plan for the development of Mineral County and its desirable relationship to adjoining jurisdictions.

17.06.040: INTERPRETATION OF ZONING DISTRICT BOUNDARIES:

Where uncertainty exists as to the boundaries of Zoning Districts, as shown, the following shall apply:

A. Boundaries are intended to parallel street lines or to follow lot or property lines as they exist at the time of passage hereof or amendments hereto unless specifically shown otherwise. Where a zone boundary line divides a lot in single ownership, the regulations of the least restrictive portion of such lot shall prevail for an extension of not more than fifty feet (50') into the most restrictive portion.

B. In the event of further uncertainty, the planning commission shall interpret intent as to the boundary location.

17.06.050: VACATED RIGHTS OF WAY:

In the event a dedicated street or alley is hereafter abandoned, the regulations applicable to abutting properties shall apply to that portion of such right of way vacated.

17.06.060: ANNOTATING ZONE DISTRICT BOUNDARY CHANGES:

Any change to the adopted Zoning Map(s) requires the same procedure as in the creation of the Zoning Map in the first instance. A request is made for a Change of Land Use (zoning) and all notifications, hearings and publications, pursuant to NRS 278.260 shall be complied with. If the individual request for a change of zoning is found not to reflect the land use as assigned in that area by the adopted Master Plan, an additional application for a Master Plan Amendment must precede the change of zoning request.

**Chapter 17.08
GENERAL DISTRICT PROVISIONS**

17.08.010: APPLICATION:

17.08.020: ACCESSORY BUILDINGS:

17.08.030: BUILDING HEIGHT:

17.08.040: AREA REGULATIONS:

17.08.050: YARD REQUIREMENTS:

17.08.060: OFF STREET PARKING:

17.08.010: APPLICATION:

The following provisions as set forth in this chapter shall apply where applicable to each zone category.

17.08.020: ACCESSORY BUILDINGS:

A. It is unlawful to construct, erect or locate in any residence or agricultural district private garages or other accessory buildings without a permissive main building, except that a temporary building may be constructed and occupied as a legal use pending the construction of a permanent use, providing that no permit shall be issued for such temporary structure to a permissive accessory use upon completion of the main structure, said conversion shall occur upon completion of one year from the date of issuance of the original permit.

B. A detached accessory building, not exceeding fifteen feet (15') in height, may occupy not more than one-half ($\frac{1}{2}$) of the total area of the rear yard providing no such accessory building shall be nearer than five feet (5')

to the rear and side property line nor closer than is provided herein to main buildings on the same or adjacent lots.

- C. Accessory Buildings: A detached accessory or additional main building shall be located not closer than ten feet (10') to any other building on the same or adjoining lot except as otherwise provided.
- D. An accessory building may be connected to the main building by a breezeway or other structure, in which case it is considered attached and full yards as might otherwise be required will apply.

17.08.030: BUILDING HEIGHT:

- A. Requirements of this title shall not apply to parapet walls extending four feet (4') or less above the limiting height of the building on which they rest, or to bulkheads, elevator towers, one story penthouses, water tanks or similar structures; provided, that the aggregate floor area of such structures is not greater than one-half ($\frac{1}{2}$) of the total roof area.
- B. Requirements of this title shall not apply to church spires, belfries, cupolas, domes, chimneys, flues, or flagpoles, or to water towers, radio towers, and the like, except where they may be deemed a hazard.

17.08.040: AREA REGULATIONS:

- A. No lot or parcel shall be so reduced in area as to be less in any dimension than is required by the requirements applicable to the zone district in which such lot is located.
- B. No portion of any lot or parcel of land which is part of the required area for an existing building shall be used as a part of the required area of any other lot or parcel or proposed building. When a portion of any lot or parcel is sold or transferred to and the area of that portion or the portion remaining no longer conforms to the required areas as defined in the Zone District in which such lot or parcel is located, the portion sold or transferred and the portion remaining shall be considered as one parcel only in determining the permissible number of and location of buildings allowed to be placed on both parcels.

17.08.050: YARD REQUIREMENTS:

- A. Required Yard Space Is Exclusive: No required yard or open space around an existing building or any building erected after the adoption of this title shall be considered a yard or open space for any such building on an adjoining lot or parcel.
- B. Fence/Wall; Height, Location: Walls or fences not over six feet (6') in height may be erected on lot lines except in required front yard area. Walls or fences not over four feet (4') in height may be built anywhere on the lot, except as provided in subsection D2 of this section.
- C. Outdoor Lighting: Any lighting facilities shall be so installed as to reflect away from adjoining properties.
- D. Front Yards:
 1. On through lots, either end lot line may be considered the front line, in which case the minimum rear yard shall be not less than the required front yard in the district in which such lot is located.
 2. There shall be no planting, fences, shrubbery, or other obstructions to vision between two (2) and eight feet (8') above curb level within twenty-five feet (25') of the intersection of any two (2) property lines of any corner lot.
 3. On a corner lot, the area facing a street running in a northerly and southerly direction and lettered alphabetically shall be considered a front yard and subject to full setback requirements.

E. Side Yards: Projecting outside stairs, porches or landing places, if unenclosed, may extend into a required side yard for a distance of not to exceed four feet (4').

F. Rear Yards:

1. Rear yards shall not be less than twenty feet (20') unless otherwise specified.

2. A projecting outside stair, porch or landing place, if unenclosed, may extend into a rear yard for a distance of not to exceed four feet (4').

17.08.060: OFF STREET PARKING:

A. Off street parking requirements in residential districts shall be as follows:

1. One off street parking space for each single-family unit, including trailers and duplexes.

2. One and one-half (1^{1/2}) parking spaces for each dwelling unit, in each multiple arrangement.

3. One parking space for each two (2) rooms or suites in a rooming house or guest house.

4. One space for each four hundred (400) square feet of gross floor area for any non-residence use permitted in any residence district.

5. One space for each five (5) seating capacity; or

6. Other ratio to be determined by the planning commission unless otherwise specified.

7. Combination of uses permitted shall provide off street parking space in ratio to the combined uses.

B. Off street parking may be provided in required front or side or rear yard areas in any residential zone.

C. Existing off-street parking facilities shall not be reduced or eliminated to an amount less than that required for new buildings.

D. When off street parking facilities are located adjacent to a public right of way, the width of the right of way may be assumed to be a portion of the maneuvering space.

E. All off street parking facilities shall comply to recognized standards and dimensions of layout commensurate with individual design limitations.

**Chapter 17.10
A-1 FIRST AGRICULTURAL DISTRICT**

17.10.010: PERMITTED USES:

17.10.020: REQUIRED AREA AND WIDTH:

17.10.030: DENSITY:

17.10.040: YARDS:

17.10.010: PERMITTED USES:

Uses permitted in an A-1 first agricultural district, on a lot or parcel of land having the required area and required width, shall be:

A. Buildings, corrals, coops, pens, stables, or structures used in conjunction with farming; provided, that they be located not closer than one hundred feet (100') to any street or highway, or to any public park or school, or to any land classified in a residential district.

B. Buildings for the sale and display of products grown or raised on the premises, provided no such buildings are situated closer than fifty feet (50') to any property classified in a residential district, or closer than thirty feet (30') to any street or highway.

C. Farms for the raising or growing and marketing on a commercial scale of poultry, livestock, crops, but not including commercial slaughtering.

D. Highway and public utility maintenance camps, mining (but not including extraction and/or processing of rock, sand, gravel, asphalt and like earth products including top soil stripping), subject to the issuance of a special use permit as provided in chapter 17.36 of this title.

E. "Home occupations" as herein defined.

F. Hunting and fishing and skiing lodges, golf courses, wild life refuges, game farms and public campgrounds (but not including recreational vehicle parks).

G. Recreational and educational uses and buildings, dude or guest ranches, churches, temples or other structures used exclusively for religious worship; tennis, golf, civic or country clubs, cemeteries, sanitariums, etc., providing:

1. A total area size of not less than three (3) acres,
2. Off street parking of at least one space per three hundred (300) square feet of total floor area, plus one space for each five (5) seating capacity,
3. A buffer strip of at least one hundred feet (100') adjacent to all contiguous land,
4. Individual units do not have kitchen facilities or equipment suitable for such use,
5. Issuance of a variance by the board.

H. Single-family dwellings of a permanent nature, and accessory buildings and uses thereto including dwelling quarters for guests and/or servants, providing same have no separate kitchen facilities or equipment suitable for such use.

I. Utility and public uses; provided, that they be located not closer than one hundred feet (100') to any land classified in a residential district; watershed protection, water storage reservoirs, pipelines, transmission lines and substations, irrigation canals and ditches.

17.10.020: REQUIRED AREA AND WIDTH:

Area and width requirements are one-acre minimum area and one-hundred twenty feet (120') average width for each dwelling.

17.10.030: DENSITY:

There may be one or more one-family dwellings on any lot or parcel having an area in excess of one acre, provided there is not less than one acre for each such dwelling and that such structures be not less than forty feet (40') apart.

17.10.040: YARDS:

Except as provided in section 17.08.050 of this title, yards shall be:

- A. Front: Equal to the building line setback as set forth in chapter 17.28 of this title, but in no event less than thirty feet (30');
- B. Side: Ten percent (10%) of the average width of the lot or parcel, but in no event less than ten feet (10');
- C. Rear: Not less than forty feet (40').

Chapter 17.11
A-2 SECOND AGRICULTURAL DISTRICT

17.11.010: PERMITTED USES:

17.11.020: REQUIRED AREA:

17.11.030: PROHIBITED USES:

17.11.040: DISTRICT USE ENFORCEMENT:

17.11.010: PERMITTED USES:

Uses permitted in an A-2 second agricultural district, on a lot or parcel having the required area and required width, shall be:

- A. Fences, which are intended as enclosures for any animal, shall be securely constructed, shall be adequate for the purpose, shall be kept in good repair and shall not be allowed to become unsightly.
- B. Stables, shelters, barns, corrals, pens or other buildings wherein domesticated farm animals are kept which shall be constructed of such material and maintained in such a manner that they can be kept secure, clean and sanitary at all times.
- C. Any new construction, modifications or additions to those structures and facilities referred to in this section shall require a building permit issued by the building inspector.

17.11.020: REQUIRED AREA:

The minimum lot or parcel area for A-2 second agricultural district shall be four thousand five hundred (4,500) square feet.

17.11.030: PROHIBITED USES:

Prohibited uses in an A-2 second agricultural district shall be:

- A. Any residential use.
- B. Any use or storage of materials that constitute a fire hazard.
- C. Storage of materials, trailers and equipment unrelated to the keeping of domesticated farm animals, such as firewood, trash, rubbish, mobile homes, cars, trailers or other material having no purpose for the caring and keeping of farm animals.

Uses which create an "animal nuisance." An "animal nuisance" is created when an animal:

- A. Runs uncontrolled.
- B. Molests or disturbs persons by chasing or attacking.

- C. Attacks other animals.
- D. Damages property other than that of the owner or harborer.
- E. Whines, howls, brays, cries or makes other noises excessively.
- F. Creates noxious or offensive odors.
- G. Becomes an insect breeding and/or attraction site due to an accumulation of excreta.

17.11.040: DISTRICT USE ENFORCEMENT:

The A-2 district is provided for the basic care and keep of animals not customarily permitted in a residential zone district.

A. Registration: Each lot or parcel shall be posted with a clear and visual number as assigned by the Hawthorne Utilities Department; and each owner, lessee or occupant shall register with the county fire department, the lot or parcel numbers, their name, address, mailing address and telephone number, within five (5) days of their purchase, lease or occupancy of any lot or parcel in an A-2 second agricultural district.

B. Order To Remove Nuisance Animal: Any person found guilty of permitting a nuisance to exist as defined in section 17.11.030 of this chapter shall pay all costs and charges incurred by the county to abate the nuisance and may be ordered to remove such animal permanently from the lot and parcel within twenty four (24) hours of such order to prevent and abate the continuation of the nuisance.

C. Nuisance; Injunction: Any violation of this chapter is hereby declared to be a nuisance. In addition to any other relief provided by this chapter, the district attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction or permanent injunction.

D. Penalty: Violation of any of the provisions of this chapter is a misdemeanor and failure to do any act required to be done by the provisions of this chapter is a misdemeanor.

**Chapter 17.12
R-1 SINGLE-FAMILY DISTRICT**

17.12.010: PERMITTED USES:

17.12.020: REQUIRED AREA AND WIDTH:

17.12.030: DENSITY:

17.12.040: YARDS:

17.12.010: PERMITTED USES:

Uses permitted in an R-1 single-family district, on a lot or parcel having the required area and required width, shall be:

- A. Childcare facilities as defined by NRS 432A.024
- B. Detached single-family dwellings of a permanent nature, including, but not limited to, modular or manufactured homes (no trailers or THOW).
- C. Public parks, recreational areas, churches, public utilities, service centers, public and religious schools, subject to the issuance of a special use permit by the board.

D. Recreational vehicles used as extended living quarters is permissible under conditional use permit. **(17.35)**

D. Accessory uses customarily incident to the above uses when located on the same lot or parcel, including a private garage with capacity of not more than three (3) automobiles.

17.12.020: REQUIRED AREA AND WIDTH:

Area and width requirements are five thousand (5,000) square feet minimum area and fifty feet (50') average width for each dwelling. All corner lots shall have an average width of fifty feet (50') and/or a minimum size of not less than four thousand five hundred (4,500) square feet.

17.12.030: DENSITY:

There may be one or more one-family dwellings on any lot or parcel having an area in excess of four thousand five hundred (4,500) square feet, provided there is not less than four thousand five hundred (4,500) square feet for each such dwelling unit and that such structures be not less than twenty feet (20') apart.

