Article I. Administrative Provisions

Chapter 16.08
ZONING AND LAND USE

16.08.010: SHORT TITLE:

This title shall be known and may be cited in all proceedings as the *CHURCHILL COUNTY CONSOLIDATED CODE*. (Bill 2005-F § 2.2, 2005)

16.08.020: POWER OF BOARD OF COUNTY COMMISSIONERS:

A. The board of county commissioners (hereinafter in this title referred to as "board") may:
1. Divide Churchill County into districts and regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land within those districts.
2. Adopt master plans for Churchill County that will serve as a pattern and guide for the kind of orderly physical growth and development of the overall county that will minimize impairment of the natural resources.
3. Establish and adopt ordinances and regulations relating to the subdivision of land.

B. The board shall carry out the provisions of subsection A1 of this section in the manner prescribed by chapters 278 and 278A of Nevada Revised Statutes. (Bill 2005-F § 2.2, 2005)

16.08.030: PLANNING COMMISSION:

A. Purpose: The purpose of this section is to specify the establishment and authority of the county planning commission (hereinafter in this title referred to as "commission").

B. Authority; Powers; Duties; Review By The Board:
1. The commission is hereby created pursuant to Nevada Revised Statutes 278.030.
2. The commission shall perform all duties and functions delegated to a county planning commission by the terms of Nevada Revised Statutes 278.010 to 278.630.
3. The commission shall take action to approve, conditionally approve or deny special use permits, variances, and appeals of administrative decisions. The commission shall hear applications and recommend to the board of county commissioners action on changes to the master plan, zoning districts, amendments to ordinances, and all other appropriate subjects.
4. On matters where the commission takes final action, the proponent, any aggrieved party, or member of the board may appeal the decision to the board.
5. On matters where the commission makes a recommendation to the board, the board by majority vote may affirm, deny, or return the recommendation to the commission for further consideration of any proposed recommendations.

C. Membership; Terms Of Office; Vacancies; Removal; Attendance By Director:
1. There shall be seven (7) members of the commission.
2. The terms of the members shall be four (4) years or until a successor takes office.
3. Vacancies occurring before the expiration of a commissioner's term shall be filled for the remaining unexpired portion of the term.
4. Members shall perform their duties pursuant to the planning commission bylaws and may be removed, after a public hearing, by a majority vote of the board for inefficiency, neglect of duty, or malfeasance in office.

5. The planning director (hereinafter in this title referred to as "director") or his/her designee shall be in attendance at all commission meetings.

D. Qualifications:
1. The board shall appoint the members of the commission.
2. The members shall be residents of Churchill County therein at the time of their appointment and continuously throughout their term.

E. Compensation: All members of the commission shall serve with compensation as approved by the Churchill County commissioners.

F. Meetings And Records:
1. The commission shall hold at least one regular meeting each month.
2. The commission shall adopt bylaws and rules for the transaction of their business and shall keep a record of its decisions and findings. This record shall be a public record.
3. Complete records of official actions of the commission shall be kept on file in the office of the planning department.

G. Chairman And Other Officers:
1. The commission shall elect yearly its chairman from among the appointed members.
2. The commission shall elect yearly other officers as it may determine necessary. (Bill 2010-G, 2010: Bill 2005-F § 2.2, 2005)

16.08.040: PURPOSE:

A. Purpose Of Title: The purpose of this title is to promote the health, safety and general welfare of Churchill County's citizens through implementation of the Churchill County master plan and its elements. It is the intent of the board and the commission that regulatory decisions made pursuant to this title shall promote orderly and appropriate use of land throughout Churchill County and be consistent with the goals, policies, objectives and programs of the master plan and its elements.

B. Purpose Of Board And Commission: It is the purpose and intent of the board and commission that this title promotes Nevada Revised Statutes 278.010 through 278.630, inclusive, and the following purposes:
1. To coordinate and ensure the execution of the Churchill County master plan and its elements through effective implementation of development review requirements, adequate facility and services review.
2. To establish a system of comprehensive, consistent and equitable regulations, standards and procedures for the review and approval of all proposed land development within the county.
3. To implement the process oriented standards located in this title.
4. To implement design oriented standards contained in the development standards, which is parallel authority to this title.

C. Administration Of This Title: The Churchill County planning director shall administer this title. For the purposes of this title, the term "director" means the director of the planning department or the director's designee. The director shall determine when any application under his/her jurisdiction is complete.

D. Jurisdiction, Interpretation And Application: The provisions and standards contained in this title, as well as the standards contained in the development standards, shall be deemed to be minimum standards with which compliance is essential to the permitted uses, and shall not be construed as limiting the legislative discretion of the board to further restrict the permitted uses or to withhold or revoke permits for uses when the protection of the public health, safety, and welfare is necessary. Ordinance requirements found in this title and the corresponding development standards ordinance requirements shall apply to all properties within Churchill County.

1. Conflicts With Other Provisions: 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 restriction, the provisions of this title shall prevail.
2. Rules Of Interpretation: In interpreting the language of this title, the rules set out in this chapter shall be observed unless the interpretation would be inconsistent with the expressed language of this title.
3. Text Control: In case of any conflict between the text of this title and any figure, the text shall control.
4. Computation Of Time: The time within which an act is to be performed shall be computed by excluding the first day and including the last day. If the last day is a Saturday, Sunday or legal holiday, the period runs until the next day which is not a Saturday, Sunday, or legal holiday. The following time related words shall have the meanings ascribed below:
   DAY: A calendar day unless otherwise stated.
   MONTH: One calendar month.
   WEEK: Seven (7) calendar days.
   YEAR: A calendar year, unless a fiscal year is indicated.
5. Other Clarifications:
   a. Headings: The headings contained in this title are for convenience only and do not limit or modify the intent or meaning of the provisions.
   b. Tense: Unless clearly indicated to the contrary, words used in the present tense shall include the future, words used in the plural shall include the singular, words used in the singular shall include the plural and words of one gender shall include the other.
   c. Use Of Certain Words: The words "shall", "must", and "will" are always mandatory. The term "may" is discretionary. Words and phrases shall be construed according to the common and approved usage in the language, except for technical words and phrases that may have acquired a peculiar and appropriate meaning.
   d. Conjunctions: Unless the context clearly indicates the contrary, conjunctions shall be interpreted as follows:
      (1) "And" indicates that all connected items or provisions apply; and
      (2) "Or" indicates that the connected items or provisions may apply singularly or in any combination.
6. Delegation Of Authority: Whenever reference is made to the head of a department or to some other county officer or employee, the reference shall be construed as authorizing the head of the department or other officer to designate, delegate and authorize subordinates to perform the required act or duty, unless expressly provided otherwise.
7. Nonconforming Uses: Amendments to this title may create nonconforming uses. In this instance, standards from the previous code still apply to property made nonconforming by the amended code. All applications and permits that have been filed and are in process of review and approval, or when construction is occurring at the time of zoning changes to this title, will be reviewed and approved under the terms of the previous title in effect at the time of application.
8. Enforcement: It is unlawful for any person, firm or corporation, whether as a principal, agent, employee, or otherwise (hereinafter referred to as "party"), to construct, build, convert, alter, erect, and maintain a building, structure or any use of property, equipment, or operation in violation of a provision of this title. (Bill 2007-I, 2007: Bill 2007-G, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.050: VIOLATIONS, PENALTIES, ENFORCEMENT PROCEDURES AND GENERAL ADMINISTRATIVE PROCEDURES:

16.08.050.1: VIOLATIONS DEEMED PUBLIC NUISANCE:

Any building or structure erected or maintained or any use of property contrary to the provisions of this title is declared to be unlawful and a public nuisance.

All remedies provided for in this title shall be cumulative and not exclusive. The conviction and punishment of any person under this title 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. (Bill 2005-F § 2.2, 2005)

16.08.050.2: PENALTY FOR VIOLATION:

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, is guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars ($1,000.00) or by imprisonment in the county jail for a period not to exceed six (6) months, or 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. (Bill 2010-H, 2010: Bill 2005-F § 2.2, 2005)

16.08.050.3: ENFORCEMENT PROCEDURES:

A. Filing Of A Complaint: Any person living in Churchill County or any landowner in Churchill County may file a complaint against any property or business within Churchill County. A written complaint must be filed with the Churchill County planning department. Complaint forms may be completed at the planning department or mailed or faxed to said department. The code enforcement officer may also be responsible for filing complaints and documenting violations he/she sees in the normal course of his/her duty.

B. Upon Receiving A Complaint: The code enforcement officer shall inspect the property and determine if there is a violation of the Churchill County codes. Once a determination has been made that there is a violation, the code enforcement officer shall contact the property owner by one of the following methods: 1) certified mail or 2) in person.

C. Enforcement Action: The code enforcement officer will take any of the following steps needed to correct the violation and bring the property or business into compliance:

1. The code enforcement officer will attempt to gain voluntary compliance for the correction of all noted violations.
2. The code enforcement officer may, at any time, issue a citation to the property owner or any other responsible person(s) for any and all code violations. (For the purposes of this section "responsible person" is one that has the legal right to possess the property.)
3. The code enforcement officer may, at any time, refer a case to the Churchill County district attorney for prosecution of any and all code violations. (Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.050.4: GENERAL ADMINISTRATIVE PROCEDURES:

A. Commission Applications:

1. Completing Application:

a. Application Submittal: Should a person wish to apply for a variance, temporary use permit, a special use permit, a zoning map amendment, consolidated development code amendment, a planned unit development conceptual map, a planned unit development application, a planned unit development tentative map, an abandonment of street or easement, an amendment to this title, or an appeal of an administrative decision, the applicant shall have a preapplication

meeting with the director, or his/her designee, to discuss application submittal and review requirements and procedures. Following this meeting the applicant may proceed with completing an application and compiling necessary supplemental information.

b. Completeness Review: Upon completing the application and compiling all the necessary supplemental information, and prior to signing the application and making copies, the applicant is strongly encouraged to meet with the director or his/her designee to review the application for completeness. At this meeting, or no later than three (3) working days after said meeting, the director shall determine if there is need for an expert panel's review of the application and shall advise the applicant of the required deposit, an amount to be determined, up to fifty thousand dollars ($50,000.00) to cover the cost of the panel's review and the number of additional copies of the application packet that must be submitted. If the application is denied, the outstanding balance of the deposit shall be returned to applicant after the time for filing appeals and petitions for judicial review have expired. If the application is approved, the deposit shall be retained and utilized by the county for services provided by specialized or skilled professionals retained by the county to monitor compliance with the conditions for approval. At the time the application is approved, the applicant, as a condition of approval, may be required to deposit additional funds with the county to bring the balance of the deposit back up to fifty thousand dollars ($50,000.00).

c. Determination Of Completeness: Within seven (7) days of filing the application packet and filing fee, the director shall make a determination of completeness and forward written notice to the applicant. A determination of completeness shall not constitute a determination of compliance with other requirements of this title or Nevada Revised Statutes.

d. Processing: Following the determination of completeness, the applicant may then sign the application, make the necessary copies of the application and supplemental information. The application fee, the deposit for the expert panel review and the complete application packet may then be filed with the planning department.