17.12.040: YARDS:

Except as provided in section 17.08.050 of this title, yards shall be:

- A. Front: Equal to the building setback line as set forth in chapter 17.28 of this title, but in no event, less than fifteen feet (15');
- B. Side: Not less than five feet (5');
- C. Rear: With respect to future construction, not less than ten feet (10');
- D. Rear: With respect to additions to existing dwellings or accessory structures in conjunction with an existing dwelling, not less than three feet (3'), if lot is served in the rear with a dedicated alley.

**Chapter 17.14
R-2 LIMITED MULTIPLE RESIDENCE DISTRICT**

17.14.010: PERMITTED USES:

17.14.020: PARKING:

17.14.030: REQUIRED AREA AND WIDTH:

17.14.040: YARDS:

17.14.050: ADVERTISING:

17.14.060: HEIGHT:

17.14.010: PERMITTED USES:

Uses permitted in an R-2 limited multiple residence districts, on a lot or parcel having the required area and required width, shall be:

- A. All uses permitted in the R-1 district.
- B. Educational and philanthropic institutions, museums and libraries.
- C. Home occupations (as defined in section 17.04.020 of this title).

D. Multiple-family dwellings provided not more than one unit shall be allowed for every one thousand (1,000) square feet of lot area, with not more than four (4) units combined into a single structure; not to include trailer courts.

E. Private clubs and lodges, fraternity and sorority houses, hospitals, institutions and rest homes, boarding houses and rooming houses, homes for children and aged.

F. Accessory uses customarily incident to the uses listed in this section.

17.14.020: PARKING:

For parking regulations, see section 17.08.060 of this title.

17.14.030: REQUIRED AREA AND WIDTH:

Except as otherwise provided, each lot or parcel shall have a minimum of four thousand five hundred (4,500) square feet of lot area with a minimum average width of fifty feet (50'). The minimum lot area per dwelling unit or suite shall be one thousand (1,000) square feet, and the maximum number of units and/or suites allowed on any one lot or parcel shall be determined by dividing the total lot area by one thousand (1,000).

17.14.040: YARDS:

Except as provided in section 17.08.050 of this title, yards shall be:

A. Front: Equal to the building setback line as set forth, but in no event, less than ten feet (10');

B. Side: Not less than five feet (5');

C. Rear: With respect to future construction, not less than ten feet (10');

D. Rear: With respect to additions to existing dwellings or accessory structures in conjunction with an existing dwelling, not less than three feet (3'), if lot is served in the rear with a dedicated alley. (MC Ord. 99A 16, 1985; MC Ord. 19A Art 8 C, 1965)

17.14.060: HEIGHT:

The height limitation shall be two (2) stories, not exceeding thirty-five feet (35')

**Chapter 17.15
R-3 MULTIPLE-FAMILY RESIDENCE DISTRICT**

17.15.010: PERMITTED USES:

17.15.020: USES BY SPECIAL USE PERMIT:

17.15.030: PARKING:

17.15.040: YARDS:

17.15.050: ADVERTISING:

17.15.060: HEIGHT:

17.15.010: PERMITTED USES:

The following uses are permitted by right on a lot or parcel having an area of not less than four thousand five hundred (4,500) square feet, with a minimum average width of fifty feet (50'):

A. All uses permitted in the R-1 district.

B. All uses permitted in the R-2 district.

C. Additional single-family dwellings; providing there is not less than four thousand five hundred (4,500) square feet of lot area respectively for each such additional dwelling and that they are separated pursuant to the uniform building code.

D. Public parks and playgrounds.

17.15.020: USES BY SPECIAL USE PERMIT:

The following uses are subject to this chapter and to chapter 17.36 of this title:
Churches, hospitals, institutions and rest homes.

Education and philanthropic institutions, museums and libraries, galleries and similar such uses.

Mobile home parks, recreational vehicle parks in compliance with chapter 8.04 of this code.

Multiple-family dwelling, provided not more than one unit shall be erected for each one thousand one hundred twenty five (1,125) square feet of lot or parcel area.

Private clubs and lodges.

17.15.030: PARKING:

For parking regulations, see chapter 17.08 of this title.

17.15.040: YARDS:

Except as provided in section 17.08.050 of this title, yards shall be:

A. Front: Equal to the building setback line as set forth, but in no event, less than ten feet (10');

B. Side: Not less than five feet (5');

C. Rear: With respect to future construction, not less than ten feet (10');

D. Rear: With respect to additions to existing dwellings or accessory structures in conjunction with an existing dwelling, not less than three feet (3') if lot is served in the rear with a dedicated alley.

17.15.050: ADVERTISING:

Advertising regulations are one lighted or unlighted identification sign (but not neon or other gaseous media) of not more than six (6) square feet in area, attached to the face of the building.

17.15.060: HEIGHT:

The height limitation shall be three (3) stories, not exceeding forty-five feet (45')

**Chapter 17.16
T MOBILE HOME OVERLAY RESIDENTIAL DISTRICT**

17.16.010: PERMITTED USES:

17.16.020: ACCESSORY BUILDINGS:

17.16.030: REQUIRED AREA AND WIDTH:

17.16.040: YARDS:

17.16.010: PERMITTED USES

Uses permitted in a T Mobile Home overlay residential district, on a lot or parcel having the required area and required width, shall be:

All uses permitted in the zone underlying the T overlay indication.

One single-family mobile home or THOW used as a permanent living accommodation, subject to the provisions of the underlying zone.

Mobile Home Parks subject to:

- A. Not more than twelve (12) units per acre.
- B. On parcels of not less than one-half ($1/2$) acre in size.
- C. Issuance of a special use permit.
- D. Full compliance with County and State Mobile Home Park Standards.

17.16.020: ACCESSORY BUILDINGS:

Accessory building regulations shall be the same as underlying zone regulations.

17.16.030: REQUIRED AREA AND WIDTH:

Each individual unit (except in a mobile home park) shall have a minimum lot area and width as indicated in the underlying zone classification.

17.16.040: YARDS:

Yard regulations shall be the same as the underlying zone regulations.

**Chapter 17.17
NC-R NEIGHBORHOOD COMMERCIAL/ RURAL DISTRICT**

- 17.17.010 PURPOSE**
- 17.17.020 PERMITTED USES**
- 17.17.030 ACCESSORY USES**
- 17.17.040 CONDITIONAL USES**
- 17.17.050 PROHIBITED USES**
- 17.17.060 HEIGHT REGULATIONS**
- 17.17.070 AREA AND YARD REQUIREMENTS**
- 17.17.080 ADDITIONAL REQUIREMENTS**

17.17.010 PURPOSE

The purpose of the NC-R neighborhood commercial/ rural district is to provide locations for convenience shopping facilities for rural residences within existing and /or proposed development area, where an analysis of residential population demonstrates that such facilities are required.

17.17.020 PERMITTED USES

The following are permitted uses in the NC-R neighborhood commercial/ rural/ district:

- A. Food stores
- B. Hardware Stores
- C. Restaurants
- D. Bars
- E. Motels
- F. Residences

17.17.030 ACCESSORY USES

Accessory uses and buildings customarily appurtenant to a permitted use are allowed in the neighborhood commercial/ rural district.

17.17.040 CONDITIONAL USES

The following are conditional uses in the NC-R neighborhood commercial/ rural district:

- A. Banks and/ or other financial institutions.
- B. Public and quasi-public buildings such as but not limited to the following: churches, libraries, schools and post offices.
- C. Service stations
- D. Social halls and nonprofit clubs
- E. Public use events
- F. Home occupations.
- G. Self-service storage facilities.

17.17.050 PROHIBITED USES

The following are prohibited uses in the NC-R neighborhood commercial/ rural district:

Commercial uses not addressed as permitted uses under this chapter sec 17.17.020 PERMITTED USES

All industrial uses.

17.17.060 HEIGHT REGULATIONS

In the NC-R neighborhood commercial/ rural district, no building shall exceed thirty-five feet (35') in height

17.17.070 AREA AND YARD REQUIREMENTS

The following are the area and yard requirements for the NC-R neighborhood commercial/ rural district:

A. Lot area:

1. One acre including public streets and alleys or other public rights of way, lands or any portion thereof abutting on, running through or within a building site is required for the installation of an individual sewage disposal system on a lot served by a well.

2. For a lot that is a part of a tentative map that is approved before January 1, 2000, a minimum acre of ¼ acre, including public streets or alleys or other public rights of way, lands or any portions thereof abutting on, running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.
3. For a lot that is part of a tentative map that is approved on or after January 1, 2000, a minimum area of ½ acre including public streets or alleys or other public rights of way, lands or any portions thereof abutting on, or running through or within a building site, is required for the installation of an individual sewage disposal system on a lot served by a community water supply.

B. Yard requirements.

4. Front yard, ten feet (10') in depth
5. Side yard, five feet (5') in depth
6. Rear yard, ten feet (10') in depth

17.17.080 ADDITIONAL REQUIREMENTS

The following additional requirements apply in the NC-R neighborhood commercial/ rural district.

- A. All uses, and development proposed for a lot in excess on one (1) acre require a site plan and a site plan review by the planning commission.
- B. All off street parking requirements and regulations shall be as defined in current codes and ordinances.

CHAPTER 17.19 RR Rural Ranchette District

Sections:

- 17.19.010 Purpose**
- 17.19.020 Permitted Uses**
- 17.19.030 Accessory Uses**
- 17.19.040 Conditional Uses**
- 17.19.050 Prohibited Uses**
- 17.19.060 Height Regulations**
- 17.19.070 Area and Yard Requirements**
- 17.19.080 Additional Requirements**

17.19.010 Purpose

- A. The purpose of the RR Rural Ranchette district is to provide for low density areas for single family dwellings. Such a low-density district is particularly intended to permit a reduction in streets, public utilities, and related public services not possible in higher density residential areas. Included are those areas which may be but not necessarily vulnerable to the encroachment of higher residential densities and urban services. The RR Rural Ranchette district is to be applied to those areas of the county which will allow a ranch like lifestyle for pleasure, but not as a main source of income. This zoning district is to be a rural residential area which allows for livestock.
- B. The density range allowed within the RR zoning districts is as follows:
 1. RR-5, with a lot area of five (5) acres.

2. RR-2.5, with a lot area of two-and-one half (1 ½) acres.
3. RR-1.25 with a lot area of one- and –one-quarter (1 ¼) acres.
4. RR-20, With a lot area of greater than five (5) acres.

17.19.020 Permitted Uses

The following are permitted uses in the RR Rural Ranchette district.

- A. Single-family dwellings (maximum one per unit lot)
- B. Day care facilities per [NRS 432A.024](#)
- C. Raising and growing (for personal use) field crops, livestock, poultry and rabbits.
- D. Sale of home grown seasonal excess crops and livestock.
- E. Manufactured homes.

17.19.030 Accessory Uses

The following are accessory uses in the RR Rural Ranchette district:

- A. Private garages
- B. Livestock stables, corrals, and/or pens'
- C. Other accessory uses and buildings customarily appurtenant to a permitted use.

17.19.040 Conditional Uses

The following are conditional uses in the RR Rural Ranchette district:

- A. Home occupations.
- B. Guest house without kitchen facilities
- C. Temporary sales offices'
- D. Country clubs, tennis clubs, golf courses, driving ranges, for commercial purposes.
- E. Public and semi-public buildings such as, but not limited to, the following.
 1. Churches and schools
 2. Public use events
 3. Boarding kennels, not to exceed ten animals.
 4. Animal hospitals and veterinarian offices.
 5. Sale and display of products grown or raised on the premises.
 6. Conditional small-scale farming or ranching
 7. Recreational vehicles as permanent dwelling units.

17.19.050 Prohibited Uses

The following are prohibited uses in the RR Rural Ranchette district unless a special use permit is issued.

- A. Multiple family dwellings
- B. Commercial uses not addressed as permitted uses under section 17.18.11 or 17.17.13
- C. Industrial uses
- D. Mining, milling, and processing of minerals.
- E. Extraction and/ or processing of rock, sand, and gravel.
- F. Mining camps and/ or construction camps.
- G. Skeet, trap or gun clubs
- H. Hunting and fishing preserves
- I. Dude ranches.
- J. Cemeteries
- K. Airport.
- L. Facilities for the processing of livestock food or food products.
- M. Welding shops.

- N. Vehicular repair shops.
- O. Agricultural or domestic well drilling operations
- P. Recreational vehicles as permanent dwelling units.

17.19.060 Height Regulations

In the RR, Rural Ranchette district, no main building or accessory building shall exceed three stories or thirty-five feet (35') in height.

17.19.070 Area and Yard Requirements

The following sets out the yard requirements for the RR Rural Ranchette district:

17.19.080 Additional Requirements

The following additional requirements apply in the Rural Ranchette district

- A. The minimum distance between a structure used for human habitation and a structure housing livestock shall be not less than forty feet.
- B. There shall be a minimum of not less than twenty feet between a main dwelling and a guest house.

**Chapter 17.18
NONRESIDENTIAL DISTRICTS; GENERAL PROVISIONS**

17.18.010: APPLICATION

17.18.020: RESIDENCES

17.18.030: SIDE AND REAR YARDS

17.18.040 CONTROL OF NUISANCES

17.18.050 OPEN STORAGE

17.18.060 FIRE HAZARDS

17.18.070 PARKING REQUIREMENTS

17.18.080: PARKING CRITERIA

17.18.090: DEVELOPMENT AND MAINTENANCE OF PARKING AREAS

17.18.100: LOADING SPACE REQUIREMENTS

17.18.010 APPLICATION:

The provisions set forth in this chapter shall apply, where applicable, to each non-residence zone category.

17.020 RESIDENCES

All uses or buildings permitted in the R-2 multiple residence district are also permitted in the C-1 district, only provided such are established in accordance with yard and parking requirements of that zone. Yard requirements may be waived for dwelling units erected above ground floor when the ground floor of a building is designed and used exclusively for commercial purposes, unless otherwise required.