2. Official Filing Date: The time for processing and acting on commission applications as established by Nevada Revised Statutes or this title shall commence on the date that the application packet, application fee and the deposit are filed with the planning department. Material modifications of any application by the applicant following the filing of the application shall reestablish the time for processing and acting on the application upon the director's determination that the modified application is complete.

B. Application Limitations: A second or subsequent application substantially similar to the first for a variance, temporary use permit, special use permit, zoning map amendment, consolidated development code amendment, or planned unit development application shall not be submitted for review within one year of the first application's denial by the commission or board with respect to that parcel or any portion of that parcel under the same ownership or if ownership changes unless the director determines that the subsequent application is substantially different such that the facts supporting the previous denial from the commission or board no longer exist.

Where the holder of an application for a development approval wishes to file a subsequent application for a project which is substantially different from the first project, the new development application shall supersede the previous development application, and the applicant shall state on his application that, upon approval by the commission of the subsequent application, he requests review and action to approve the withdrawal of the first development approval.

C. Notice Of Hearings:

1. Commission Hearings: Notice of time and place of commission hearings shall be published in a newspaper of general circulation in Churchill County, not less than ten (10) days prior to the date of such hearing. Such notice shall be required for a master plan amendment, an application for a zone change, consolidated development code amendment, a planned unit development application, a planned unit development tentative map, and abandonment of street or easement. For hearings on an application for a variance, special use permit, zoning

map amendment, planned unit development conceptual map, planned unit development application and planned unit development tentative map the commission shall also mail to the applicant, and to all record property owners, as shown on the latest equalized assessment rolls, within three hundred feet (300') of the exterior boundaries of the subject property, and to each tenant of a manufactured/mobile home park if that park is located within three hundred feet (300') of the property in question, written notice of the time, place and date of such hearing, the general location of the property of the addressee and a description of the application/development. Such written notice shall be mailed not less than ten (10) days prior to the public hearing date. At least thirty (30) property owners nearest the subject site must be noticed; if there are not thirty (30) property owners within three hundred feet (300') of the subject site then expand notification distance until thirty (30) property owners are identified, except for a temporary use permit where only property owners within one hundred feet (100') need to be notified.

Upon application for a right of way or public easement abandonment, the commission shall notify by certified mail the applicant and all abutting property owners of record as shown on the latest equalized assessment rolls, written notice of the time, place, date of such hearing and the general location of the property of the addressee with reference to the proposed street abandonment, not less than ten (10) days prior to the public hearing date.
Following the public hearing held on a right of way or public easement abandonment, zoning map change, a planned unit development application, a planned unit development tentative map, master plan amendment and consolidated code amendment, the commission shall forward a recommendation to the board.

2. Board Hearings: Notice of time and place of board hearings shall be published in a newspaper of general circulation in Churchill County, not less than ten (10) days prior to the date of such hearing. Such notice shall be required for an application for a zoning map amendment, consolidated development code amendment, a planned unit development application and a planned unit development tentative map, a master plan amendment, an abandonment of street or easement and an appeal from the decision of the commission. For hearings on an application for a zoning map amendment, planned unit development application and a planned unit development tentative map, the board shall also mail to the applicant, and to all record property owners, as shown on the latest equalized assessment rolls, within three hundred feet (300') of the exterior boundaries of the subject property, and to each tenant of a manufactured/mobile home park if that park is located within three hundred feet (300') of the property in question, written notice of the time, place and date of such hearing, the general location of the property of the addressee and a description of the application/development. Such written notice shall be mailed not less than ten (10) days prior to the public hearing date. At least thirty (30) property owners nearest the subject site must be noticed if there are not thirty (30) property owners within three hundred feet (300') of the subject site then expand notification distance until thirty (30) property owners are identified.

Upon application for a right of way or public easement abandonment, the board shall notify by certified mail the applicant and all abutting property owners of record as shown on the latest equalized assessment rolls, written notice of the time, place, date of such hearing and the general location of the property of the addressee with reference to the proposed street abandonment, not less than ten (10) days prior to the public hearing date.

D. Review:

1. The commission and board in reviewing and judging the merit of any proposal shall find that the regulations and standards in this title or state law are met.
2. The commission and the board, after reviewing a proposal and taking public testimony, shall reduce their respective recommendations and decisions to writing and shall include therein the recommendation or decision in a concise and explicit statement of the evidence. A copy of the commission and board recommendation, decision and final action must be mailed by certified mail or hand delivered to the applicant. The applicant must sign the notice of decision and

return the notice of decision to the planning department or board secretary within ten (10) working days of receipt. A copy of this recommendation and decision shall be placed in the planning department files as a record of the commission and board decisions. Failure of the applicant to return the notice of decision within the required time frame may be cause to place the application on the next commission or board agenda for further review.

3. The board shall have the power to review the recommendations and decisions of the commission on right of way or public easement abandonment, zoning map, planned unit development application and tentative map, and master plan amendment, and by majority vote may affirm, deny, modify or return the recommendations or decisions to the commission for further consideration. Master plan amendments require a two-thirds (2/3) majority vote to pass.

E. Fees And Service Charges: Before accepting any application required by this title, fees as adopted by resolution of the board, including service charges, shall be charged, collected and deposited with the planning department. A fee sheet is available to the general public at the main desk of the planning department.

F. Appeals:

1. Appeals Of Staff Decisions: An administrative decision of the director may be appealed by the applicant or any aggrieved party to the commission following the procedures in subsection F4 of this section within ten (10) days of the date of the decision. The commission may affirm, modify or reverse the decision.
2. Appeals Of Commission Decisions: A decision of the planning commission may be appealed by the applicant or any aggrieved party to the board following the procedures in subsection F4 of this section within ten (10) days of the date of the decision. The board may affirm, modify or reverse the decision.
3. Appeals Of Board Decisions: A decision of the board is final. Any appeal of its decision shall be in a court of competent jurisdiction within the time frames established by the Nevada Revised Statutes.
4. Procedures For Filing An Appeal:
   a. Time Limit For Filing: Any decision of the staff or commission may be appealed by the applicant, a protestant or by the district attorney's office if it is in the opinion of said party that any application was improperly granted.

      An appeal of a staff decision must be submitted in writing to the commission within ten (10) days of the date of decision. The appeal must be delivered in person, by mail or by courier by twelve o'clock (12:00) noon the first business day following the ten (10) day time limit.

      An appeal of the commission decision must be submitted in writing to the board within ten (10) days after the commission has rendered its decision. The appeal must be delivered in person, by mail or by courier by twelve o'clock (12:00) noon the first business day following the ten (10) day time limit. If no appeal is received by the board within the time allowed, such decision may not be appealed.

      The clerk of the board shall set the appeal for hearing before the board within sixty (60) days of said appeal being received.
   b. Appeal Application: All appeals shall be filed in writing accompanied with a filing fee, by filing a signed written notice of appeal and application stating therein the reasons why the decision of staff or the commission should be amended, modified or reversed.

   The appeal application shall specify the project or decision for which the appeal is being requested. The application shall indicate which aspects of the decision are being appealed. The appeal application shall provide the necessary facts or other information that supports the appellant's contention that the staff or commission erred in its consideration or findings supporting its decision.

   c. Setting Of Appeal: The clerk of the board shall set the appeal for hearing before the board within sixty (60) days of said appeal being received.

d. Withdrawal Of Appeal: Upon delivery of a signed written statement the appellant may withdraw its appeal at any time prior to the date of the appeal hearing.

e. Notices Of Appeals Hearings:

(1) Notices of hearings for appeals from decisions of staff shall be given by the planning department to the commission by mailing of a notice of hearing to the petitioner and to all parties involved ten (10) days before the date set for hearing; notices of hearings for appeals from decisions of the commission shall be given by the clerk of the board by mailing of a notice of hearing ten (10) days before the date set for hearing to the petitioner and to all parties involved, as shown by the records of findings and decisions furnished by the commission to the board.

(2) Notice of appeals hearings shall be given by one publication in a newspaper of general circulation at least ten (10) days before the date set for the hearing.

(3) Continuances of appeals shall not require public notice ten (10) days prior to the date that the hearing will reconvene. Public notice of continuances shall comply with standard notice requirements for meetings of the board.

f. Evidence:

(1) To ensure that all parties have access to their elected officials, the board shall not be limited to the record of the commission.

(2) The board shall consider only the issues raised before the commission, however, all relevant evidence pertaining thereto which is necessary to render a decision based on substantial evidence shall also be considered.

g. Decision: The board may affirm, modify or reverse the decision of the commission by a simple majority vote.

G. Administrative Abandonment Of Public Utility Easements: For the purposes of this subsection a "public utility easement" is an easement obtained by Churchill County or a public utility which is owned or controlled by Churchill County and which runs in favor of the county. Pursuant to Nevada Revised Statutes 278.480(10) and through the use of the procedure contained in this subsection, a public utility easement may be abandoned without a hearing of the board or the commission. The owner of property who seeks abandonment of a public utility easement involving his or her property shall file an application in writing with the planning department on the forms required by that department or through the record of survey/boundary line adjustment process. The application shall also include a legal description and exhibit prepared and signed by a surveyor licensed in the state of Nevada. The director of the planning department, or his or her designee, may issue a written order to the affected parties abandoning a public utility easement after:

1. Receiving a complete application;
2. Obtaining the written approval of the county engineer or surveyor, or his or her designee; and
3. Determining the subject public utility easement is no longer necessary or useful to Churchill County.

The abandonment of a public utility easement pursuant to this subsection does not affect an easement held by a private utility company even if such private utility easement was created by the same instrument or it has the same legal description, and also does not affect an easement held by the public as distinguished from an easement held by Churchill County or a public utility owned or controlled by Churchill County. A decision of the director made under this subsection may be appealed in the manner provided for in this title.

In addition to any other applicable requirements set forth in this section, before vacating or abandoning a public utility easement, the governing body of the local government having jurisdiction over the easement, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and community antenna television company serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the easement. After receiving the written notice, the public utility or community antenna television company, as applicable, shall respond in writing, indicating either that the public utility or community antenna television company, as applicable, does not require an easement or that the public utility or community antenna television company, as applicable, wishes to request the reservation of an easement. If a public utility or community antenna television company indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the easement that is proposed to be

vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or community antenna television company, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.

H. Abandonment Of Streets And Easements:

1. Any abutting property owner, or Churchill County, desiring the vacation or abandonment of any street or easement owned by Churchill County, shall file a petition, in writing, with the planning commission. Said petition shall be filed no less than forty five (45) days prior to the day of the planning commission meeting and shall be accompanied by a legal description of the easement, a reason(s) why the easement is no longer required and a filing fee, the amount to be set by the board of county commissioners and amended from time to time.
2. Upon the filing of an application the planning commission shall set the matter for public hearing.
3. Notice of the public hearing shall be published once in all newspapers of general circulation within the county at least ten (10) days prior to the hearing. Each owner of property abutting the proposed abandonment shall be notified by certified mail at least ten (10) days prior to the hearing of the scheduled date and time of the hearing. In addition to any other applicable requirements set forth in this section, before vacating or abandoning a street, the governing body of the local government having jurisdiction over the street, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall provide each public utility and community antenna television company serving the affected area with written notice that a petition has been filed requesting the vacation or abandonment of the street. After receiving the written notice, the public utility or community antenna television company, as applicable, shall respond in writing, indicating either that the public utility or community antenna television company, as applicable, does not require an easement or that the public utility or community antenna television company, as applicable, wishes to request the reservation of an easement. If a public utility or community antenna television company indicates in writing that it wishes to request the reservation of an easement, the governing body of the local government having jurisdiction over the street that is proposed to be vacated or abandoned, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall reserve and convey an easement in favor of the public utility or community antenna television company, as applicable, and shall ensure that such easement is recorded in the office of the county recorder.
4. The planning commission shall make a recommendation to the board of county commissioners by a signed resolution.
5. Upon receipt of the resolution from the planning commission, the board of county commissioners shall set the matter for public hearing. Notice of said hearing shall be published once in all newspapers of general circulation in Churchill County at least ten (10) days prior to the hearing. Each owner of property abutting the proposed abandonment shall be notified by certified mail of the public hearing at least ten (10) days prior to the hearing.
6. Upon public hearing, if the board of county commissioners is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The order may be made conditional and the order becomes effective only upon the fulfillment of the conditions prescribed.
7. The order must be recorded in the office of the Churchill County recorder, if all the conditions of the order have been fulfilled.
8. Upon recordation, title to the easement reverts to the abutting property owners in approximate proportion that the property was dedicated by the abutting property owners or their predecessors in interest. In the event of a partial vacation of a street where the vacated portion is separated from the property from which it was acquired by the unvacated portion of it, Churchill County may sell the vacated portion upon such terms and conditions as the board of county commissioners deems desirable and in the best interests of Churchill County. If the vacated portion is sold, the board of county commissioners shall afford the right of first refusal to each abutting property owner as to that part of the vacated portion which abuts his/her property, but no action shall be taken to force the owner to purchase that portion and that portion may not be sold to any person other than the owner if the sale would result in a complete loss of access to a street from the abutting property owner.

9. If the street was acquired by dedication from the abutting property owners or their predecessors in interest, no payment is required for title to the proportionate part of the street reverted to each abutting property owner. If the street was not acquired by dedication, the board of county commissioners may make its order conditional upon payment by the abutting property owners for their proportionate part of the street of such consideration, as the board of county commissioners determines to be reasonable.

I. Master Plan:

1. Purpose: The purpose of this subsection is to provide for the adoption of the Churchill County master plan and amendments to the master plan.
2. Adoption Of Master Plan: The commission shall prepare and adopt a comprehensive, long term master plan for the physical development of Churchill County. This plan shall be known as the county's master plan and must be so prepared that all or portions thereof may be adopted by the board as the basis for the development of the county for a set, reasonable period of time pursuant to Nevada Revised Statutes 278.150(4). The master plan will serve as a pattern and guide for sustainable managed growth and development in Churchill County without significant impacts to the natural resources.
3. Elements Of The Master Plan: The master plan, along with accompanying charts, drawings, diagrams, schedules and reports, may include, but is not limited to, community design, conservation plans, economic plans, historical preservation plans, housing plans, land use plans, population plans, recreation plans, public services and facilities, transportation plan, solid waste disposal plan, streets and highways plan and as may be the basis for the physical development thereof as stated under Nevada Revised Statutes 278.160, as amended from time to time by the Nevada legislature.

   The commission may prepare and adopt all or a portion thereof of the master plan for all or any part of the county pursuant to Nevada Revised Statutes 278.170.

   The commission shall, during the formation of plans for community design and public buildings, notify the school district's governing body to consider the preparation of such plans and to adequately and properly locate school sites.

4. Interest In Master Plan: The commission shall endeavor to promote public interest in and understanding of the master plan and regulations relating thereto. As a means of furthering the purpose of the master plan, the commission shall review the master plan at least biannually and make recommendations to the board for the implementation of the master plan and amendments to the master plan. It also shall consult and advise with public officials, agencies and citizens to implement such plans.
   The master plan may be amended by the board no more than two (2) times per year unless the applicant can substantiate that one or more of the following criteria apply to the proposal:
   a. The proposed master land use plan amendment is needed by Churchill County for purposes of protecting the public health, resolving an emergency situation, or meeting a public purpose; or
   b. The applicant has been specifically directed by the board or commission to submit a master land use plan amendment as a condition of an agreement or development agreement (exclusive of a planning project approval, building permit approval) between the applicant and county.

   Pursuant to Nevada Revised Statutes 278.190, subsection 3, the commission members and employees, in the performance of their functions, may enter upon any land and make examinations and surveys. Furthermore, pursuant to subsection 4, the commission shall have power as may be necessary to enable it to fulfill its function and carry out the provisions of this title and Nevada Revised Statutes 278.010 to 278.630, inclusive.

   The county's master plan shall be, but is not limited to, a map, together with such charts, drawings, diagrams, schedules, reports, ordinances, or other printed or published material, or any one or a combination of any of the foregoing as may be considered essential to the purpose of carrying out this title and Nevada Revised Statutes 278.010 to 278.630, inclusive.
5. Implementation Of Master Plan By The Board: Whenever the board has approved the commission's adopted master plan or a part thereof, the board shall, upon recommendation of

the commission, determine a reasonable and practical means for implementing the master plan or a portion thereof.

6. Notices For Master Plan Amendments: Notice for all master plan amendments shall be given in accordance with the provisions of this subsection and Nevada Revised Statutes 278.210. If a master plan element contains specific development plans, then notice in addition to this subsection as well as Nevada Revised Statutes 278.210 shall be accomplished, and furthermore, noticing of the specific development site shall be in accordance with the provisions of Nevada Revised Statutes 278.315(3).
7. Commission Action: The commission may take action to adopt or deny a master plan amendment. An action to adopt a master plan amendment shall be by resolution of the commission carried by the affirmative votes of not less than two-thirds ($^2/_3$) of the total membership. The resolution shall refer expressly to the maps, descriptive matter, text, or other matter intended by the commission to constitute the amendment. Failure of the commission to hold a public hearing or take action within the time frames provided in this subsection shall constitute a recommendation of approval of the master plan amendment application.
   a. Forwarding: When forwarding its decision to the board for adoption of a master plan amendment, the commission shall, at a minimum, make the following findings of fact:
      (1) That the proposed amendment is consistent with and not contrary to the present elements of the Churchill County master plan.
      (2) The proposed amendment addresses changed conditions that have occurred since the plan was adopted by the board.
      (3) The proposed amendment will promote a desired pattern of orderly physical growth of the county, and/or guides a particular type of development activity within the county, which will be based on the projected population growth with the least amount of natural resource impairment, and/or the efficient expenditure of funds for public services.
8. Planning Commission Report: Within forty five (45) days of the action by the commission on the proposed master plan amendment, a report describing the amendment, discussion at the public hearing, and notice and vote of the commission, along with a certified copy of the proposed amendment shall be transmitted to the board. If the commission does not recommend adoption, it should state why it could not make the required findings for adoption.
9. Board Review: The board shall review a master plan amendment in accordance with the provisions of this subsection.
   a. Time Period For Hearing: The county clerk shall schedule a public hearing before the board on the recommendation of an amendment by the commission within forty five (45) days of the filing of the action by the commission.
   b. Notice Of Hearing: The public hearing shall be noticed as required by Nevada Revised Statutes 278.220.
   c. Board Action: If the board is considering recommendation of a denial of a master plan amendment request, it may use the record and any additional evidence introduced to the commission and may confirm or uphold the denial based upon its interpretation of the findings required. If new information is submitted at the board meeting which was not considered by the commission, the board, prior to taking action, will refer the matter back to the commission for further review and possible action. Final action to approve the amendment shall require a simple majority ($^2/_3$ majority) vote of the board members in attendance.
10. Written Record: When taking final action on the commission's action, the board shall make part of the record their affirmation, modification or rejection of the findings of fact provided in the commission's final action, as well as any other findings of fact that the board deems to be relevant.
11. Effective Date: A master plan amendment shall become effective immediately upon a determination by the board that the amendment is in conformance with the master plan and all noticing procedures have been fully complied with.
12. One Year Wait For Denials: After the denial of a master plan amendment, no application for a master plan amendment for the same or similar amendment may be accepted for one year

immediately following the denial. (Bill 2012-F; Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.060: ZONING MAP AMENDMENTS AND CONSOLIDATED DEVELOPMENT CODE AMENDMENTS:

A. Authority: This title and the zoning map incorporated herein may be amended, repealed or supplemented by the board. The commission shall review each application and shall make a recommendation to the board. The board, by majority vote, may affirm, deny, modify or return the recommendation to the commission for further consideration.