17.18.030 SIDE AND REAR YARDS

When a nonresident lot or parcel is contiguous to the boundary line of a residence or agricultural lot or parcel, any side or rear yard which is adjacent to the residence or agricultural lot or parcel shall have a minimum width of ten (10) feet

17.18.040 CONTROL OF NUISANCES:

Noise, smoke odor, gases and other noxious nuisances shall be controlled so as not to become objectionable, adversely affect the properties in the vicinity and not be detrimental to the public health, safety and general welfare.

17.18.050 OPEN STORAGE:

All open storage shall be enclosed by a suitable structure or planting strip not less than six feet (6') high. Storage of lumber, coal or other combustibles shall not be less than ten feet (10') from any interior lot line, and a suitable roadway from the street to the rear of the property shall be provided, maintained and kept open at all times. No merchandise shall be displayed, nor any business conducted between the street line and building line in any district.

17.18.060: FIRE HAZARDS:

Bulk storage of inflammable liquids, liquid petroleum, gases and explosives aboveground shall be unlawful in all districts, except LPG, gasoline and lubricating oil (fuel). Storage belowground shall be permitted in M-1 districts upon special use permit and provided all tanks shall be located not closer to the property line than the greatest depth to the bottom of the tank.

17.18.070: PARKING REQUIREMENTS:

Off street parking requirements in all no residence districts are as follows:

- A. One (1) and one-half (1^{1/2}) spaces for each residential unit.
- B. One (1) space for each two (2) units for each rooming house or lodging house.
- C. One (1) space for each five hundred (500) square feet of gross floor area over two thousand (2,000) square feet for all C-1 classifications.
- D. One (1) space for each delivery or service vehicle required.
- E. One (1) space for each five (5) seats in a theater, church, arena or place of public gathering.
- F. Motels, hotels or other transient lodging facilities, regardless of a particular zoning, shall provide one (1) space for each guest room or unit up to and including twenty-two (22) guest rooms or units, plus parking spaces equal to not less than eighty percent (80%) of the number of guest rooms or units in excess of twenty-two (22);
- G. Where any building is increased in size, remodeled or moved from one (1) location to another, the full off street parking and loading requirements as herein established shall be provided for the entire use if the remodeling, addition or moving increases the gross floor area or number of units by an amount in excess of fifteen percent (15%).

17.18.080: PARKING CRITERIA:

- A. Fifty percent (50%) of the available curb parking space adjacent to the exterior boundaries of the property may be deducted from the total off street parking facilities required.
- B. When off street parking facilities are located adjacent to a public right of way, the width of the right of way may be assumed to be a portion of the maneuvering space.

C. If suitable, available adjacent public parking places exist, the planning commission may permit modifications in specific off-street parking requirements.

D. Parking area shall be used solely for automobile parking, with no sales, dead storage, repair work, dismantling or servicing of any kind.

E. If lighting is provided, it shall be so arranged to reflect away from residential areas, any public street or highway.

F. The planning commission may permit off street parking in any zone which is more restrictive than that required for the major land use it is intended to serve, subject to:

1. The issuance of a special use permit.

2. That no advertising signs be erected or used in connection therewith.

G. Except for commercial parking lots in any commercial or industrial area zone, all public or private off-street parking facilities shall be located on the same property as the major land use intended to serve.

H. Existing off-street parking facilities shall comply with recognized standards and dimensions of layout commensurate with individual design limitation.

17.18.090: DEVELOPMENT AND MAINTENANCE OF PARKING AREAS:

A. Parking areas shall be paved with a hard surfacing, fitted with bumper guards where needed and permanently maintained.

B. Wherever any portion thereof abuts property zoned or used for residential use, a solid fence not less than five feet (5') high shall be erected (but not to exceed 6 feet).

C. When the required number of off-street parking spaces results in a fractional space, a fraction to one-half ($1/2$) shall be disregarded, a fraction over one-half ($1/2$) shall require an additional space.

17.18.100: LOADING SPACE REQUIREMENTS:

On all premises devoted to retail trade, wholesale activities, warehousing, supply houses, hotels, hospitals, laundry and cleaning establishments and other uses where large amounts of goods are received or shipped, off street loading areas as follows shall be provided:

A. One (1) off street loading space for the first ten thousand (10,000) square feet of floor area, plus one (1) additional space for each additional forty thousand (40,000) square feet of floor space.

B. Loading space, exclusive of driveways and/or corridors shall not be considered as off-street parking space; however, for a building containing less than three thousand (3,000) square feet of gross floor area, a combined parking and loading area is acceptable.

Chapter 17.20 C-1 COMMERCIAL DISTRICT

17.20.010: PERMITTED USES DESIGNATED:

17.20.020: PERMITTED USES; REQUIRED CONDITION:

17.20.025: PERMITTED USES; SPECIAL USE PERMIT REQUIRED:

17.20.030: HEIGHT:

17.20.040: YARDS:

17.20.010: PERMITTED USES DESIGNATED:

Uses permitted in a C-1 commercial district shall be:

Any uses permitted in residential and agricultural districts, subject to the provisions of chapters 17.08 and 17.18 of this title.

Advertising signs

Agency uses:

Advertising

Auto rental

Cleaning and Dyeing

Collection

Employment

Insurance, etc.

Laundry

Messenger service

Real Estate

Travel

Art Gallery

Art Studio ~~or school.~~

Art School

Assaying

Automobile filling station

Automobile Parking Lot

Bank

Business School.

Cafe or Restaurant

Clinic

Commercial Child Care

Decorator's studio

Delicatessen

Dental laboratory

Department Store

Dining Room (public)

Drive-in Lunch Stand

Financial Institution

Fortune Telling

Greenhouse (commercial)

Hat cleaning and blocking

Ice Cream Delivery Station.

Interior Decorator

Launderette

Laundry

Library

Light manufacturing or assembly uses incidental to wholesale or retail sales wherein not more than twenty five percent (25%) ground floor area is so used.

Medical building

Motel

Motels and RV Parks

Music School

Music Store

Music Studio

Optometrist

Palmistry Establishment

Parking Lot (commercial)

Photographer's Studio

Professional Offices or Buildings.

Public Stenographers and Notary.

Radio or TV Studio

Refreshment Stand

Retail sale of:

Appliances.

Automobile Parts and Accessories.

Automobile Trailers.

Automobiles, New or Used.

Bakery.

Beverages.

Bicycles (including rental).

Books

Cameras and Film

Candy

Clothing

Confections

Curios

Dairy Products

Drugs

Dry Goods

Electrical Goods

Fish

Flowers

Furniture (new and/or genuine antiques).

Groceries

Guns

Hardware

Hats

Instruments (musical, professional and/or scientific)

Jewelry

Liquor

Meats

Motor Vehicles

Newspapers and Magazines.

Notions

Paint

Paintings

Pastries

Porcelain

Poultry

Radios

Seed

Shoes

Sporting goods.

Stationery

Television sets

Sale of used merchandise but not including wrecking or junkyards.

Shoe-shining

Shops:

Antiques (genuine)

Barber and/or beauty

Dressmaking

Knit

Locksmith

Shoe repair

Tailor

Watch repair

Soda fountain

Storage (within a building but not including warehousing)

Stores and shops for the conduct of retail and wholesale business, when conducted in a building

Telegraph office

Theaters

Uses within a building:

Animal hospital

Arena

Automobile and bus storage

Automobile laundry

Automobile repair (no body repair)

Bar

Billiard or pool hall

Blueprinting

Bookbindery

Bowling alley

Building supply

Carpet cleaning

Dancing

Engraver

Express office

Extermination or fumigation service

Furniture storage and repair

Gaming, restricted license

Garage

Garage (public)

Glass cutting

Gymnasium

Laboratory
Lapidary
Laundry
Lockers (food storage)
Loft building
Massage parlor
Motorcycle repair
Newspaper printing office
Optical glass grinding
Photofinishing
Plumbing shop
Printer and/or publisher
Pumping plant
Reducing salon
Saddle making
Secondhand store (no junkyard)
Service enterprises of all kinds
Sign painting
Sports arena
Tattoo/Piercing
Taxidermist
Theater
Towel and linen service
Trade school
Undertaking parlor
X-ray operator

Accessory uses customarily incident to the uses listed in this section.

17.20.020: PERMITTED USES; REQUIRED CONDITION:

Conditions under which uses set forth in section 17.20.010 of this chapter are permitted shall be:

A. All goods sold, offered for sale or displayed shall be kept within the boundaries of the premises.

17.20.025: PERMITTED USES:

Gaming Enterprise District overlay: The Gaming District Overlay is intended to establish standards and conditions for gaming establishments while protecting the public health, safety, and general welfare. Development review and approval of a gaming district overlay includes provisions for the overlay zoning district as provided herein. The Gaming District overlay may only be proposed in an area designated for commercial land use under the adopted master plan.

No gaming establishment other than restricted licenses as defined in NRS 463.0189 shall be permitted except within the gaming district overlay.

The standards and conditions of approval for a gaming establishment must include a development plan. A development plan shall contain the following:

1. A vicinity map showing the location and street address of the subject property and showing all residential, commercial, industrial, and public uses and zoning districts within 500 feet of all boundaries of the subject property.
2. Site details including the existing and proposed uses, gross floor area, building coverage, height, parking, density, landscaping, screening, lighting, open space, and public facilities.
3. An analysis of any adverse impacts upon surrounding properties including but not limited to, noise, parking, signage, lighting, and any other impacts associated with the gaming establishment operation.
4. A plan for extension of public facilities, services, and utilities and for flood control and drainage.
5. The required fee.
6. Any other reasonably related information necessary for the Commission and the Board to act.

A gaming establishment means any premises wherein or whereon gaming is authorized pursuant to a nonrestricted license or as a nonrestricted operation as those terms are defined in Nevada Revised Statutes section 463.0177.

Minimum requirements and findings:

- A.** The proposed gaming establishment at the specified location is consistent with the policies embodied in the master plan and the general purpose and intent of the applicable zoning district regulations.
- B.** The proposed gaming establishment is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public right-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to nearby development and neighborhoods.
- C.** The proposed gaming establishment will not generate pedestrian or vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
- D.** The proposed gaming establishment incorporates features to minimize adverse effects, including visual impacts and noise, of the proposed gaming establishment on adjacent properties.
- E.** The proposed gaming establishment complies with all additional standards imposed on it by the particular provisions of this chapter and all other requirements of this title applicable to gaming establishments, including but not limited to, the adequate public facility policies of this title.

- F. The proposed gaming establishment will not be materially detrimental to the public health, safety, convenience and welfare, and will not result in material damage or prejudice to other property in the vicinity.
- G. The proposed gaming establishment will enhance, expand and stabilize the employment and the local economy.
- H. On the date that the application is filled the property line of the proposed establishment was not less than:
 1. Five hundred feet from the property line of a residential district.
 2. Five hundred feet from the property line of a public school, private school or structure used primarily for religious services or worship.
- I. A proposed establishment adjacent to a developed residential district may apply for a waiver of the distance requirements as part of its application. The granting of such waiver is in the discretion of the board and may only be granted upon affirmative findings on all the other subsections in this section. In considering whether to grant the waiver, the board may base its exercise of discretion upon any relevant factor, including but not limited to, and one or more of the following.
 7. The proposed establishment replaces or reconstructs an existing commercial structure.
 8. There are significant highway or geographical features separating the proposed establishment from the residential district.
 9. The proposal includes mitigation measures, such as lighting controls, landscaping buffers of features, sound barriers or traffic control improvements to alleviate the impact of the development on the residential district.

A billboard may only be erected after a special use permit is obtained pursuant to procedures set forth in chapter 17.36 of this title.

17.20.030: HEIGHT:

The height limitation shall be three (3) stories, not exceeding forty-five feet (45’).

17.20.040: YARDS:

Except as provided in section 17.08.050 of this title, yards shall be:

- A. Front: Equal to building line setback as set forth in chapter 17.28 of this title;
- B. Side: None, except as otherwise required.
- C. Rear: Ten feet (10’) unless bounded by a dedicated alley.

**Chapter 17.21
CD Design Commercial District**

Design Commercial shall include all permitted uses listed in Chapter 17.20 herein and specifically includes required conditions listed in Chapter 10.20.020 thereof. Standards which may deviate from other in this title include Road standards, building lines, building heights, setbacks, Building locations, Parking, Sign requirements, Utilities, Outdoor lighting, and temporary construction standards:

17.21.010 Road Standards:

- A. Major roadways for designed projects shall have a sixty-five (65) foot width, with a 10-foot-wide utility easement on each side of the roadway.

- B. Minor roadways for designed projects shall have a forty (40) ft. width, with a 10-foot utility easement on each side of the roadway.
- C. Cul-de-sac's shall be constructed in a designed project with a minimum seventy-five (75) foot turning radius within the curb.
- D. All other standards not listed herein shall conform to the minimum standards of the orange book.

17.21.020 Building lines:

- A. Each lot shall have a front yard of a depth not less than the average depth of front yards immediately adjacent thereto on each side.
- B. All other set back shall comply with chapter 17.21.040.

17.21.030 Building heights

Buildings will not be constructed more than two and a half stories or thirty-five (35) feet in height due to the proximity to the airport.

17.21.040 Setbacks:

Front yard: fifteen (15) feet or as determined by chapter 17.21.020 herein.

Side yard: None, provided however those UBC (Uniform Building code) fire wall standards are followed.

Rear Yard: Ten (10) feet.

17.21.050 Building locations:

The front of any building constructed on lot or parcels within this zone shall face to street where the address is located.