B. Application Requirements:
1. Amendments to this title or the county's official zoning map may be initiated by the commission, the board, or an owner of a lot or parcel, by filing with the director a signed and complete application, accompanied by the necessary fee, and application materials including all evidence and facts required under this section.
2. Before an application for a zoning map amendment or consolidated development code amendment may be considered the applicant must meet with planning department staff to discuss the application and procedure prior to completing the application. Once the application is complete (but prior to signing and making copies) the applicant shall meet again with planning department staff to review the application to check for accuracy and detail.
3. All sections of an application must be complete and accurate or the application may be delayed to allow all the necessary information to be obtained.
4. If a zoning map amendment is denied by the board, an application may not be resubmitted for one year, unless there is a substantial change in circumstances.

C. Review: The director shall review each application to ensure that the proposal is consistent with the requirements of this title.

D. Hearing:
1. The commission shall first hold a public hearing on all proposed amendments.
2. Such hearings shall be held within forty five (45) days following the acceptance of a complete application.
3. When the commission deems it proper, it may consider other property for change in addition to that sought in a zoning map amendment application; provided, that proper notice has been given pursuant to this section.

E. Findings: The applicant for a zoning map amendment or consolidated development code amendment shall have the burden of proof to provide facts supporting the proposed zoning map amendment or consolidated development code amendment. For 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 commission and the board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this subsection. The commission and board shall determine if the information presented is adequate to support their decisions.
1. Before a zoning map amendment may be recommended for approval, the applicant shall provide evidence to the commission and board concerning the physical use of land and zoning currently existing in the general vicinity, and which have occurred in the previous five (5) year time period, and describe:
   a. How growth and/or other development factors in the community support a change in the land use.
   b. The change in land use represents orderly development and that adequate services and infrastructure to support the proposed land use are available in the area.
   c. The change in zoning provides for an appropriate use of the land.

d. The proposed zoning is in substantial conformance with the master plan and other adopted plans and policies.
e. The proposed zoning and project is sensitive to and compatible with the use and development of the adjacent properties.

2. The commission, in forwarding a recommendation to the board for approval of a zoning map amendment or consolidated development code amendment shall make the following findings of fact:
   a. That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan;
   b. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity;
   c. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

F. Decision:
1. Following the public hearing, the commission shall determine if there is adequate evidence in the record to support the facts and findings required by this section and shall recommend to approve or deny the request for the zoning map amendment or consolidated development code amendment.
2. The applicant may request a continuance of any application for a zoning map amendment or consolidated development code amendment to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.

G. Notice: Notice of time and place of such hearings shall be published in a newspaper of general circulation in Churchill County, not less than ten (10) days prior to the date of such hearing. Upon application for a zoning map amendment the commission shall mail to the applicant, to all property owners of record as shown on the latest equalized assessment rolls within three hundred feet (300') of the exterior boundaries of any property proposed for reclassification and to all property owners of land within such area proposed for reclassification and to each tenant of a manufactured/mobile home park if that park is located within three hundred feet (300') of the property in question; and to each unique property owner, as listed on the county assessor's records, of at least thirty (30) parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given above, written notice of the time, place and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change, not less than ten (10) days prior to the public hearing date.

H. Report To The Board:
1. After the hearing of the commission, the commission shall make a recommendation on the application to the board.
2. The commission shall also forward to the board a copy of its decision and findings in accordance with this section recommending approval, modification or denial of the proposed zoning map amendment or consolidated development code amendment.
3. Failure of the commission to report within thirty (30) days of the date of its hearing, unless the hearing date has been continued with the applicant's concurrence, shall be deemed a recommendation of approval.
4. The applicant or the commission, with the applicant's concurrence, may continue any application for a zoning map amendment or consolidated development code amendment to a future meeting in order to ensure that the applicant has adequate time to present required information or other materials needed for consideration of the decision. A continuance, when approved with applicant concurrence, suspends the time lines established in Nevada Revised Statutes and this title.

I. Action By Board: The board shall consider the evidence relating to the zoning map amendment or consolidated development code amendment and may approve, modify or deny the recommendation of the commission. (Bill 2010-G, 2010: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.070: TEMPORARY USE PERMITS:

A temporary use permit is for the placement of temporary living quarters for a use listed below. It is unlawful to reside in a recreational vehicle outside a manufactured/mobile home park or recreational vehicle park for longer than ninety (90) consecutive days within a three hundred sixty five (365) day period except as provided below.

A. Authority: The commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a temporary use permit.

B. Criteria:

1. Temporary living quarters for farm labor is only permitted in conjunction with a bona fide functioning farming or ranching operation. Evidence of an active farming or ranching operation and demonstration of need will be required. Demonstrated need must include:
   a. Evidence that the amount, type and/or frequency of the labor needed in the farm or ranch operation is greater than what could be reasonably expected of the property owner to accomplish without his additional help; and
   b. Evidence that farm help is an employee of the farm; and/or
   c. Other circumstances that demonstrate the need of a temporary use permit for farm labor. The planning commission shall determine if these circumstances meet the intent of this temporary use.

   The planning commission will use all available information to judge if the operation is a bona fide farming or ranching operation and the labor needed on the farm or ranch justifies a dwelling for the individual(s) providing the labor.
2. Temporary living quarters for watchman's quarters is only permitted in conjunction with a commercial or industrial operation, and is to be used for security purposes only. These security purposes must be proven, established, justified, or demonstrated. Watchman's quarters shall not be used solely as a primary single-family dwelling.
3. Temporary living quarters on a lot or parcel which has a residence thereon, and the temporary living quarters is to be used to alleviate hardship, as follows:
   a. A residence for an aged, invalid, or physically or mentally disabled person who requires care;
   b. A residence used by an attendant caring for an aged, invalid, or physically or mentally disabled person;
   c. A residence for a person or persons for a purpose that is similar to and not more obnoxious or detrimental to uses listed in this subsection B3. Evidence must be provided that demonstrates need and demonstrates attempts to find an alternative accommodation.
4. On a lot or parcel when the temporary living quarters are parked on the same parcel of land and utilized as a temporary residence during the construction or placement of an on site permanent dwelling. A building permit as required by the county ordinances and state law must be issued within three (3) months of issuance of a temporary use permit. The temporary use permit shall be subject to yearly renewals and shall terminate upon expiration of the building permit or within thirty (30) days of the issuance of a certificate of occupancy.
5. On a lot or parcel in any land use district when a commercial coach is to be used as a temporary office, in conjunction with the issuance of a building permit for construction of permanent nonresidential facilities or uses. The temporary use permit shall run concurrently with the building permit and upon completion of the construction of the permanent facility the use permit shall terminate.

C. Application Requirements: Before a temporary use permit may be considered for approval:

1. The applicant shall file with the planning department plans showing the applicant's intent to meet the temporary use permit application and site plan requirements, including a signature of at least one owner of record of the subject property. Any manufactured/mobile home or commercial coach must be inspected by the Nevada manufactured housing division and a proper safety

certificate issued prior to being occupied. Any RV being used for temporary living quarters under a TUP must meet the setback requirements of an accessory structure.

2. The proposed use shall be listed as a temporary use in the land use district.
3. All sections of the temporary use permit application must be complete and accurate or the application may be delayed to allow all the necessary information to be obtained. Applicants are strongly advised to discuss the applications and procedure with planning department staff prior to completing the application.
4. Once the application is complete (but prior to signing and making copies) a meeting should be set with the planning department staff to review the application to check for accuracy.
5. Evidence demonstrating need, including, but not limited to, letters from a medical practitioner, size and workload of a farming operation, or specifics of a commercial operation will be required.

D. Application Review: The director shall review each application to ensure that the proposal is consistent with the requirements of this title.

E. Hearing:

1. The commission shall hold a public hearing no more than sixty five (65) days after the filing of an application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to this title.
2. The commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed temporary use permit.

F. Findings: Findings from a preponderance of evidence must indicate that the proposed use meets at least one of the five (5) criteria listed in subsection B of this section. The applicant for a temporary use permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed temporary use permit.

G. Decision:

1. Following the public hearing, the commission shall determine if there is a preponderance of evidence in the record to support the criteria established for temporary use permits and shall approve, modify, continue within allowed time frames, or deny the temporary use permit request.
2. The applicant may request a continuance of any application for a temporary use permit to a future meeting. A continuance suspends the time lines established in this title.

H. Conditions Of Approval: The commission, in approving any temporary use permit, may require certain conditions under which the lot or parcel may be used, if, in such commission's opinion, the use will otherwise be incompatible with other existing uses within the same general area or will constitute a nuisance or will overburden improvements or facilities.

I. Renewal Requirements:

1. A temporary use permit issued for farm labor must be renewed annually by providing the planning department with an annual renewal fee and evidence that the farming operation is active.
2. A temporary use permit issued for watchman's quarters must be renewed annually by providing the planning department with an annual renewal fee and evidence that the commercial or industrial operation is active. The absence of an active business license for commercial or industrial operations that are required to hold a business license will automatically terminate the temporary use permit.
3. Temporary use permits issued for hardship cases must renew their temporary use permit annually by presenting information including, but not limited to, letters from a medical practitioner, showing the original need for said permit still exists. The commission shall review requests for renewal at a regular meeting prior to the anniversary date of issuance. Requests for renewal must be filed with the planning department at least ten (10) days prior to a regularly scheduled commission meeting and must be accompanied by information showing the original need still exists. Notices regarding this title shall not be required unless the commission, upon

review of the renewal request, determines that a rehearing is necessary. An annual renewal fee shall be payable if the commission grants the renewal. The commission may revoke the temporary use permit if any of the conditions represented in the application or attached to the issuance of the permit have been changed. If not renewed in this manner, the temporary use permit terminates.

4. A temporary use permit while constructing a permanent residence: If the building has not been completed within one year, the temporary use permit must be renewed by providing the planning department with a renewal letter submitted for commission review, including an estimated time for building completion. If it is approved, the applicant must provide the planning department with a renewal fee for the permit within thirty (30) days.
5. A temporary use permit for a commercial coach: If the building has not been completed within a year the temporary use permit renewal letter must be renewed by providing the planning department with a renewal letter submitted for commission review including an estimated time for building completion. If it is approved, the applicant must provide the planning department with a renewal fee for the permit within thirty (30) days.

J. Termination Requirements: Following the termination of a temporary use permit the temporary living quarters or commercial coach must be removed from the property within ninety (90) days of receipt of a notice of termination. In cases where a travel trailer or recreational vehicle has been utilized for the purposes of a temporary use permit, said vehicle may remain on the subject property but must be disconnected from any and all utilities and cease to be used for the purposes outlined in the temporary use permit.

K. Expiration:

1. A use permitted by an approved temporary use permit must be enacted, which includes, without limitation, setup of temporary residence, connections to existing well and sewer, inspection of connections by the building department, etc., within six (6) months from the date of approval. Failure to enact the permit shall invalidate the temporary use permit. Without further action, the temporary use permit shall be null and void and such use shall not be made of the property except upon the granting of a new temporary use permit.
2. A temporary use permit is subject to yearly renewals and will be terminated without further commission action thirty (30) days after the activity granted by such temporary use permit is not renewed or is no longer needed.
3. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable temporary use permit conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request one single extension of the expiration date for a period of not to exceed six (6) calendar months from the original date of expiration. The written request for an extension shall be received by the planning department thirty (30) days prior to the expiration date. The director may approve a six (6) month extension with the option of commission review.
4. A temporary use permit shall be, upon violation, subject to revocation or termination by the commission.
5. Once the need for which a temporary use permit has been granted no longer exists, the permit is considered void and the temporary use granted must be discontinued. In the case of a manufactured/mobile home, the residence must be removed from the property, and in the case of an RV, the residence must be disconnected from all utilities. (Bill 2012-F; Bill 2010-G, 2010: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.080: SPECIAL USE PERMITS:

A. Generally: A special use permit is authorization for a property owner to develop a use that is only allowed when developed under certain specific conditions. Specially permitted uses are those which are generally compatible with the land uses permitted by right in a given zoning district, with individual review of location, design and configuration to ensure appropriateness of the use.

The issuance of a special use permit is discretionary and not a matter of right. All privileges granted pursuant to a special use permit shall be exercised within three hundred sixty five (365) days of granting the special use permit unless otherwise provided; failure to exercise within three hundred sixty five (365) days will terminate said special use permit. Annual renewal of a special use permit is not required. However, any expansion in use shall require a new application for a special use permit. The procedure for an expansion of use shall be the same as set forth for a special use permit. Any conditions attached to the special use permit by the commission must be upheld and continued as long as the special use permit remains active. Failure to comply with any of the conditions may result in termination of the special use permit.

B. Categories: There are four (4) categories of special use permit:

1. Minor: These applications will include and be similar to small projects requiring little review such as small "home based businesses" that cannot meet the conditions of a conditional use permit and not creating adverse impacts.
2. General: These applications will include and be similar to moderate projects requiring some outside research and consideration from other departments regarding possible impacts to the community such as minor aggregate operations.
3. Major: These applications will include all major projects where significant research and review of the application, conceptual plans, etc., must be completed by the planning staff and other county departments, and agents as assigned in order to determine the impacts to the environment, roads and/or community such as energy production and manufacturing.
4. Administrative Special Use Permit: Administrative special use permits are issued by the planning director (see subsection L of this section).

C. Required: The proposed use shall require a special use permit if the use falls into one of the following categories:

1. The use is listed as a special use in the land use/zoning district or shall be a similar use not listed. The director shall determine whether or not a use not included as a special use is a similar use that does not deviate from the pattern of other special uses in that land use/zoning district and complies with that district's purpose statement.
2. It is a use that may have impacts to public health and safety and/or adjoining land uses as deemed by the director.
3. All twenty four (24) hour businesses as implied or nighttime business (i.e., bars, clubs, etc.).
4. Any project that is considered a "major traffic generator" defined as the use or uses that generate a total of five hundred (500) or more vehicle trips per day to and from the use or uses. Projects that generate over eighty (80) ADTs are required to prepare a traffic study in accordance with section 16.16.010.8 of this title.
5. Any use of hazardous materials which includes, without limitation, any substance or combination of substances, including any hazardous material, hazardous waste, hazardous substance or marine pollutant as defined or described in Nevada Revised Statutes 459.
6. Projects of any magnitude that have the potential to utilize or transfer significant quantities of water that may result in declining water levels in existing wells or loss of irrigated acreage.

D. Authority: The commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a minor, general or major special use permit. The planning director shall have the authority to approve an administrative special use permit.

E. Application Requirements:

1. All applicants shall meet with planning department staff to discuss the application and procedure prior to completing the application. Once the application is complete (but prior to signing and making copies) it is strongly recommended that the applicant meet again with planning department staff to review the application for accuracy and detail. If a meeting is impractical, the applicant shall provide a draft copy to the planning department for review.

2. Any new or amended application for a special use permit of a size or complexity that the county determines warrants specialized/skilled professionals or a panel of experts to assist in the review of the application or future monitoring shall deposit with the county an amount to be determined up to fifty thousand dollars ($50,000.00) at the time the special use permit application is filed with the county. Said deposit shall be used for services provided by specialized or skilled professionals retained by the county to review and provide consultation to be used in determining the possible impacts of the proposed use or conditions to be placed upon granting the special use permit and to assist in oversight of the development of the proposed use. If the deposit is required, no permit shall be issued until the deposit is lodged with the county. If the special use permit application is denied, the outstanding balance of the deposit shall be returned to applicant after the time for filing appeals and petitions for judicial review have expired. If the special use permit is granted, the deposit shall be retained and utilized by the county for services provided by specialized or skilled professionals retained by the county to monitor compliance with the conditions of the special use permit. At the time the special use permit is granted, applicant, as a condition of the special use permit, may be required to deposit additional funds with the county to bring the balance of the deposit back up to fifty thousand dollars ($50,000.00).
3. The required completed application form and a site plan showing the applicant's intent to meet the special use permit application and site plan requirements, including a signature of at least one owner of record, or if the property is being leased or purchased, a letter from the landowner stating approval for application of the special use permit or a copy of the lease agreement of the subject property, shall be submitted. Only in circumstances where the proposed project encompasses multiple properties, such as a major highway, a transmission line, a natural gas or fuel line, may an application be filed without property owner signatures provided that the applicant provides documentation that demonstrates that the property owner has been made aware of the proposed project.

F. Application Review: The director shall review each application to ensure that the proposal is consistent with the requirements of this title.

1. The director shall ensure that each application that has potential impacts upon public services and infrastructure, public health and safety is reviewed for the purposes of assessing the impact of the proposed use by applicable county and state staff including, but not limited to, the county health officer, the sheriff, the Fallon/Churchill fire marshal, the road supervisor, the engineering and capital projects manager and the building official.
2. In addition to any other review conducted under this section, the director may, when reviewing an application, convene a multidisciplinary panel for purposes of assessing the impact of a proposed use upon public health, safety, convenience and welfare. Where such a panel has not been convened by the director, the commission may also convene such a panel to assess an application.
3. A panel convened by the director or commission under this section shall be composed of such persons bearing the requisite scientific, technical or other specialized knowledge which will assist the director or the commission in determining whether or not to grant a special use permit. The panel thus convened shall prepare written findings and recommendations as to the proposed special use.
4. The cost of any assessment conducted under this section shall be borne by the applicant and shall be made payable to the Churchill County planning department.

G. Hearing:

1. The commission shall hold a public hearing, no more than sixty five (65) days after filing of a complete application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to this title.
2. The commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed special use permit.

H. Findings: Findings from a preponderance of evidence must indicate that the proposed use:

1. Is compatible with the existing surrounding land uses and development;
2. Is in substantial conformance with the master plan and policies and will be constructed and operated in full compliance of this code;
3. The project will be constructed and operated in a manner that will not overburden public services and infrastructure;
4. Adequately mitigates road and traffic impacts generated by the construction and build-out of the project;
5. Does not create adverse environmental impacts, including, but not limited to, noise, glare, fumes, and odor that may be detrimental either to public health, public safety, or general welfare of the persons or property in the vicinity or the wildlife and/or natural resources.

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 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 commission and the board. Additionally, the applicant shall provide adequate information in the application to substantiate the findings required in this subsection.

I. Decision:

1. Following the public hearing, the commission shall determine if there is a preponderance of evidence in the record to support the findings required by this section and shall approve, conditionally approve, modify, continue within allowed time frames, or deny the special use permit request.
2. The applicant may request a continuance of any application for a special use permit to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.

J. Conditions Of Approval: The commission, in approving any special use permit, may require certain conditions under which the lot or parcel may be used or the building constructed if, in such commission's opinion, the use will otherwise be incompatible with other existing and potential uses within the same general area or will overburden public services, improvements or facilities.

K. Expiration; Termination:

1. An approved special use permit must be enacted within three hundred sixty five (365) days from the date of approval. Enactment includes, without limitation, submittal of permit applications, applications for building permits, construction of the project, etc. If no action is taken, the special use permit shall be null and void and such use shall not be made of the property except upon the granting of a new special use permit.
2. In the event that the use authorized by the special use permit is abandoned for a period of more than three hundred sixty five (365) calendar days from the date of last producing operations, the permit shall become null and void and a new special use permit shall be required. In the event of a force majeure, such as, and not limited to, 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 connection, the permit holder shall reasonably attempt to establish access to the site. The special use 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 postclosure reclamation requirements are met. If the business or facility is not being abandoned, but is not in operation for greater than three hundred sixty five (365) days for a reason such as equipment failure, replacement or maintenance, the permit holder shall notify the planning department in writing indicating an estimated time line for operations to commence.
3. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable special use permit conditions and construct or commence the use prior to the

expiration date, the applicant may, in writing, request one single extension of the expiration date for a period of not to exceed three hundred sixty five (365) days from the original date of expiration. The written request for an extension shall be received by the planning department thirty (30) days prior to the expiration date. The director may approve a one year extension with the option of commission review.