17.21.060 Parking criteria:

Off-street parking shall be a minimum of one (1) parking space for each two thousand (2000) square feet of gross floor area. No on-street parking will be allowed in this zone district.

Handicap parking shall be provided at a minimum of one space per business and one additional space for each twenty (20) non-handicap spaces required to be located at or near the entrance (s).

Additional parking requirements which may be applied pursuant to chapter 17.18.070 and 17.18.080.

17.21.070 Sign requirements:

Signage must be for identification of the business or service and attached to the building. Any such signs not attached shall be subject to separately approved by the building inspector and not obstruct traffic or adjacent activities. Advertising displays in general shall comply with the provisions of Chapter 17.46.

17.21.080 Utilities:

Public utility easements shall be provided along the front, side, and rear of all lots or parcels (if none exists) at a minimum of five (5) feet in width and all utilities shall be underground.

17.21.090 Outdoor lighting:

A Lighting on all buildings in this zone district, shall not be of a nature to distract traffic, nor to detract from the open space of the area.

B Lighting within the parking areas must be focused downward toward the parking area and may require filtering.

C Security lighting mounted on the building within this zone district shall not be focused to create a visual disturbance in any way.

17.21.100 Temporary construction standards:

During construction and development of any lot or parcel within this zone district, a temporary construction office may be constructed or placed thereon. Within thirty (30) days after completion, temporary facilities must be removed.

**Chapter 17.22
M-1 INDUSTRIAL DISTRICT**

17.22.010: PERMITTED USES:

17.22.020: SPECIAL USE PERMIT:

17.22.030: PROHIBITED USES:

17.22.040: HEIGHT:

17.22.050: WIDTH AND SIZE:

17.22.060: YARDS:

17.22.010: PERMITTED USES:

Uses permitted in an M-1 industrial district, on a lot or parcel having the required width, shall be:

All uses permitted in the commercial zone, except residential uses.

Animal hospital.

Automobile body repair.

Bakery.

Blacksmith shop.

Bottle washing.

Brewery.

Bulk oil storage.

Caretaker quarters, excluding mobile homes.

Carpet cleaning.

Cesspool cleaning yard.

Cleaning and dyeing.

House mover's yard.

Ice plant.

Junkyard.

Kennel.

Laundry (steam or wet wash).

Loading dock.

Manufacturing, processing, assembly and fabrication uses..

Power plant (electrical or gas).

Storage warehouses and storage of industrial, agricultural or other products.

Tire rebuilding and retreading.

Truck depot.

Veterinary hospital.

Warehousing.

Accessory uses customarily incident to the uses set forth in this section.

17.22.020: SPECIAL USE PERMIT:

Uses requiring a special use permit are:

Caretaker quarters which are mobile homes.

Dump, refuse disposal yard.

Extraction and/or processing of rock, sand, gravel, asphalt and like earth products, including topsoil stripping.

Junk and/or wrecking yard.

Manufacturing of any acid or acid byproducts, chemical, including chlorine or any other obnoxious gas, corrosive products, explosives, byproducts from fish, meat or animals (including slaughterhouses), fertilizer or glue or similar products.

Marijuana Medical / Recreational

Meatpacking plant.

Other uses which are, in the opinion of the planning commission, similar to the above uses or which may be detrimental to the public health, safety and general welfare.

17.22.030: PROHIBITED USES:

Uses specifically prohibited in the M-1 industrial district shall be:

Any residential use.

Churches, schools, institutions and other public and semipublic uses.

17.22.040: HEIGHT:

Height limitation shall be forty-five feet (45').

17.22.050: WIDTH AND SIZE:

Required width and size shall be fifty feet (50') average width; not less than four thousand five hundred (4,500) square feet minimum size.

17.22.060: YARDS:

Except as provided, yards shall be:

- A. Front: Equal to the building line setback as set forth in chapter 17.28 of this title;
- B. Side: None, except as provided in Chapter 17.18 of this title;
- C. Rear: Ten feet (10'), except on lots or parcels bounded by a dedicated alley.

Chapter 17.23
M-D Design Industrial District

Design industrial shall include all permitted uses listed in chapter 17.22 herein and specifically includes uses requiring a Special use Permit in chapter 17.22.020 and prohibits uses as defined in Chapter 17.22.030 thereof. Standards which may deviate from other chapters in this Title include: Road standards, building lines, building heights, Setbacks, Building locations, Parking criteria, sign requirements, Utilities, Outdoor lighting, and temporary construction standards.

17.23.010 Road Standards:

- A. Major roadways for designed projects shall have a sixty-five (65) foot width, with a 10-foot-wide utility easement on each side of the roadway.
- B. Minor roadways for designed projects shall have a forty (40) foot width, with a 10-foot utility easement on each side of the roadway.
- C. Cul-de-sac's shall be constructed in a designed project with a minimum seventy-five (75) foot turning radius within the curb.
- D. All other road standards not listed herein shall conform to the minimum standards of the Orange book.

17.23.020 Building lines:

- A. Each lot shall have a front yard of a depth not less than the average depth of front yards immediately adjacent thereto each side.
- B. All other set back shall comply with Chapter 17.23.040.

17.23.30 Building heights:

Buildings will not be constructed more than two and a half stories or thirty-five (35) feet in height due to the proximity of the airport.

17.23.040 Setbacks:

Front yard: Fifteen (15) feet or as determined by chapter 17.23.020 herein.
Side yard: None, provided however that UBC (Uniform Building Code) fire wall standards are followed.
Rear yard: Ten (10)
Other set back provisions that may apply in chapter 17.18.

17.23.050 Building Locations

The front of any building constructed on lots or parcels within this zone shall face the street where the address is located.

17.23.060 Parking criteria:

Off-street parking shall be a minimum of one (1) parking space for each two thousand (2000) square feet of gross floor area. No on-street parking will be allowed in this zone district.

Handicap parking shall be provided at a minimum of one space per business and one additional space for each twenty (20) non-handicap spaces required to be located at or near the entrance (s).

Additional parking requirements which may be applied pursuant to chapter 17.18.070 and 17.18.080.

17.23.070 Sign requirements:

Signage must be for identification of the business or service and attached to the building. Any such signs not attached shall be subject to separately approved by the building inspector and not obstruct traffic or adjacent activities. Advertising displays in general shall comply with the provisions of Chapter 17.46.

17.23.080 Utilities:

Public utility easements shall be provided along the front, side, and rear of all lots or parcels (if no exists) at a minimum of five (5) feet in width and all utilities shall be underground.

17.23.090 Outdoor lighting:

- A. Lighting on all building in this zone district, shall not be of a nature to distract traffic, nor to detract from the open space of the area.
- B. Lighting within the parking areas must be focused downward toward the parking area, and may require filtering.
- C. Security lighting mounted on the building within this zone district shall not be focused to create a visual disturbance in any way.

17.23.100 Temporary construction standards:

During construction and development of any lot or parcel within this zone district, a temporary construction office may be constructed or placed thereon. Within thirty (30) days after project completion, temporary facilities must be removed.

Chapter 17.24

P PUBLIC DISTRICT

17.24.010: PERMITTED USES:

17.24.020: PROHIBITED USES:

17.24.030: PARKING:

17.24.040: YARDS:

17.24.050: REQUIRED AREA AND WIDTH:

17.24.060: HEIGHT:

17.24.010: PERMITTED USES:

Uses permitted in a P public district, on a lot/parcel having the required width and subject to the issuance of a special use permit in all cases, shall be:

Charitable and fraternal uses;

Hospital, sanitarium, rest homes and similar activities;

Public purposes such as schools, churches, government buildings;

Semipublic uses, theaters, stadiums, public assembly.

17.24.020: PROHIBITED USES:

Uses excluded from the P public district shall be all residential/commercial and/or industrial activities.

17.24.030: PARKING:

Parking requirements in the P public district shall be:

Hospitals, rest homes, etc. 1 space/3 beds, plus 1 space for each on medical staff and 1 space/3 employees

Public assembly 1 space for each 4-seating capacity

17.24.040: YARDS:

Yard requirements shall be:

A. Front: Equal to the building line setback as set forth in chapter 17.28 of this title, but in no event, less than thirty feet (30');

B. Side: Ten percent (10%) of the average width of the lot or parcel, but not less than twenty feet (20');

C. Rear: Not less than forty feet (40').

17.24.050: REQUIRED AREA AND WIDTH:

Required area and width shall be two (2) acres minimum area, two hundred feet (200') minimum width.

17.24.060: HEIGHT:

Height limits shall be two (2) stories or thirty-five feet (35').

Chapter 17.26

M-3 OPEN USE DISTRICT

17.26.010: AREAS INCLUDED:

17.26.020: PERMITTED USES:

17.26.030: USES REQUIRING A SPECIAL USE PERMIT:

17.26.040: HEIGHT:

17.26.050: REQUIRED AREA AND WIDTH:

17.26.060: YARDS:

17.26.010: AREAS INCLUDED:

All area of Mineral County, not otherwise graphically recorded as Zoning Map, is classified in the M-3 Open Use District, excepting there from the lands within the Schurz Reservation. (MC Ord. 19A Art. 13 § A, 1965)

17.26.020: PERMITTED USES:

Uses permitted on a lot or parcel having the required width and area shall be:

All uses commonly classed as agriculture, horticulture or forestry, including crop and tree farming, truck farming, nursery operation, dairy farming, stock raising, the breeding and raising of domestic animals and poultry (not including the raising of fur bearing animals nor the establishment of animal hospitals or dog kennels), as well as the operation of any machinery or vehicles incident to the above uses.

Single family dwelling and accessory buildings, subject to setbacks pursuant to Chapter 17.28 herein.

17.26.030: USES REQUIRING A SPECIAL USE PERMIT:

All nonresidential uses will require a special use permit.

17.26.040: HEIGHT:

Height limitation shall be three (3) stories and/or forty-five feet (45').

17.26.050: REQUIRED AREA AND WIDTH:

Required area and width shall be one acre minimum lot size, one hundred fifty feet (150') average width.

17.26.060: YARDS:

Except as provided in section 17.08.050 of this chapter, yards shall be:

- A. Front: Equal to building line setback as set forth in chapter 17.28 of this title, but in no event less than thirty feet (30');
- B. Side: Ten percent (10%) of the average width, not less than fifteen feet (15');
- Rear: Not less than forty feet (40').

Chapter 17.27 MARIJUANA ESTABLISHMENTS

17.27.010 Purpose and Definitions

17.27.020 Marijuana Establishments, Special Use Permit Required, and Minimum Lot size

17.27.010 Purpose and Definitions

- A. Purpose: The purpose of this chapter is to safeguard the public health, safety, and general welfare by establishing certain minimum standards, provisions, and requirements for establishment, development, and designations of marijuana establishments, and to establish land use requirements thereto.
- B. Definitions: Unless the context otherwise requires.

Marijuana: All parts of any plant of the genus Cannabis, whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Marijuana" does not include:

1. The mature stems of the plant, fiber produced from stems, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stems (except the resin extracted therefrom), fiber, oil, or cake, the sterilized seed of the plant which is incapable of germination; or
2. The weight of any other ingredient combined with marijuana to prepare topical or oral administration, food, drink or other products.

Marijuana Establishment: A marijuana cultivation facility, a marijuana testing facility, a marijuana product manufacturing facility, marijuana distributor, or a retail marijuana store as defined I NRS 453D.030. (Ord. 250A, --2018)

17.27.020 Marijuana Establishments; Special Use Permit Required, and Minimum Lot Size

- A. Subject to the provisions set forth in this Chapter and Title, marijuana establishments are permitted uses within First Agricultural Districts (A—1) and Open Use Districts (M—3) of unincorporated Mineral County.
- B. Marijuana establishments shall require a special use permit which will be conditioned upon the applicant maintaining a current, valid marijuana establishment license issued by the State of Nevada Department of Taxation, and upon a showing that the intended use of the property will not materially damage adjacent properties, that the applicant provides suitable safeguards to the public health, safety and general welfare, and the permittee remains in compliance with all applicable law, codes, and regulatory requirements related to the intended property use. (Ord. 250 A, --20180)

Chapter 17.28 SETBACKS

17.28.010: BUILDING LINES:

17.28.020: CORNER LOT; DISTANCE WHICH PREVAILS:

17.28.030: DISTANCE FROM CENTERLINE:

17.28.010: BUILDING LINES:

Building lines: The following rules for determination of the front yard shall apply: either, (1) follow the setbacks as shown on the related subdivision which created the lot or parcel, or (2) not less than the average of the front yard immediately adjacent thereto on each side, or (3) fifteen (15) feet in the R-1 Zone District, ten (10) feet in the R-2, R-3, and M-3 Zone District, and thirty (30) feet in the E-1 and A-I Zone District. In the instance of a non-residential Zone Districts, (C-1, M-1, M-1-D), the front setback shall be as established by the latest code adopted by Mineral County.

17.28.020: CORNER LOT; DISTANCE WHICH PREVAILS:

When a building setback distance is shown on both street fronts of a corner lot or parcel, such setback distance shall prevail, regardless of the side yard requirements of the situation.

17.28.030: DISTANCE FROM CENTERLINE:

A minimum of fifty (50) feet setback from the center of the traveled way shall apply.

Chapter 17.30 PERMITS

17.30.010: ISSUANCE:

17.30.020: PROPERTY LOCATION DETERMINATION; DUTY OF BUILDING INSPECTOR:

17.30.030: TENTATIVE SUBDIVISION PLAT REQUIRED WHEN:

17.30.040: ENFORCEMENT:

17.30.050: CERTIFICATE OF OCCUPANCY:

17.30.010: ISSUANCE:

No building permit shall be issued for the erection of any structure or part thereof, for use of any land which is not in accordance with the provisions of this chapter, except where variance has been allowed or the special use permit has been issued, in which case the building inspector may issue a permit, sufficient to allow such work authorized by the variance or special use permit in accordance with whatever conditions may be attached, providing such permit shall not be until all time limits for appeal have been exhausted and no appeal has been filed. Any permit issued contrary to the conditions of this title shall be void. (MC Ord. 19A Art. 16 A)

17.30.020: PROPERTY LOCATION DETERMINATION; DUTY OF BUILDING INSPECTOR:

It shall be the duty of the building inspector before issuing a building permit to ascertain exact location of property on which the building is to be located. The inspector shall obtain a written statement of street address of property or, if no address exists, a property description in writing before issuing the permit.