4. A special use permit shall be, upon violation, subject to reexamination or revocation by the commission pursuant to section 16.08.100 of this chapter.
5. A special use permit granted for a home based business shall terminate upon the close of the business or relocation of the business owner.

L. Administrative Special Use Permits:

1. The planning director, pursuant to the process established in this title, has the authority to grant an administrative special use permit for the following uses:

   A second permanent dwelling. There may be one or more permanent single-family dwellings on any lot or parcel; provided there is not less than the required minimum acreage for each dwelling and that such dwellings are not less than forty feet (40') apart. The applicant shall provide a drawing to scale of the property indicating locations of existing houses, wells and septic tanks, improvements, setbacks, access and location of the proposed dwelling. Adequate information must be provided to indicate how the parcel could be divided in the future.

   An accessory dwelling unit. If the criteria for an accessory dwelling unit (subsection 16.16.020.7A of this title) cannot be met, the applicant must apply to the commission for a variance from the criteria standards.
2. Prior to consideration of an administrative special use permit the planning director shall provide written notice of the requested special use permit to each owner, as listed on the county assessor's records, of real property located within one hundred feet (100') of the exterior limits of the property in question as shown by the latest assessment rolls of the county. Notice by mail to the last known address of real property owners as shown by the assessor's records shall be sufficient.
3. The planning director may grant the special use permit if the proposed second dwelling or accessory dwelling unit will not impair the purpose of the zoning district or any other provisions of this code.
4. The administrative special use permit is subject to the same expiration deadline as a special use permit and has the same requirement for an extension of the deadline (see subsection K of this section). (Bill 2012-F; Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.090: VARIANCES:

A. Generally: A variance is authorization for a property owner to depart from the literal requirements/development standards of a zoning ordinance as it applies to his/her land. The applicant has the burden of demonstrating that unnecessary hardship or practical difficulties will result from the literal application of the zoning ordinance to the applicant's property.

   Variance requests that are within ten percent (10%) deviation from the development standards of this title are considered minor administrative requests and are reviewed by the planning director. Administrative variances follow a modified application.

   A variance, once granted, shall run with the land. All privileges granted pursuant to a variance application shall be exercised within three hundred sixty five (365) days of granting the variance unless otherwise provided.

B. Authority: The commission shall have the discretionary authority to approve, conditionally approve, continue within allowed time frames, or deny a variance. Variations under this section allow for consideration of land use regulations only, and do not include building code variations.

C. Application Requirements:

1. All applicants shall meet with planning department staff to discuss the application and procedure prior to completing the application. Once the application is complete (but prior to signing and making copies) it is strongly recommended that the applicant meet again with planning department staff to review the application for accuracy and detail. If a meeting is impractical, the applicant shall provide a draft copy to the planning department for review.
2. All sections of the application must be complete and accurate or the application may be delayed to allow the necessary information to be obtained.
3. The required completed application form and a site plan showing the applicant's intent to meet the variance application and site plan requirements, including a signature of at least one owner of record, or if the property is being leased or purchased, a letter from the landowner stating approval for application of the variance or a copy of the lease agreement of the subject property, shall be submitted.

D. Application Review: The director shall review each application to ensure that the proposal is consistent with the requirements of this title.

E. Hearing:

1. The commission shall hold a public hearing no more than sixty five (65) days after the filing of a complete application, and shall give notice of time and place and purpose thereof by mailing a notice, pursuant to this title.
2. The commission shall hear and consider evidence and facts from any person at the public hearing, or shall consider written communication from any person relative to the proposed variance.

F. Findings: In order to approve a variance, the commission shall make the following findings:

1. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations.
2. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property.
3. Granting of this variance will not be materially detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity.
4. The proposed variance is consistent with the intent and purpose of this title.

The applicant shall have the burden of proof by a preponderance of evidence to provide facts supporting the proposed variance. For 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 commission and, if on appeal, by the board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this section.

G. Decision:

1. Following the public hearing, the commission shall determine if there is adequate evidence in the record to support the findings required by this section and shall approve, conditionally approve, modify, continue within allowed time frames, or deny the variance request.
2. The applicant may request a continuance of any application for a variance to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.
3. If the commission determines that practical difficulties exist and variance from paving and grade gravel road construction is warranted, conditions of approval must include:
   a. Road specifications that are no less than the minimum access road requirements.
   b. Justification for either cost sharing or no cost sharing.
   c. The amount of cost sharing and how and when and for what period of time.

H. Conditions Of Approval: The commission, in approving any variance, may require conditions under which the lot or parcel may be used or the building constructed which, in such

commission's opinion, will prevent material damage or prejudice to adjacent properties. These conditions become a part of the public record and approval process.

I. Expiration; Termination:

1. An approved variance must be developed or exercised within three hundred sixty five (365) days of the date of approval. Developed or exercised includes, without limitation, submittal of permit applications, application for building permits, construction of the project, etc. If an approved variance is not developed or exercised within three hundred sixty five (365) days, then, without further action, the variance shall be null and void and such development activity shall not be made of the property except on the granting of a new variance.
2. In the event that circumstances beyond the control of the applicant result in a failure to complete applicable variance conditions and develop or exercise the variance prior to the expiration date, the applicant may request in writing one single extension of the expiration date for a period not to exceed three hundred sixty five (365) days from the original date of expiration. The written request for an extension shall be received by the planning department thirty (30) days prior to the expiration date. The director may approve a one year extension with the option of commission review.

J. Administrative Variances:

1. The planning director has the authority to grant an administrative variance for variances of less than ten percent (10%) in deviation from the area, size, required setbacks, building height and other similar development standards and requirements of the land use districts.
2. An administrative variance is not applicable to the age or size requirements of a manufactured home or the paving or bridge requirements of any land division.
3. Prior to consideration of an administrative variance the planning director shall provide written notice of the requested variance to each owner, as listed on the county assessor's records, of real property located within one hundred feet (100') of the exterior limits of the property in question as shown by the latest assessment rolls of the county. Notice by mail to the last known address of real property owners as shown by the assessor's records shall be sufficient.
4. The planning director shall consider the effect of any requested variance. Provided that the deviation will not impair the purpose of the zoning district or any other provisions of this code the planning director may grant the administrative variance.
5. The administrative variance is subject to the same expiration deadline as a variance and has the same requirement for an extension of the deadline. (Bill 2012-F; Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.100: REVOCATION OR REEXAMINATION OF SPECIAL USE PERMIT:

Any of the following reasons or occurrences is grounds for a hearing on revocation or reexamination of a special use permit, pursuant to this title:

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

B. Any act or failure to act by the permittee or its agents or employees directly related to the special use permit which would be a violation of federal or state law or a violation of this code.

C. A failure to return a signed copy of the notice of decision twenty one (21) days from receipt of said notice.

D. Further use of a revoked special use permit shall constitute a violation of this title and shall be punishable as herein provided. (Bill 2010-G, 2010: Bill 2005-F § 2.2, 2005)

16.08.110: PROCEDURE TO DETERMINE VIOLATION OF SPECIAL USE PERMIT:

A. Preliminary Procedures:

1. a. Upon its own motion, or upon the complaint filed with the planning department (hereinafter, the party filing a formal complaint is referred to as the "complainant"), the planning department shall conduct a preliminary investigation to determine whether or not there is probable cause to believe that any of the violations specified in section 16.08.100 of this chapter have occurred. If the matter is brought forward on the motion of the planning department without a formal complaint being filed, the planning director shall have the rights and responsibilities of the complainant as provided herein.
   b. If the matter is brought forward on the motion of the planning department, the planning director in consultation with an enforcement official shall determine whether enforcement action under the administrative procedures outlined in title 1, chapter 1.12 of this code or the provisions outlined herein shall be followed.
2. Once the planning department has initiated an investigation pursuant to subsection A1a of this section, the planning department shall provide notice to the permittee of the investigation and the nature of the complaint.
3. The investigation shall be completed within thirty (30) days of receipt of the complaint.
4. Upon completion of the investigation, the planning director, in consultation with the district attorney, shall determine if the matter should be brought before the commission. It may only be brought before the commission if there is probable cause to believe that one of the grounds listed in section 16.08.100 of this chapter has been violated by the permittee. Upon a finding that the complaint will not go forward, the planning department must notify complainant. The decision to not bring a complaint before the commission may be appealed within ten (10) days of delivering the notice. The matter must then be brought before the commission at the next scheduled commission meeting, and the permittee and the complainant must be notified. The commission may overturn the determination to not go forward with the complaint only if the commission finds that the decision was arbitrary or capricious.
5. If the planning director determines that the matter should be brought before the commission, the matter shall be set for a public hearing to determine revocation or reexamination of the special use permit within sixty (60) days of that determination.
6. The planning department shall ensure that the complainant and the permittee are provided mailed notice of the hearing to determine revocation or reexamination of the special use permit within thirty (30) days of the hearing date. It is the responsibility of the complainant to notify any other persons who may provide information to the commission regarding the complaint.
7. The results of the investigation conducted by the planning department shall be presented in report form to the commission at the hearing to determine revocation or reexamination of the special use permit. The report shall be submitted to the complainant and the permittee seven (7) days prior to the hearing.

B. Hearing Procedures:

1. At the hearing to determine revocation or reexamination of the special use permit, the planning director, the complainant and the permittee shall be allowed an opportunity to argue the merits of the complaint and present evidence that will assist the commission in making the required findings.
2. The formal rules of evidence shall not apply to this hearing. The commission may receive any information, either oral or written that will assist in making the required findings.
3. All persons at the hearing shall be entitled to be represented by attorneys.
4. The hearing shall be conducted informally; however the following order of presentation shall apply:
   a. The planning department may provide any additional information to supplement the information provided in the report;

b. The complainant shall provide information regarding the complaint and any evidence or argument regarding the complaint;
c. The permittee may provide any additional argument or evidence;
d. The general public shall be invited to make any comments on the matter before the commission; and then
e. The commission shall deliberate, and that deliberation may include the questioning of any person who had previously spoken.

C. Required Findings: The burden of proof is on the complainant to present clear and convincing evidence that grounds exist as defined in section 16.08.100 of this chapter that the special use permit should be reexamined or revoked.

D. Commission Action:
1. At the conclusion of the hearing, the commission may order additional investigation by the planning department or independent investigators, continue the matter to allow for correction of the problem by the permittee, recommend revocation of the special use permit, reexamine the special use permit and add additional conditions, or take no action on the complaint.
2. Prior to recommending revocation of the special use permit or reexamining the special use permit, the commission must find by clear and convincing evidence that the permittee failed to or refused to comply with any terms or conditions of the special use permit, there was an act or failure to act by the permittee or its agents or employees directly related to the special use permit which would be a violation of federal or state law or a violation of this code, or that there was a failure to return a signed copy of the notice of decision twenty one (21) days from receipt of said notice.
3. A reexamination of the special use permit may only address the reexamination by the commission of the specific condition or item that is the subject of the complaint.
4. Upon a recommendation of revocation of the special use permit, the matter shall be heard by the board within forty five (45) days of the notice of final action being filed by the commission. The board shall conduct a de novo hearing whereby the procedures set forth in subsection B of this section shall be followed. Notice for the hearing shall be required as defined in subsection A6 of this section. The board may also review the minutes and any material provided to the commission. At the conclusion of the hearing, the board may order additional investigation by either the planning department or independent investigators, continue the matter to allow for the correction of the problem by the permittee, revoke the special use permit, reexamine the special use permit, or take no further action on the complaint. Prior to revoking or reexamining the conditions of the special use permit, the board must find by clear and convincing evidence that the permittee failed to or refused to comply with any terms or conditions of the special use permit, or there was an act or failure to act by the permittee or its agents or employees directly related to the special use permit which would be a violation of federal or state law or a violation of this code, or that there was a failure to return a signed copy of the notice of decision twenty one (21) days from receipt of said notice.

E. Appeal Of Commission Determination:
1. Any affected person or entity may appeal any final decision of the commission regarding a violation of a special use permit to the board provided the appellant has participated in the administrative process prior to filing the appeal.
2. The procedures for appeal are set forth in subsection 16.08.050.4F4 of this chapter. (Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2005-F § 2.2, 2005)

16.08.120: MORATORIUM:

The board may declare a moratorium on the acceptance and processing of planning applications, or permits for a specific type of application or a specific geographical area and for a specified length of time for the purposes of preparing county applications.

A. Initiation: Only the board through resolution may initiate the process for declaring a moratorium for this purpose. The commission may recommend a resolution to initiate the process for declaring a moratorium to the board.

B. Commission Hearing: Should the board initiate the process to declare a moratorium, prior to taking final action they shall first refer the matter to the commission for a recommendation. The commission shall then conduct a public hearing within forty five (45) days from the date of referral by the board.

C. Notice Of Commission Hearing: Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Churchill County not less than ten (10) days prior to the date of the public hearing to be conducted by the commission. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.

D. Commission Recommendation: After completion of the public hearing by the commission, it may recommend that the board approve a moratorium, modify the extent and area of the moratorium, or that the moratorium not be imposed. A recommendation to declare a moratorium shall require a two-thirds ($^2/_3$) vote of the total membership of the commission.

E. Findings: When making its recommendation for approval or modification, the commission shall, at a minimum, make the following findings of fact:

1. The moratorium is necessary to promote the health, safety and welfare of the area described in the moratorium declaration;
2. The moratorium is necessary to permit the staff, commission, board and public to focus on the efficient and effective preparation of an amendment to the master plan; and
3. The moratorium is necessary because continued development during the proposed moratorium period possibly would result in development that may conflict with the plan amendment.

F. Commission Report: Within forty five (45) days of the action by the commission, a report describing the proposed moratorium, discussion at the public hearing, and the action and vote by the commission shall be transmitted to the board. Failure to report within the time limit provided in this subsection or failure to schedule a hearing within forty five (45) days of the date of referral of the matter by the board to the commission shall constitute a recommendation not to declare a moratorium.

G. Board Hearing: The director shall schedule a public hearing before the board within thirty (30) days of receipt of the report describing the commission's action.

H. Notice Of Board Hearing: Notice of the date, time and place of the public hearing shall be published in a newspaper of general circulation in Churchill County not less than ten (10) days prior to the public hearing date. Such notice shall describe why the moratorium is being proposed, what the proposed moratorium shall affect, the area that is affected by the moratorium, the anticipated length of time of the moratorium, and other pertinent information in such a manner that the moratorium and its effects can be clearly identified.

I. Required Vote: After completion of the public hearing by the board, it may declare a moratorium by a simple majority vote of the board members in attendance.

J. Affirmation Of Findings: In declaring a moratorium, the board shall, at a minimum, affirm the findings of fact contained in the commission's recommendation or, if the commission did not make these findings, shall, at a minimum, make the findings of fact in subsection E of this section.

K. Period In Effect: A moratorium declared by the board shall be in effect for a period of no less than ninety (90) days and no more than one hundred eighty (180) days from the date of effectuation.

The board may only extend the moratorium for an additional sixty (60) day period before holding another public hearing pursuant to the provisions of this section. (Bill 2005-F § 2.2, 2005)

16.08.125: PLANNED UNIT DEVELOPMENTS GENERALLY:

A. Authority: Planned unit developments shall be approved, denied or modified by the board.

B. Application Requirements: Before a planned unit development may be considered for approval:
1. The applicant shall file with the planning department a conceptual plan and required supporting information.
2. The planned unit development conceptual plan along with supporting material is presented to the planning commission at a public hearing for discussion only.
3. Following input from the planning commission on the conceptual planned unit development plan the applicant can move forward to prepare the planned unit development application.
4. The applicant shall file with the planning department the planned unit development application and supporting information.
5. The planned unit development application will then be scheduled as a public hearing at a regularly scheduled planning commission meeting for review and recommendation.
6. Following the planning commission meeting the planned unit development application will be forwarded to the county commission with the planning commission recommendation.
7. The planned unit development application will then be scheduled as a public hearing for action by the board.

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

D. Hearing:
1. The commission and the board shall hold public hearings on the following submittals for a planned unit development:
   a. Conceptual plan (only 1 public hearing is held at a planning commission meeting).
   b. Planned unit development application.
   c. Planned unit development tentative map(s).
2. Such hearings before the planning commission shall be held within forty five (45) days following the acceptance of a complete application.

E. Findings:
1. The applicant for a planned unit development application shall have the burden of proof to provide facts supporting the proposed development. Additionally, the applicant shall provide adequate information in the application and on plans submitted to substantiate the findings required in chapter 16.12 of this title. The commission and board shall determine if the information presented is adequate to support their decisions.
2. The commission, in forwarding a recommendation to the board for approval of a planned unit development application shall make the following findings of fact:
   a. Growth and/or other development factors in the community support a change in the land use.
   b. The change in land use represents orderly development, and that adequate services and infrastructure to support the proposed land use are available in the area.
   c. The change in land use provides for an appropriate use of the land.
   d. The proposed land use is in substantial conformance with the master plan and other adopted plans and policies.
   e. The proposed land use and project is sensitive to and compatible with the use and development of the adjacent properties.

F. Decision:

1. Following the public hearing, the commission shall determine if there is adequate evidence in the record to support the facts and findings required by this section and shall recommend to approve or deny the request for the planned unit development application.
2. The applicant may request a continuance of any application for a planned unit development application to a future meeting. A continuance suspends the time lines established in Nevada Revised Statutes and this title.

G. Notice: Notice of time and place of such hearings shall be published in a newspaper of general circulation in Churchill County, not less than ten (10) days prior to the date of such hearing. Upon application for a conceptual map, a planned unit development application or a tentative map the commission and board shall mail to the applicant, to all property owners of record as shown on the latest equalized assessment rolls within three hundred feet (300') of the exterior boundaries of any property proposed for reclassification and to all property owners of land within such area proposed for reclassification and to each tenant of a mobile home park if that park is located within three hundred feet (300') of the property in question; and to each unique property owner, as listed on the county assessor's records, of at least thirty (30) parcels nearest to the portion of the boundary being changed, to the extent this notice does not duplicate the notice given above, written notice of the time, place and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change, not less than ten (10) days prior to the public hearing date.

H. Report To The Board:
1. After the hearing of the commission, the commission shall make a recommendation on the application to the board.
2. The commission shall also forward to the board a copy of its decision and findings in accordance with this section recommending approval, modification or denial of the proposed planned unit development application or tentative map.
3. Failure of the commission to report within thirty (30) days of the date of its hearing, unless the hearing date has been continued with the applicant's concurrence, shall be deemed a recommendation of approval.
4. The applicant or the commission, with the applicant's concurrence, may continue any application for a planned unit development application or tentative map to a future meeting in order to ensure that the applicant has adequate time to present required information or other materials needed for consideration of the decision. A continuance, when approved with applicant concurrence, suspends the time lines established in Nevada Revised Statutes and this title.

I. Board Action: The board shall consider the evidence relating to the planned unit development application or tentative map and may approve, modify or deny the recommendation of the commission. (Bill 2006-G, 2006)

Article II. Land Use Districts

16.08.130: Land Use Districts; General Overview
16.08.140: Agricultural District (A-5)
16.08.150: Agricultural District (A-10)
16.08.160: First Estate District (E-1)
16.08.170: Single-Family Residential District (R-1)
16.08.180: Multi-Family Residential District (R-2)
16.08.190: General Commercial District (C-1)
16.08.200: General Heavy Commercial District (C-2)
16.08.210: Industrial District (I)
16.08.220: Rural Resource District (RR-20)
16.08.230: Fallon Municipal Airport Overlay Zone

16.08.240: Naval Air Station Fallon And Associated Ranges Notification Area
16.08.250: Use Table For Residential Zoning Districts
16.08.260: Use Table For Nonresidential Zoning Districts

16.08.130: LAND USE DISTRICTS; GENERAL OVERVIEW:

The following land use districts are described as follows: the land use category/title; the intent of the district; the allowed land uses within that district, the conditional uses allowed in the district and the uses allowed by special use permit. (Bill 2005-F § 2.2, 2005)

16.08.140: AGRICULTURAL DISTRICT (A-5):

This district is intended to preclude premature development of rural land on the fringes of the urban area while protecting the environment and providing for large lot single-family uses (5 acre minimum) that may include agricultural uses. The purpose of this district is for agricultural uses, with large lot single-family residences.