17.30.030: TENTATIVE SUBDIVISION PLAT REQUIRED WHEN:

Any applicant for a building permit in an un-subdivided area or elsewhere, where by reason of size and location of parcel, problems of access and street location may be anticipated, may be required to submit a tentative subdivision plat of the entire parcel in accordance with standard subdivision procedure prior to issuance of a permit. When required, the permittee shall proceed only in accordance to the approved tentative plat and such conditions as may be established by the commission, and shall agree by recorded document to convey no portion of the parcel without first obtaining the approval of the commission, or completing the subdivision in accordance to the approved tentative plat

17.30.040: ENFORCEMENT:

It shall be the duty of the building inspector to enforce provisions of this title pertaining to construction or alteration of buildings or to occupancy of land or buildings. It shall be the duty of all other officials charged with issuance of licenses to enforce provisions of this title pertaining to use of land or buildings. Such officials shall refuse to license, pursuant to application therefore authorizing a business use that has commenced operations subsequent to adoption of this title or has transferred location subsequent to adoption unless this application is accompanied by a duly signed certificate from the building department authorizing conduct of such use at the location sought in the application.

17.30.050: CERTIFICATE OF OCCUPANCY:

It is unlawful to use or to permit the use of any building or premises, or part thereof, hereafter erected, changed converted, moved, altered or enlarged wholly or in part, until a certificate of occupancy shall be issued therefore by the building inspector. No certificate shall be issued permitting use of permitting any building or premises or part unless and until plans and specifications as approved for permit have been fully accomplished and completed.

Chapter 17.32 NONCONFORMING USES

17.32.010: CONTINUANCE:

17.32.020: EXTENSION OR EXPANSION PROHIBITED:

17.32.030: PROVISION FOR AUTOMOBILE PARKING:

17.32.040: ABANDONMENT OF USE OF NONCONFORMANCE:

17.32.050: REPAIR OF PARTIALLY DESTROYED STRUCTURES:

17.32.060: COMPLIANCE:

17.32.010: CONTINUANCE:

A lawful use of land or buildings not in conformance with the regulations prescribed in this title existing at the time of the adoption hereof, or any amendments hereto, may be continued as set forth in this chapter.

17.32.020: EXTENSION OR EXPANSION PROHIBITED:

The nonconforming use of land or building shall not be extended or expanded in any way. Such use shall not be changed except to bring the use of land or building into conformity with this title or other ordinances of the county.

17.32.030: PROVISION FOR AUTOMOBILE PARKING:

Where automobile parking space in connection with a main nonconforming building or use does not meet the requirements of this title, the building or use may be altered to provide such additional automobile parking space.

17.32.040: ABANDONMENT OF USE OF NONCONFORMANCE:

A lawful use of nonconforming land or buildings which is abandoned or discontinued for a period of six (6) consecutive months or more, shall not be resumed unless done so within the required period of time by the owner of record at the time of abandonment or discontinuance.

17.32.050: REPAIR OF PARTIALLY DESTROYED STRUCTURES:

No building, except a school or church structure which has been damaged or partially destroyed by natural calamity to an extent equal to twice its assessed table, shall be repaired, reconstructed, moved or altered except in conformity with the provisions of this title.

17.32.060: COMPLIANCE:

Provisions of this chapter shall comply with the uses of property or to buildings which may become nonconforming by reason of amendment or supplement to this title.

**Chapter 17.34
VARIANCES**

17.34.010: POWER TO GRANT:

17.34.020: APPEALS; HEARING; DECISION:

17.34.030: ADMINISTRATOR; POWERS AND DUTIES:

17.34.040: APPLICATION; APPEAL PROCEDURE:

17.34.050: PUBLIC HEARING; NOTICE:

17.34.060: FINDINGS:

17.34.070: CONDITIONS:

17.34.080: REHEARING:

17.34.090: REPORT TO THE BOARD OF COUNTY COMMISSIONERS:

17.34.010: POWER TO GRANT:

The Mineral County Board of Commissioners have not appointed a Board of Adjustment, nor a Hearing examiner, thus the Mineral County Regional Planning Commission accepts all Variance requests, conducts required Public Hearing and makes recommendations thereof to them, pursuant to NRS 278.315 and (MC Ord. 19 A Art. 20, 1965)

17.34.020: APPEALS; HEARING; DECISION:

The Appeal Process for Variances is set forth in the NRS 278.3195, if an applicant is aggrieved by the decision of the Mineral County Regional Planning Commission, an appeal may be filed to the Governing Body. If an applicant remains aggrieved following a decision by the Governing Board it may be appealed to the District Court, provided however all matters relating thereto including time constraints, are followed pursuant to the provisions of NRS 278.0235

17.34.040: APPLICATION:

An application may be sought for filing a variance from the specified distances, heights, or areas of this Title, provided however, the appropriate fee and application is filled out in full, and clearly show and define the variation requested for hearing purposes, and:

1. A plot plan of the subject property sufficient to show the variation and affected surrounding properties and structures.
2. A legal description of the subject property.
3. Elevations of subject property to include adjacent buildings and their relationship thereto, should include height variation be the subject.
4. Each application shall be verified before a Notary Public in and for the State of Nevada, by the owner of the subject land and the applicant shall present evidence to support the request for a variance including:
 - a. The special circumstances or conditions applying to the subject property which make compliance with this title difficult and cause hardship, and
 - b. Such circumstances or conditions do not apply generally to other properties in the same zone district, and
 - c. The granting of the variance request is necessary to substantiate justice to the applicant or owner, and
 - d. 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 health, safety, and welfare of the public.

17.34.050: PUBLIC HEARING; NOTICE:

- A. A variance requires at least ten (10) days advance notice before the Public Hearing, setting forth the time, place, and purpose of said hearing to the (1) Applicant, (2) each owner of real property located within Three hundred (300) feet from the property in question, and if a mobile home park is located within three hundred (300) feet of the property in question each tenant therein shall be notified, (3) Any advisory Board established for the affected area, (4) if a Military installation is located within Three thousand (3,000) feet of the property in question notice thereof sent to the Commander of that military installation.
- B. A hearing to consider the application of a variance before the Mineral County Regional Planning Commission must be held within sixty-five (65) days after filing of an application, unless otherwise allowed by NRS 278.0201

17.34.060: FINDINGS:

A recommendation by the Regional Planning Commission shall be made to the Governing Board with forty (40) days from the public hearing unless an extension of time is mutually agreed. The findings should include those listed issues found in section 17.34.040

17.34.070: CONDITIONS:

A variance hearing result must be forwarded to the Mineral County Building Department and if granted by the Governing Board, a six (6) month period from final approval implementation of the request must be accomplished, otherwise the variance requested will expire.

17.34.080: REHEARING:

Not later than five (5) days after the decision of the Regional Planning Commission, the applicant or any person who was notified of the hearing or who appeared and testified or presented written testimony at the original public hearing, may request a rehearing before the Governing Board. The request must be in writing and include detailed new facts or conditions not previously known or considered. This process is further defined in County Code 17.40 Appeals.

17.34.090: REPORT TO THE BOARD OF COUNTY COMMISSIONERS:

All decisions after the public hearing for a Variance, must be recommended for final action by the Regional Planning Commission to the Board of County Commissioners. Should an Appeal pursuant to 17.40 herein or a Rehearing pursuant to 17.34.080 be filed not later than five (5) days after the initial public hearing, it would require the Board of County Commissioners to rehear said appeal pursuant to the provisions of Title 17.34.080.

17.35 CONDITIONAL USE PERMIT

17.35.010 APPLICATIONS

17.35.020 PROCEDURES

17.35.040 HEARING-APPEAL

17.35.010: APPLICATION:

Where the reference to conditional uses permit is required in any zone district, the provisions set forth herein shall apply.

A conditional use permit is to provide a method of reviewing the use of an RV as extended living quarters or for a home- based business.

17.35.020: PROCEDURE:

Any person seeking issuance of a Conditional Use Permit shall file an application for same, with Mineral County to be heard by the Regional Planning Commission. As part of the application process, the planning department, fire department, emergency medical services, Sheriff's department, public works department, health department may provide review of the application. Based upon the recommendations of the Mineral County Departments, reasonable conditions that are related and roughly proportional to the proposed use of the property may be suggested to the commission and subject to their approval.

- A.** That the use is not a detriment to the public health, convenience, safety and welfare and to promotion of general good of the community; and
- B.** That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity; and
- C.** That all owners of real property within three hundred feet (300') of the exterior limits of the property involved, as shown by the latest assessor's ownership maps, have been notified of the intended use of such property and proposed construction or alteration of any building.
- D.** A recommendation by the Regional Planning Commission shall be made to the Governing Board within forty (40) days from the public hearing unless an extension of time is mutually agreed. The findings should include those listed issues found in section 17.36.020.

17.35.040: HEARING:

A Public Hearing is required for a Conditional Use Permit, setting forth the time, place, and purpose of said hearing to the: **(1)** Applicant, **(2)** each owner of real property located with three hundred (300) feet of the

property in question, and if a mobile home park is located within three hundred (300) feet of the property in question each tenant therein shall be notified. **(3)** Any Advisory Board established for the affected area, **(4)** If a Military installation is located within three thousand (3,000) feet of the property in question, notice thereof sent to the Commander of that military installation.

The Mineral County Regional Planning Commission shall take action to approve, approve with conditions, modify, modify with conditions, or deny the Conditional Use Permit request.

A hearing to consider the application of a Conditional Use Permit before the Mineral County Regional Planning Commission must be held with sixty-five (65) days after the filing of an application. The hearing must be noticed and conducted according to the provisions set forth in Nevada Revised Statutes 278.315. All decisions after the public hearing for a Conditional Use Permit, must be recommended for final action by the Mineral County Regional Planning Commission to the Board of County Commissioners. Should an appeal pursuant to 17.40 herein or a Rehearing pursuant to 17.34.080 be filed not later than five (5) days after the initial public hearing, it would require the Board of County commissioners to rehear said appeal pursuant to the provisions of Title 17.34.080 herein above.

Chapter 17.36 SPECIAL USE/PERMITS

17.36.010: APPLICATION:

17.36.020: PROCEDURE:

17.36.040: INVESTIGATION:

17.36.050: HEARING:

17.36.060: FINDINGS:

17.36.010: APPLICATION:

Where the reference to special uses is required in any zone district, the provisions set forth herein shall apply. A special use permit is to provide a method of reviewing proposed uses, which possess characteristics that require special appraisal in order to determine if the uses have the potential to adversely affect other land uses, air or water quality, transportation systems, or public facilities or services.

17.36.020: PROCEDURE:

Any person seeking issuance of a Special Use Permit shall file an application for same, with Mineral County to be heard by the Regional Planning Commission. As part of the application process, the planning department, fire department, emergency medical services, Sheriff's department, public works department, other county staff, or other public entities that supply infrastructure or other necessary services may provide review of the application. Based upon the recommendations of the Mineral County Departments, staff, or other entities, reasonable conditions that are related and roughly proportional to the proposed use of the property may be suggested to the commission and subject to their approval.

A. That the use is necessary to the public health, convenience, safety and welfare and to promotion of general good of the community; and

B. That the use of the property for such purposes will not result in material damage or prejudice to other property in the vicinity; and

C. That all owners of real property within three hundred feet (300') of the exterior limits of the property involved, as shown by the latest assessor's ownership maps, have been notified of the intended use of such property and proposed construction or alteration of any building.

17.36.030: INVESTIGATION:

No special use permit application shall be approved unless the applicant establishes that the use is appropriate at the proposed location and meets the following criteria:

- A. All of the applicable elements, as outlined in this code, are complete and the applicant has agreed to meet all conditions imposed as part of the special use permit approval process.
- B. The proposed use shall be consistent with the purpose, goals, objectives, and standards of the county master plan.
- C. The proposed use shall not result in a substantial or undue adverse effect on adjacent properties, character of the neighborhood, roads, or traffic conditions, parking, public improvements or infrastructure, public sites or right of ways, the potential impairment of natural resources, or other matters affecting the public health, safety, and general welfare;
- D. The proposed use will be adequately served by public improvements, facilities, and services, and will not impose an undue burden on other users; and,

The applicant for a special use permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed special use permit. For the purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact, which are to be determined by the planning commission/ Board of County Commissioners. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this section.

The administrator shall investigate each application to assure that the proposal in each application is consistent with the intent and purpose of this title.

17.36.040: HEARING:

A Public Hearing is required for a Special Use Permit, setting forth the time, place, and purpose of said hearing to the: **(1)** Applicant, **(2)** each owner of real property located within three hundred (300) feet of the property in question, and if a mobile home park is located within three hundred (300) feet of the property in question each tenant therein shall be notified. **(3)** Any Advisory Board established for the affected area, **(4)** If a Military installation is located within three thousand (3,000) feet of the property in question, notice thereof sent to the Commander of that military installation.

The Mineral County Planning Commission shall take action to approve, approve with conditions, modify, modify with conditions, or deny the special use permit request.

A hearing to consider the application of a Special Use Permit before the Mineral County Regional Planning Commission must be held within sixty-five (65) days after the filing of an application. The hearing must be noticed and conducted according to the provisions set forth in Nevada Revised Statutes 278.315.

All decisions after the public hearing for a Special Use Permit, must be recommended for final action by the Regional Planning Commission to the Board of County Commissioners. Should an Appeal pursuant to 17.40 herein or a Rehearing pursuant to 17.34.080 be filed not later than five (5) days after the initial public hearing, it would require the Board of County commissioners to rehear said appeal pursuant to the provisions of Title 17.34.080 herein above.

17.36.050: FINDINGS:

A recommendation by the Regional Planning Commission shall be made to the Governing Board within forty

(40) days from the public hearing unless an extension of time is mutually agreed. The findings should include those listed issues found in section 17.36.020.

Chapter 17.37

Renewable Energy Generation Project Special Use Permit

17.37.010 PURPOSE AND DEFINITION

17.37.020 APPLICATION AND REQUIREMENTS

17.37.010 PURPOSE AND DEFINITION:

Any renewable energy project having a nameplate capacity equal to or over 10 MW shall obtain a Renewable Energy Generation Project Special Use Permit. Renewable energy projects that meet the criteria put forth in this chapter may apply instead for an Expedited Renewable Energy Generation Project Permit. For the purpose of this chapter “renewable energy” is defined in Nevada Revised Statutes 701A.340.

17.37.020 APPLICATION AND REQUIREMENTS:

All the requirements for a special use permit pursuant to Chapter 17.36 shall be met. If the renewable generation project is located on federal land or state land, any appropriate documents related to the environmental review by state or federal land management agencies, if they satisfy the requirement as outlined below, may be submitted in lieu of any of the following, otherwise the application must also include all of the following elements:

- A. Project Description: A detailed project description of the proposed renewable energy generation project including a legal description of the property on which the project would be located and any existing easements, including conservation or restrictive use easements, or preliminary title report.;
- B. Maps: Maps showing the physical features and land uses of the project area, both before and after construction of the proposed energy project. The application must include at least one map of the proposed project site printed on a standard 8 1/2x 11” page. The applicant must also include maps, diagrams, or color photographs that show:
 - 1. The project area boundaries
 - 2. The location, height and dimensions of all existing and proposed structures and fencing including building elevations (in color)
 - 3. Existing topography of the site.
 - 4. Water bodies, waterways, wetlands, and drainage channels.
- C. Distance Requirements: Applicant must show the location of and distance to surrounding uses that may be
 - 1. affected by the proposed renewable energy generation project. Applicant must also show the location and distance to public or private airports or airstrips. In order to protect existing uses that are adjacent to the project, the facility must be located a specified distance from any adjacent properties that may be impacted by noise or other externalities created by the project. This specified distance will meet any existing setback requirements or if there are none, will be determined by staff, in conjunction with the applicant, and shall be based on an analysis of the project’s externalities together with the nature of the surrounding uses; Requirements from other Agencies: Applicant must provide a list of permits, approvals, or other actions that the applicant has requested or will request from other government agencies.
- D. Transmission: A description of any new transmission or distribution facilities and/or gen-tie lines that will be built with the project.

- E. Meteorological or Wind testing Towers:** Provide locations, site map, and height of tower.
- F. Travel Routes and Roads-For Existing and proposed roads:**
1. A detailed map showing travel routes and roads to and within the proposed project site(s) and estimates of traffic loads and quantities both during construction and at build out/ operations phase.
 2. County road department staff will determine, in consultation with the applicant, the potential impact and mitigation measures, if any, that will be required of the applicant. Any mitigation requirements shall be proportionate to the impact from the proposed project.
 3. All non-paved temporary or permanent on-site roads and staging areas shall be improved pursuant to county standards or specifications of the Orange book.
 4. During site development and construction, the applicant must regularly water of otherwise mitigate roads and staging areas as necessary to minimize dust and wind erosion. Grading: A technical report showing that construction and operation of the project including, but not limited to, the development, operation, and reclamation of all roads, access corridors, foundation pads, equipment storage and staging areas, and all related facilities, will conform to accepted slope stability requirements and all Nevada Division of Environmental Protection (NDEP) best management practices.
- I. Weed Control:** A plan for weed control, specifically to hinder the spread of invasive and nonnative species onto adjacent property. The plan should account for activities during both construction and operation and may include mitigation activities such as washing stations for construction vehicles.
- J. Lighting:** A plan showing lighting on and around the project and all related facilities including:1. Lighting mitigation measures that follow "Dark Sky" lighting practices including but not limited to: all proposed lighting shall be located to avoid light pollution onto any adjacent lands as viewed from a distance: all lighting fixtures shall be hooded and shielded, face downward, located within soffits and directed on to the pertinent site only, and away from parcels or areas
1. The lighting plan should indicate the types of lighting and fixtures, the locations of fixtures, lumens of lighting, and the areas illuminated by the lighting plan.
 2. Any required FAA lighting should be consolidated and minimized wherever possible, so long as it still meets FAA requirements and intent
- K Noise:** If applicable, a plan for noise mitigation including buffering if needed to reduce noise impacts, generation equipment shall not emit normal or consistent noise levels in excess of sixty-five (65) DBA time weighted average, as measured at the property line at which the facility is located or one half (1/2) mile from the plant, whichever is closer. Adjustments for ambient noise will be made and irregular, short periods of exceedance will be tolerated are association with anomalies or maintenance.
- L. Water:** The plan shall indicate the amount, place of origin, and place of disposal, if any, of all water and effluent that will be used or reused in connection with construction, management, operation and maintenance of the renewable energy generation project, including water used drilling, including washing facility components, machine components (i.e. blades), and making concrete for foundation pads and other structures within the facility. A plan created or measures put in place to meet regulations pursuant to state oversight from the Nevada Division of Environmental Protection and/or The State Division of Water Resources may be submitted to meet the requirements of this section;
- M. Drainage and erosion control:** A drainage and erosion control plan for construction and operation developed in consultation with Mineral County. Any plan created or measures put in place to meet regulations pursuant to state oversight from the Nevada Department of Environmental Protection may be submitted to meet the requirements of this section;

- N. Environmental Impacts:** Assurance that the proposed project can be designed, constructed, and operated without significant adverse impact to fish, wildlife, and native plant resources, including fish and wildlife habitat, migratory routes, and state or federally-listed threatened or endangered fish, wildlife or plant species;

- O. Fire and Emergency Protection:** A plan developed in consultation with Mineral County emergency management, fire department, and fire marshal prior to construction shall address all activities at the proposed project site from the start of construction through operation, and shall result in a response plan to address all potential fire, rescue, evacuation, and hazardous materials scenarios. Any plan created or measures put in place to meet regulations pursuant to state oversight from the Nevada Department of Environmental Protection and/or the State Fire Marshall may be submitted to meet the requirements of this section;

- P. Re-vegetation plan:** Applicant must provide a re-vegetation plan for restoring areas temporarily disturbed during construction;

- Q. Bonds for Assurance of Remediation of Impacts to County Roads:** The County may require a separate bond to support necessary repair on County roads if not completed by the applicant.

17.37A

Expedited Renewable Energy Generation Project Permit Process

Purpose and definition: Any renewable energy generation project that is required to apply for a Renewable Energy Generation Project Special Use Permit may apply instead for an expedited renewable energy project permit if Mineral County determines that each of the following conditions apply:

- A.** The project is proposed to be fully or partially built on public land that is in and isolated or rural area in Mineral County
- B.** The project is proposed to be built in a location where there will be minimal risk of disturbance to residents
- C.** All project impacts on Mineral County services, including but not limited to, roads, law enforcement, fire, and emergency response; are addressed to the County's satisfaction.
- D.** The applicant has been required by a federal land management agency to complete and environmental review process that includes and environmental impact statement (EIS) or environmental assessment (EA).;
- E.** The County is engaged in the federal environmental review process as a Cooperating Agency, is made aware of the project at the beginning of the federal review and permit application process, and through this process can ensure that the health, safety, and welfare of Mineral County residents is adequately protected.

Application Process: Prior to submitting the application for the permit, and at the beginning of the federal review and permit application process, the applicant must have a pre-submission meeting with Mineral County staff to discuss the project and the application. If all of the above conditions are met the applicant shall submit as the application the appropriate documents related to the environmental review by state and federal land management agencies. Following the submission of the application, staff will grant an administrative approval or denial of the permit within 65 days. If granted an approval, final issuance of the permit will be contingent on approval of any pending federal land use permits, as well as the review of any documents associated with the EIS or EA.

Application Fee. An application processing fee, as established by the Mineral County Board of Commissioners, shall be collected for any application for an expedited renewable energy generation project permit. In addition, the applicant may be required to pay the cost for a contractor to represent the county as a cooperating agency in the federal environmental review process if the county does not otherwise have the capacity or staff to review and participate.

Home based businesses in rural areas will have less impact on surrounding neighbors than home based businesses in urban areas and are not intended to create new commercial or industrial areas, but rather to provide an opportunity to supplement an income, start-up a business, or establish a work place at home.

Uses that do not require a business license are exempt from this chapter. Home based businesses do not include garage sales, basement sales, yard sales or other similar sales, nor home parties that are held

Chapter 17.38 Home Based Business/ Conditional Use Permit

Sections:

17.38.010 Intent and purpose

17.38.020 Home Based Business- administrative approval or denial

17.38.030 Home Based Business- Public hearing-appeal

17.38.040 Home based business- Findings and conditions

17.38.050 Revocation, of Home-based business permits

17.38.010 Intent and purpose.

Home- based businesses, by their nature, are not intended to be disruptive to the residential use of adjacent properties; generate less traffic and noise than typical commercial or industrial activities and are compatible in appearance, operating hours, and other factors with the surrounding neighborhood. Located in a residential structure and/ or associated out buildings, home based businesses may involve service as well as manufacturing and are wholly accessory and subordinate to the residential use of the property. Home based businesses in rural areas will have less impact on surrounding neighbors than home based businesses in urban areas and are not intended to create new commercial or industrial areas, but rather to provide an opportunity to supplement and income, start up a business, or establish a work place at home.

Uses that do not require a business license are exempt from this chapter. Home based businesses do not include garage sales, basement sales, yard sales or other similar sales, or home parties that are held for the purpose of the sale or distribution of goods or services. Notwithstanding and a provision contained herein to the contrary, garage sales, basement sales, yard sales, or other similar sales and home parties shall not be allowed more than four (4) times yearly, and each sale or home party shall not last more than 72 consecutive hours.

Mineral County recognizes home-based businesses can be useful to both the general community as well as the resident- proprietor; therefore, it is the intent and purpose of this chapter to provide for certain types of occupational uses within residential districts.

17.38.020 Home based business- Administrative approval or denial.

An application meeting the criteria as determined by the Building/ Planning staff shall be submitted to the planning department with the required fee. A signed, notarized Owners affidavit is required as part of the application. If the home- based business is to be conducted in a rental unit, a written

authorization from the property owner (Owners affidavit) giving his or her permission for the operation of the home-based business shall be provided to the planning department. The decision shall be made without public hearing, provided said home-based business is conducted by the applicant, who shall reside on the premises, and said business conforms to all the rules and regulations of this chapter.

The following are acceptable activities for which a home-based business / conditional use permit may be approved:

- A. Dressmaking, sewing, and tailoring
- B. Artists, re: painting (picture), drawing, and photography and sculpting.
- C. Instrument instruction, provided that no instrument may be amplified.
- D. Writing and composing, Tutoring.
- E. Personal trainers, (fitness/ health maintenance), limited to two students at a time or for work off-site'
- F. Home crafts for sale off site, such as model making, rug weaving, lapidary work, woodworking, etc..
- G. Housekeeping & janitorial work.
- H. Telephone answering/ solicitation work.
- I. Catering or mobile food services.
- J. Day care as defined under NAC chapter 432.A
- K. Computer programming/ network administration or internet sales.
- L. Landscaping service.
- M. *Medical transcription* and billing, secretarial service and/ or bookkeeping service.
- N. Office for salesman, sales representative, or manufacturer's representative, building contractor, surveyor, lawyer, architect, accountant, real estate broker or similar use.
- O. Other home based –business similar in nature to one of the above- mentioned businesses as determined by authorized staff.

A determination to deny an application shall be made when the proposal is not consistent with the goals, policies, and provisions of this chapter; a written statement identifying specific areas in which the proposal is deficient shall accompany denials of applications for home based businesses. A determination made by authorized staff denying a home-based business may be appealed to the planning commission consistent with the requirements of Chapter 17.40.

17.38.030 Home based business- Public hearing- appeal

Except as otherwise provided in this chapter, home-based businesses which do not meet the criteria for administrative approval shall be scheduled for public hearing before the Regional Planning Commission. A signed, notarized Owners affidavit is required as part of the application. If the home-based business is to be conducted in a rental unit, written authorization from the property owner giving his or her permission for operation of the home-based business shall be provided to the planning department. Notices are mailed to all property owners per NRS. The Regional Planning Commission may approve, or deny, or approve the request with additional conditions at the meeting.

A determination by the Regional Planning Commission to deny an application may be made when the proposal is not consistent with the goals, policies, and provisions of this chapter; a statement identifying specific areas in which the proposal is deficient shall be included as part of the hearing process. Appeal of the Regional Planning Commission's denial of a home-based business shall be in accordance with chapter 17.40 of this ordinance.

17.38.040 Findings and conditions.

Criteria for the review on an application for a home-based business/ conditional use permit is as follows:

- A.** the site is adequate in size and shape to accommodate the proposed activity, which will be secondary to the residential use and will not change the residential character of the dwelling.
- B.** The site for the proposed use is accessible by streets adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use.
- C.** The proposed use will have no adverse effect upon abutting property or the permitted use thereof.
- D.** The conditions stated in the resolution are deemed necessary to protect the public health, safety, and general welfare. Such conditions may include, but are not limited to:
 - 1.** Businesses shall comply with all local, state, and federal regulations pertinent to the activity pursued, and the requirements of the permission regulations granted by this chapter shall not be construed as an exemption from such. Applicant is responsible for checking with the building department or other agencies which may have additional requirements regarding the proposed use.
 - 2.** approval, or, unless and extension request has been granted, shall become The activity for which this home-based business/ conditional use permit is issued shall commence within twelve (12) months of the date of final null and void.
 - 3.** This permit shall not become effective for any purpose until the applicant has returned to the planning department as notarized affidavit stating that the applicant is aware and accepts all the conditions of approval.
 - 4.** A home-based business/ conditional use permit shall expire at the same time a business license issued therefore expires and shall not remain in effect unless and/or until such business license has been renewed by the county, provided such renewal takes place within thirty (30) days after such expiration of a business license comes due.
 - 5.** Approval is based upon the facts as found on the application. If changes occur, such as property ownership or a deviation of said use, other than limited uses associated with this application, the planning department shall be notified.
 - 6.** Home based businesses shall be conducted only by members of the family residing in the dwelling unit plus one nonresident assistant of employee. For parcels 2.5 acres+ two additional employees may be employed at the residence. At least one person engaged in the operation must reside on the premise and must be the owner or lessee of the property.
 - 7.** Persons engaged in the building trades or similar fields, using residential premises as an office for business off the premises, may have more employees, if they are not employed on the premises. On-site parking spaces may be required.
 - 8.** There shall be no noise, dust, odors, noxious fumes, or vibrations relating to the business emanating from the premises. Mechanical of electronic equipment which is

- incidental to the home-based business may be used provided it does not create visible or audible interference in radio or television receivers or cause fluctuations in the line voltage off the premises. The activity shall not create any illegal discharge of materials, fluids, or gases in the sewer or on the ground.
9. There shall not be any outside storage of material, goods, supplies, equipment, or outside displays of any product relating to the business in the yard visible from the street.
 10. Home-based businesses shall not generate significantly greater traffic volume than would normally be expected in the residential zone in which the business is conducted. If the home-based business is the type in which customers or clients visit the premises, or in which classes are held and instruction given, depending on the location of the proposed business, vehicle traffic associated with coming to or going from the premises may be limited after having considered the availability of traffic circulation in the neighborhood, the hours during which the home-based business is conducted and the on-site parking. The building department may have additional restrictions or requirements mandated by the building code depending upon the number of clients, customers, or students.
 11. Delivery and pick-up of materials or commodities to and from the premises by a commercial vehicle should not exceed two trips per week.
 12. There shall not be more than one vehicle, which cannot exceed two tons in capacity at the residence, specifically associated with the home-based business.
 13. The total number of home-based businesses conducted within a dwelling unit is not limited, except that the cumulative impact of all businesses on the premises shall not be greater than the impact of one home-based business.
 - ~~14.~~
 15. Home based businesses shall not advertise the location (address) of the business to the public. Examples include, but are not limited to, signs, business cards, commercial telephone directory listing, direct mail, newspaper, radio, television, or similar services.
 16. Home-based businesses hours of operation where client, customer or classes are to be held shall be limited to 8: 00a.m to 8: 00p.m, Monday through Friday; and 9: 00a.m to 5:00p.m., Saturday. Hours of operation restrictions may be reduced or waived provided that the applicant demonstrates that additional hours of operation for the proposed home-based business will not generate notable impacts.
 17. The home-based business shall be subject to an annual review.
- Based upon the type of business and its location, some of the provisions of this chapter may be waived or additional conditions may be added by the authorized staff, or by the planning commission at the public hearing.
- Persons with demonstrated physical handicaps may request a waiver for some of the provisions as long as the basic residential character of the dwelling and/ or the neighborhood is not changed.

17.38.50 Revocation of home-based business permits.

Should, at any time during the period which a home-based business/ conditional use permit is in effect, the Regional Planning Commission or authorized staff find, after conducting an investigation, that the operation of such home-based business is in violation of the provisions of this chapter and/ or the terms and conditions subject thereto, (s) he shall serve notice of necessary action.

Chapter 17.40 APPEALS

17.40.010: TIME LIMIT; FINALITY OF DECISION:

17.40.020: RIGHT OF APPEAL:

17.40.030: INITIATION; FILING OF NOTICE:

17.40.040: HEARING; NOTICE MAILED TO APPELLANT:

17.40.050: HEARING; PUBLICATION OF NOTICE IN NEWSPAPER:

17.40.060: CONSIDERATION OF EVIDENCE:

17.40.010: TIME LIMIT; FINALITY OF DECISION:

The recommendation of the Regional Planning Commission, granting, denying, or any conditions not acceptable to the applicant, may be appealed in writing to the Governing Board (County Commissioners) within ten (10) days from the day of their decision. If filed, and appeal stays any further action on the permit until final resolution of the appeal. If the end of the appeal period falls on a non-business day, the appeal period shall be extended to include the next business day. If no such appeal is filed with the County Clerk within that time, the regular course of action flows to the Governing Board for their final action. This process applies to applications for: Special Use Permits, Variances, and requests for Change of Land (Rezoning).

17.40.020: RIGHT OF APPEAL:

Appeals may be filed by any person aggrieved by the decision of the planning commission if the person is:

- A.** The applicant or the applicants authorized agent.
- B.** An owner of real property who has received notice of the public hearing pursuant to chapter 17.36.
- C.** A person who may be adversely affected by the decision; and has participated in the review process by submitting written testimony on the application prior to the public hearing before the planning commission.
- D.** Has participated in review process by providing oral testimony at the public hearing before the planning commission, or
- E.** Was prevented from participating in the review by circumstances beyond his/ her control.

17.40.030: INITIATION; FILING OF NOTICE:

Appeals shall be initiated by filing a written notice of appeal with the clerk of the board of county

commissioners, stating the basis of the appeal by citing the inadequacy of the findings made by the planning commission. Such reasons shall be based upon the evidence presented to the planning commission at the original hearing. Failure of the appellant to present such reasons shall be deemed cause for denial of the appeal. The county may charge a fee for the filing of an appeal.

17.40.040: HEARING; NOTICE MAILED TO APPELLANT:

Notices of hearing for appeals from such decisions shall be given by the clerk of the county commissioners by mailing a notice of hearing to the appellant and to all parties involved, as shown by the records of decisions and findings furnished by the planning commission or the board of adjustment to the county commissioners.

17.40.050: HEARING; PUBLICATION OF NOTICE IN NEWSPAPER:

Notice of hearings by the county commissioners on recommendation of the planning commission for change of land use, or appeals there from, shall be given by the clerk of the board by one publication in a newspaper of general circulation at least fifteen (15) days before the date set for the hearing.

17.40.060: CONSIDERATION OF EVIDENCE:

The Mineral County Board of Commissioners shall consider only those items cited in the appeal. In its deliberation, it may use the record and any additional evidence relevant to the application and may confirm, reverse, or modify the appealed actions based upon its interpretation of the criteria required for approval of the special use permit and the evidence submitted. The Mineral County Board of Commissioners shall render a final decision within sixty (60) days of the appeal hearing. In the case of a tie due to the absence of a member, the appeal shall be continued to a future meeting unless otherwise requested by the appellant. Said future meeting may be beyond the sixty (60) days required for a final decision. The final decision of the Board of County Commissioners shall be final for Judicial review, with the exception of a Renewable Energy Generation Project Special Use Permit, which can be appealed, under certain conditions, to the Public Utilities Commission of Nevada pursuant to Nevada Revised Statutes 278.26506.

The decision of the Mineral County Board of Commissioners shall be effective immediately.

Special use permit Maintenance.: Construction on the project shall commence within two years of approval. If the applicant is not able to initiate construction within that time period, two year extensions from the date of the original approval of the special use permit may be granted by the planning commission of the Board of County Commissioners following a progress report presented at an open meeting of the commission. If the applicant has not commenced construction solely due to length or contingency on federal or state permitting process, the commission shall grant approval of a two-year time extension following presentation of the progress report. In the event that the use authorized by the special use permit is abandoned for a period of more than two years from the date of last producing operations, the permit shall become null and void and a new special use permit shall be required. Notwithstanding anything to the contrary contained in this code, the term "abandonment", as applied to renewable generation project facilities shall not be construed as applying to a facility with regular on site employees, maintenance, and security, regardless of whether commercial production at the facility has temporarily lapsed. In the event of a force major event, such as, and not limited to, a flood, damage, or destruction of the access to the site, earthquake, or other events beyond the control of the county or permit holder, the period of abandonment shall not be

deemed to commence until such time as the permit holder may be found to once again have reasonable access to the site. In this case, the permit shall remain valid as long as the permit holder, its heirs, assigns, or successors remain in compliance with the terms of this permit and county, state, and federal regulations. In the event that the permit lapses or the use is discontinued or abandoned, the permit holder/ owner, its heirs, assigns, or successors shall remain responsible for environmental compliance until post-closure reclamation requirements are met. If the facility is not being abandoned, but is not in operation for greater than two years for as reason such as equipment failure, replacement, or maintenance, the project contractor shall notify Mineral County in writing indicating an estimated time line for operations to recommence.

Chapter 17.42 AMENDMENTS

17.42.010: COMPLIANCE WITH STATE STATUTE:

17.42.020: PROCEDURE:

17.42.030: REPORT TO BOARD OF COUNTY COMMISSIONERS:

17.42.010: COMPLIANCE WITH STATE STATUTE:

This title, the County Master Plan and Land Use (Zoning) districts may be amended, repealed, or supplemented by the Governing Board (County Commissioners). Any such actions shall also be in compliance with and in a manner required of the Nevada Revised Statutes, Chapter 278.160 to 278.260 inclusive.

17.42.020: PROCEDURE:

- A. Application:** The amendments may be initiated by the planning commission upon its own action, by the board of county commissioners on its own motion, or by the owner of a lot or parcel within the area sought for amendment, by filing with the planning commission a signed and verified application, accompanied by the necessary fee.
- B. Hearing:** Upon receipt of a complete application for either a Master Plan Amendment and/or a Change of Land (Zoning) the Clerk or Secretary of the Planning Commission shall first notify the effected Town Board or Advisory Board of the request pursuant to NRS 278.260 (2). Said notification shall allow at least ten (10) days for a response in advance of a public hearing pursuant to NRS 278.260 (5). After sufficient time is allowed for such Boards to respond the Public Hearing for a request either a Master Plan Amendment or Change of Land (Rezoning) the Public Hearing may take place.
- C. Notice:** All notices and/or mailing must include time, place, and purpose of the hearing, and a description and/or map of the location of the subject property, and be sent out at least ten (10) days before the hearing. Published at least once in the official newspaper in general circulation in the County prior to the Public Hearing. Those required to be notified pursuant to NRS 278.260 include the following:
 1. Each tenant of a mobile home park if said park is within three hundred (300) feet of the property in question; and
 2. If a military installation is located within three thousand (3,000) feet of the property in question, mailed to the Commanding Officer of that military installation.

3. Each property owner located within three hundred (300) feet of the property in question; and
4. Each property owner of each of the 30 separately owned parcels nearest to the portion of boundary being proposed for change.

17.42.030: REPORT TO BOARD OF COUNTY COMMISSIONERS:

- A. The Regional Planning Commission shall forward their recommendation to the Governing Board within forty (40) days from the date of the hearing.
- B. The planning commission shall mail to the applicant notice of the recommendations within three (3) days following the filing of the report with the clerk of the board of county commissioners.

**Chapter 17.44
ENFORCEMENT**

17.44.010: PUBLIC NUISANCE OF STRUCTURES NOT IN COMPLIANCE:

17.44.020: REMEDIES:

17.44.030: PENALTIES:

17.44.010: PUBLIC NUISANCE OF STRUCTURES NOT IN COMPLIANCE:

Any building or structure erected or maintained or any use of property contrary to the provisions of this title is unlawful and a public nuisance. The following procedure shall apply to enforce the provisions of this title:

- A. Upon notice given to the building inspector by the planning commission of a violation of this title insofar as it pertains to construction of buildings as set forth under the county building code, the building inspector shall deliver to the party or parties in violation of this title a written order to comply with the provisions of this title within ten (10) days of receipt of same. With regard to all other violations of this title, the planning commission shall cause to be delivered to the party or parties in violation of this title the order to comply.
- B. Upon failure to comply of the party or parties in violation of this title within ten (10) days of receipt of the notice, and upon receipt by the district attorney of a written statement signed by the building inspector or administrator setting forth the violation, the background of the violation, the parties involved, the date of delivery of a notice to comply and the date of inspection in which it was determined that the party had not complied within the time limits allowed for compliance, the party or parties shall be cited by the district attorney's office to appear before the county commissioners to show cause why the board should not order the district attorney to proceed with civil and/or criminal action as provided in subsection C of this section.
- C. Upon order of the board of county commissioners, after hearing as provided above, the district attorney shall immediately commence action or actions for the abatement, removal and enjoinder of such violation as a public nuisance and/or a criminal action in the manner provided bylaw.

17.44.020: REMEDIES:

All remedies provided for in this chapter shall be cumulative and not exclusive. The conviction and

punishment of any person hereunder shall not relieve such person from the responsibilities of correcting prohibited conditions or removing prohibited buildings, structures or improvements nor prevent the enforced correction or removal thereof.

17.44.030: PENALTIES:

Any person, firm or corporation, whether as principal agent, employee or otherwise, violating any provision of this title or violating or failing to comply with any order or regulation made under this title, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a term not exceeding six (6) months, or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which such violation of this title or failure to comply with any order or regulation is committed, continued or otherwise maintained. (MC Ord. 19A Art. 17 § C, 1965)

Chapter 17.46 ADVERTISING DISPLAYS

17.46.010: DEFINITIONS:

17.46.020: PERMIT ISSUANCE:

17.46.030: ZONING DISTRICTS PERMITTED OR PROHIBITED:

17.46.040: SIGNS EXEMPT FROM PERMIT:

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17.46.010: DEFINITIONS:

ADVERTISING DISPLAYS: Off premises signs, on premises freestanding signs and any sign or advertising device, except as provided in section 17.46.040 of this chapter, shall be subject to the issuance of a building permit unless otherwise expressly permitted. Signs shall comply with provision of all applicable state regulations.

BILLBOARD: Any outdoor advertisement 160 to 450 sq. ft. in advertising area, per side, making a material or service known, such advertisement being remote from the point of sale of such material or service.

BUILDING INSPECTOR: The qualified professional delegated by the Mineral County board of commissioners to do building control. The building inspector has the power to halt construction work on a site if it does not meet the prescribed standards. The building inspector is exempt from liabilities arising from errors and omissions.

SIGNAGE: Any card, cloth, metal, painted or wooden sign of any character, placed for outdoor advertising purposes of less than 160 square feet.

TO PLACE (And Any Of Its Variants): As applied to advertising displays, includes the maintaining and the erecting, construction, posting, painting, printing, backing, nailing, gluing, stitching, carving, or otherwise fastening, affixing, or making visible, any advertising display on or to the ground, or any tree, bush, rock, fence, post, wall, building, structure, or thing.

17.46.020: PERMIT ISSUANCE:

A. Purpose: The purpose of these sign regulations is to encourage the effective use as a means of communication in the county; to enhance the aesthetic environment; to attract sources of economic development and growth; to minimize the possible adverse effects of signs on or near by public and private property; to improve traffic safety.

B. General Standards:

1. Building Permit Required: A building permit shall be required for any sign or billboard unless expressly exempted.

2. Compliance with Codes: All signs shall comply with applicable provisions of the latest Codes adopted by Mineral County.

3. Maintenance, Repair and Appearance: All signs shall be maintained in good repair and shall be neat in appearance. Any sign which is determined by the building inspector to be unsafe or unsightly because of bent, broken or missing parts or poor maintenance generally, may be declared a public nuisance.

4. Permission Required: Any permit issued under this chapter must have the permission of the landowner upon which the sign or billboard is proposed, and authorization of placement affixed on the permit.

17.46.030: ZONING DISTRICTS PERMITTED OR PROHIBITED:

A. R-1 single-family district: Professional occupation signs denoting only the name or firm name and profession of an occupant in a commercial building, public institutional building or dwelling house when the area of such sign does not exceed two (2) square feet for each professional occupant therein and placed on or against a building.

B. R-2 limited multiple residence district: Advertising regulations are: **1. Lighting:** Lighted or unlighted identification sign (but not neon or other gaseous media) of not more than six (6) square feet in area attached to the face of a building. **2. Height Allowed:** The height limitation shall be two (2) stories, not exceeding thirty-five feet (35').

C. R-3 multiple-family residence district: Advertising regulations are: **1. Lighting:** Lighted or unlighted identification sign (but not neon or other gaseous media) of not more than six (6) square feet in area attached to the fence of the building. **2. Height Allowed:** The height limitation shall be three (3) stories, not exceeding forty-five feet (45').

D.T Mobile home overlay residential district: Advertising not allowed.

E. C-1 commercial district: Advertising regulations are: **1. Dimensions:** a. Pole Signs: Maximum height, three (3) stories, not exceeding forty-five feet (45'); maximum sign area, one hundred sixty (160) square feet; minimum one hundred feet (100') between any pole signs and fifty feet (50') between any pole sign and ground sign. b. Ground Signs: Maximum height, four feet (4'); maximum sign area, eighty (80) square feet; minimum fifty feet (50') between any two (2) ground sign and a pole sign. c. Freestanding Signs: Maximum total sign area for all freestanding signs on one parcel of land, except exempted directional signs: One hundred sixty (160) square feet. d. Projecting Signs: Maximum sign area, eight (8) square feet.

e. Prohibited Location: No freestanding sign may be located in a position where it intentionally obstructs the view of any other freestanding sign. f. Master Signage Plan: A master signage plan may be required when there is more than one business located on one parcel. g. Special Use Permit: The planning commission may issue a special use permit for any freestanding sign advertising four (4) or more businesses located on one parcel if there are no other freestanding signs within one hundred feet (100') of said sign and if the applicant provides sufficient evidence to show that the proposed sign would be more beneficial to the community than several freestanding signs on the same property. The sign area may not exceed two hundred (200) square feet.

F.M-1 industrial district: Advertising allowed with same specification as in C-1.

G. P public district: Advertising not allowed.

H. M-3 open use district: All nonresidential uses will require a special use permit.

17.46.040: SIGNS EXEMPT FROM PERMIT:

No permit shall be required for any of the following signs, but such signs shall be erected and maintained in accordance with the provisions of this section:

- A. Official traffic control or regulatory signs, signals or devices, handicapped signs, street name signs or other signs required by law.
- B. Professional occupation signs denoting only the name or firm name and profession of an occupant in a commercial building, public institutional building or dwelling house when the area of such sign does not exceed two (2) square feet for each professional occupant therein and placed on or against a building.
- C. Memorial tablets, plaques or markers of bronze, stone or concrete.
- D. Address numbers or plates and residential nameplates.
- E. Bulletin boards not over fifteen (15) square feet, for public charitable and religious institutions when such bulletin boards are located on the premises of said institutions.
- F. Off premises directional signs advertising places of public worship and assembly, hospitals, schools and institutions supported by charitable organizations subject to the following conditions:
 - 1. There shall be not more than two (2) such signs on one parcel advertising any one use unless authorized by the planning commission.
 - 2. Each such sign shall not exceed three (3) square feet in area.
 - 3. Temporary signs and banners of a civic, charitable, educational, municipal or religious nature not to exceed a period of ninety (90) days.
 - 4. Pennants, banners, balloons, and similar advertising devices located on private property advertising a special event or sale. Such devices must be removed within seven (7) days of the event.
 - 5. Temporary signs on the interior of windows of commercial buildings.
 - 6. The changing of advertising copy or message on a painted or printed sign specifically designed for the use of replaceable copy.

17.46.050: REAL ESTATE, POLITICAL, AND DIRECTIONAL SIGNS:

- A. Real estate signs advertising the sale or lease of a property or open house provided no such sign exceeds four (4) square feet in area and three feet (3') in height, in all residential zones, or thirty-two (32) square feet in area and five feet (5') in height in commercial and industrial zones and is placed on premises.
- B. Temporary construction signs advertising the name of the contractor, lender or other professional, provided no such sign exceeds thirty-two (32) square feet in area and six feet (6') in height and is placed on the premises where the structure is being constructed. Temporary signs shall be removed within thirty (30) days after the certificate of occupancy is issued.

- C. Political signs, signs designed for the purpose of advertising support of or opposition to a candidate or proposition at a public election. Political signs shall be removed within thirty (30) days after the election.
- D. Temporary on and off premises signs with messages such as, but not limited to, “for rent”, “for sale”, “garage sale”, “open” or “closed”; provided, that no such sign shall exceed three (3) square feet in size and must not be affixed to trees or shrubs. Temporary signs shall be removed within seven (7) days after the event.
- E. On premises directional signs that enhance the flow of traffic and are less than nine (9) square feet in sign area.

17.46.060: PROHIBITED SIGNS:

The following types of signs and displays are prohibited:

- A. Signs which constitute a hazard to traffic or pedestrians.
- B. Signs located within any stream or drainage channel.
- C. Mobile signs or portable signs unless in conjunction with an approved event. Said signs must be removed within seven (7) days of the event.
- D. Signs which produce odor, sound, smoke, flame or other emissions.
- E. Signs which imitate or simulate official signs, or which use yellow, blue, red blinking or intermittent lights resembling danger or warning signals.
- F. Signs on public property or rights of way; signs attached to utility poles, street standards, trees or fences.

17.46.070: REMOVAL OF PROHIBITED DISPLAYS:

Any advertising structure or sign which is now, or hereafter may be, in violation of the provisions of section 17.46.020 of this chapter, shall be removed within three (3) years from the effective date hereof.

Chapter 17.50 HIGHWAY CORRIDOR

17.50.010: PURPOSE AND INTERPRETATION:

17.50.020: DEFINITIONS:

17.50.030: ROADS:

17.50.040: BUILDING HEIGHTS:

17.50.050: BUILDING DISTANCE FROM RIGHT OF WAY EASEMENTS:

17.50.060: SETBACKS:

17.50.070: BUILDING LOCATIONS:

17.50.080: UTILITIES:

17.50.090: LIGHTING:

17.50.100: TEMPORARY CONSTRUCTION STANDARDS:

17.50.110: FIRE AND BUILDING CODES:

17.50.120: ADDITIONAL STANDARDS:

17.50.010: PURPOSE AND INTERPRETATION:

To govern the required standards and guidelines for building setback locations , addresses, fences, utilities, To ensure that any development of this new commercial/industrial district will be subject to the requirements of the current international building codes, international fire codes and any other applicable state or local codes in effect, at the time when a building permit is applied for.

In any case where a provision of this chapter is found to be in conflict with state law applicable to the county state law shall prevail.

1 .It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other laws or ordinances.

2. In cases where two (2) or more provisions of this chapter conflict, the most stringent or restrictive shall prevail. (Ord. 212A, 2011)

17.50.020: DEFINITIONS:

FAA: Federal Aviation Administration

IBC: International Building Code

IFC: International Fire Code

MINERAL COUNTY BOARD OF COUNTY COMMISSIONERS: That entity which governs for the county of Mineral, towns of Hawthorne, Walker Lake, Mina, Lining and Montgomery Pass, or any developed areas located within Mineral County. (Ord. 212A, 2011)

17.50.030: ROADS:

A. Any future development of this area shall comply with the minimum road standards as shown on map #150623 recorded in the Mineral County recorder 's office on July 14, 2010.

B. Minimum road widths shall be sixty feet (60') in width with a ten foot (10') easement on each side.

C. Cul-de-sacs shall be constructed with a minimum ninety-six foot (96') turning radius within the curb. (Ord. 212A, 2011)

17.50.040: BUILDING HEIGHTS:

Building heights shall comply with current FAA regulations governing the area, IBC standards, and any other applicable Mineral County code. (Ord. 212A, 2011)

17.50.050: BUILDING DISTANCE FROM RIGHT OF WAY EASEMENTS:

Building distance from ROW easements shall be governed by IBC codes and IFC section 503. (Ord. 212A, 2011)

17.50.060: SETBACKS:

Building setbacks shall be governed by IBC codes and IFC section 503. (Ord. 212A, 2011)

17.50.070: BUILDING LOCATIONS:

- A. The front of any building constructed on these lots shall face the street where the address is located.
- B. Location of any building on any lot shall comply with IFC codes. (Ord. 212A, 2011)

17.50.080: UTILITIES

- A. Utilities shall be buried underground in the identified "commercial" areas.
- B. Utilities in the identified "industrial" areas may be allowed to be constructed overhead subject to final approval of a special use permit by the Mineral County board of commissioners. (Ord. 212A, 2011)

17.50.090: LIGHTING:

- A. Lighting in the area shall comply with FM regulations governing the area and/or IBC codes. (Ord. 212A, 2011)

17.50.100: TEMPORARY CONSTRUCTION STANDARDS:

During construction and development of any lot, temporary construction offices may be used. Any temporary structure shall be required to receive a building permit from the Mineral County building inspector and comply with all IBC and IFC codes. (Ord. 212A, 2011)

17.50.110: FIRE AND BUILDING CODES:

The design and construction of new structures shall comply with the adopted fire and building codes for Mineral County and the state of Nevada. (Ord. 212A, 2011)

17.50.120: Additional STANDARDS:

Any construction condition not specifically addressed in this chapter shall be expected to comply with the current IBC and IFC codes. Any condition pertaining to modification and/or questions to this chapter shall be brought before the Mineral County board of commissioners for resolution. In some circumstances special use permits or variances may be required for development within this area. (Ord. 212A, 2011)

17.50.010: PURPOSE AND INTERPRETATION:

- A. To govern the required standards and guidelines for building setback locations, addresses, fences, utilities, lighting, parking, signage and all related requirements in the newly developed commercial and industrial zoned areas along Highway 95 between Tenth (10th) Street and Lady Bird/veteran's Park.
 - B. To create an ordinance governing the standards and guidelines for construction in the newly developed commercial and industrial land, and to ensure the development of such standards and guidelines are in the best interests of the public by having all proceedings transparent and subject to the Nevada open meeting law.
 - C. To ensure that any development of this new commercial/industrial district will be subject to the requirements of the current international building codes, international fire codes and any other applicable state or local codes in effect, at the time when a building permit is applied for.
 - D. In any case where a provision of this chapter is found to be in conflict with state law applicable to the county, state law shall prevail.
- 1. It is not intended by this chapter to repeal, abrogate, annul, or in any way impair or

interfere with existing provisions of other laws or ordinances.

2. In cases where two (2) or more provisions of this chapter conflict, the most stringent or restrictive shall prevail. (Ord. 212A, 2011)

17.50.020: DEFINITIONS:

FAA: Federal aviation administration; **International building code.** **IFC:** International fire code. **MINERAL COUNTY BOARD OF COUNTY COMMISSIONERS:** That entity which governs for the county of

Mineral, towns of Hawthorne, Walker Lake, Mina, Lining and Montgomery Pass, or any developed areas located within Mineral County. (Ord. 212A, 2011)

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Building distance from ROW easements shall be governed by IBC codes and IFC section 503. (Ord. 212A, 2011)

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