A. The primary permitted uses in the A-5 district are this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter, it is determined that because of the impact, a special use permit is required:

Accessory structure, except accessory dwelling unit.

Agricultural uses.

Cluster developments.

Highway maintenance facility.

Produce sales in conjunction with a farm.

Public utilities.

Single-family dwelling.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height of 40 feet or less] (subject to a building permit).

Temporary real estate office within a subdivision.

Transportation of agricultural products to and from an agricultural operation.

Utilities, transmission lines and ancillary facilities within utility easements.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of forty feet (40') or less (subject to a building permit).

B. The uses in the A-5 district which require a conditional use permit are listed below:

Home based businesses (that comply with the conditional use permit criteria).

If the conditions for this permit cannot be met, a special use permit will be required.

C. The uses in the A-5 district which require a temporary use permit are listed below:

Living quarters for:

1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.

6. A property owner while building a single-family dwelling.

D. The uses in the A-5 district which require approval of a special use permit are listed below:
Accessory dwelling unit (approved administratively).

Animal pound.

Asphalt and concrete batch plants.

Automobile repair, commercial.

Bed and breakfast inn.

Cemeteries.

Childcare facilities.

Commercial campground facilities.

Commercial stables/equestrian facilities.

Convenience eating and drinking establishments.

Educational facilities, public and private.

Exotic animal farm.

Extraction operations.

Fuel sales and service stations.

Full service eating and drinking establishments.

Funeral and interment services.

Game farm.

Group care facility.

Home based businesses (that do not comply with conditional use permit criteria).

Hotels and motels.

Hunting/fishing lodges/guest ranches.

Kennel.

Land application of domestic septage.

Manufactured/mobile home parks.

Ministorage/RV storage.

Off site billboard/outdoor advertising.

Permanent housing for farm labor.

Pet grooming.

Private airstrip/landing strip.

Public and private clubs (golf, tennis, outdoor amphitheaters).

Public campground.

Racetracks.

Recreation facilities, public/private.

Recreational vehicle parks.

Religious assembly (churches, synagogues, mosques, etc.).

Sanatoriums.

Second permanent dwelling (approved administratively).

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height greater than 40 feet].

Trucking businesses for agricultural products not produced on site.

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Veterinary clinic.

Wastewater/sewage treatment facility.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the A-5 district are listed below:
Adult entertainment.

Airports.

Boarding house.

Brothel, house of prostitution.

Chemical manufacturing.

Commercial renewable energy facilities.

Junkyards, wrecking yards, salvage yards.

Laboratories.

Manufacturing use.

Multi-family dwelling except permanent housing for farm labor.

Planned unit development.

Power plants.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Recycling facilities.

Shooting ranges. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2006-B, 2006: Bill 2005-F § 2.2, 2005)

16.08.150: AGRICULTURAL DISTRICT (A-10):

This district is intended to preclude premature development of rural land on the fringes of the urban area while protecting the environment and providing for large lot single-family uses (10 acre minimum) that may include agricultural uses. The purpose of this district is for agricultural uses, with large lot single-family residences.

A. The primary permitted uses in the A-10 district are this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter, it is determined that because of the impact, a special use permit is required:
Accessory structure, except accessory dwelling unit.

Agricultural uses.

Cluster developments.

Highway maintenance facility.

Produce sales in conjunction with a farm.

Public utilities.

Single-family dwelling.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height of 40 feet or less] (subject to a building permit).

Temporary real estate office within a subdivision.

Transportation of agricultural products to and from an agricultural operation.

Utilities, transmission lines and ancillary facilities within utility easements.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of forty feet (40') or less (subject to a building permit).

B. The uses in the A-10 district which require a conditional use permit are listed below:
Home based businesses (that comply with the conditional use permit criteria).

If the conditions for this permit cannot be met, a special use permit will be required.

C. The uses in the A-10 district which require a temporary use permit are listed below:
Living quarters for:
1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.
6. A property owner while building a single-family dwelling.

D. The uses in the A-10 district which require approval of a special use permit are listed below:
Accessory dwelling unit (approved administratively).

Animal pound.

Asphalt and concrete batch plant.

Automobile repair, commercial.

Bed and breakfast inn.

Boarding houses.

Cemeteries.

Childcare facilities.

Commercial campground facilities.

Commercial renewable energy facilities.

Commercial stables/equestrian facilities.

Convenience eating and drinking establishments.

Educational facilities, public and private.

Exotic animal farm.

Extraction operations.

Fuel sales and service stations.

Full service eating and drinking establishments.

Funeral and interment services.

Game farm.

Group care facility.

Home based businesses (that do not comply with conditional use permit criteria).

Hunting/fishing lodges/guest ranches.

Kennel.

Land application of domestic septage.

Ministorage/RV storage.

Off site billboard/outdoor advertising.

Permanent housing for farm labor.

Pet grooming.

Power plant, including injection, production or other wells associated with geothermal power plants.

Private airstrip/landing strip.

Public and private clubs (golf, tennis, outdoor amphitheaters).

Public campground.

Racetracks.

Recreation facilities, public/private.

Religious assembly (churches, synagogues, mosques, etc.).

Sanatorium.

Second permanent dwelling unit (approved administratively).

Shooting ranges.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height greater than 40 feet].

Trucking businesses for agricultural products not produced on site.

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Veterinary clinic.

Wastewater/sewage treatment facility.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the A-10 district are listed below:
Adult entertainment.

Airports.

Brothel, house of prostitution.

Chemical manufacturing.

Hotels/motels.

Junkyards, wrecking yards, salvage yards.

Laboratories.

Manufactured/mobile home parks.

Manufacturing uses.

Multi-family dwelling except permanent housing for farm labor.

Planned unit development.

Recreational vehicle parks.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Recycling facilities. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2006-B, 2006: Bill 2005-F § 2.2, 2005)

16.08.160: FIRST ESTATE DISTRICT (E-1):

The purpose of this district is to provide for low to medium density single-family development. Minimum lot size is one-half (1/2) acre if water or sewer facilities are provided; one acre if facilities are not provided. In a planned unit development, provisions of subsection 16.12.040.3C2 of this title with regard to density apply. This zoning district is intended to provide for development of sites with water and sewer utilities.

A. The primary permitted uses in the E-1 district are this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter, it is determined that because of the impact, a special use permit is required:
Accessory structure, except accessory dwelling unit.

Agricultural uses.

Convenience eating and drinking establishment in a planned unit development.

Fuel sales and service station in a planned unit development.

Hotels/motels in a PUD.

Multi-family dwelling in a PUD.

Planned unit developments.

Produce sales in conjunction with a farm.

Public utilities.

Single-family dwelling.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height of 40 feet or less] (subject to a building permit).

Temporary real estate office within a subdivision.

Transportation of agricultural products to and from an agricultural operation.

Utilities, transmission lines and ancillary facilities within utility easements.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of forty feet (40') or less (subject to a building permit).

B. The uses in the E-1 district which require a conditional use permit are listed below:
Home based businesses (that comply with the conditional use permit criteria).

If the conditions for this permit cannot be met, a special use permit will be required.

C. The uses in the E-1 district which require a temporary use permit are listed below:
Living quarters for:
1. Elderly, invalid, or physically or mentally disabled person.
A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.
6. A property owner while building a single-family dwelling.

D. The uses in the E-1 district which require approval of a special use permit are listed below:
Accessory dwelling unit (approved administratively).

Bed and breakfast inn.

Childcare facilities.

Commercial stables/equestrian facilities.

Convenience eating and drinking establishment in the U.S. 50, U.S. 50A or U.S. 95 highway corridors.

Education facilities, public and private.

Fuel sales and service stations in the U.S. 50, U.S. 50A or U.S. 95 highway corridors.

Full service eating and drinking establishment in the U.S. 50, U.S. 50A or U.S. 95 highway corridors.

Group care facility.

Home based businesses (that do not comply with conditional use permit criteria).

Kennel.

Manufactured/mobile home parks.

Permanent housing for farm labor.

Pet grooming.

Public and private clubs (golf, tennis, outdoor amphitheaters).

Recreation facilities, public/private, unless proposed as part of a subdivision or PUD.

Religious assembly (churches, synagogues, mosques, etc.).

Second permanent dwelling unit (approved administratively).

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height greater than 40 feet].

Trucking businesses for agricultural products not produced on site.

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the E-1 district are listed below:
Adult entertainment.

Airports.

Animal pound.

Asphalt and concrete batch plant.

Automobile repair, commercial.

Boarding houses.

Brothel, house of prostitution.

Cemeteries.

Chemical manufacturing.

Cluster development.

Commercial campground facilities.

Commercial renewable energy facilities.

Exotic animal farm.

Extraction operations.

Funeral and interment services.

Game farm.

Highway maintenance facility.

Hotels/motels except in a PUD.

Hunting/fishing lodges/guest ranches.

Junkyards, wrecking yards, salvage yards.

Laboratories.

Land application of domestic septage.

Manufacturing uses.

Ministorage/RV storage.

Multi-family dwelling, except in a PUD.

Off site billboard/outdoor advertising.

Power plant.

Private airstrip/landing strip.

Public campgrounds.

Racetracks.

Recreational vehicle parks.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Recycling facilities.

Sanatorium.

Shooting ranges.

Veterinary clinic.

Wastewater/sewage treatment facility. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2006-B, 2006: Bill 2005-F § 2.2, 2005)

16.08.170: SINGLE-FAMILY RESIDENTIAL DISTRICT (R-1):

The purpose of this district is to provide for medium density single-family residential land uses with minimum lot size of seven thousand (7,000) square feet.

A. The primary permitted uses in the R-1 district are this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter, it is determined that because of the impact, a special use permit is required:
Accessory structure, except accessory dwelling unit.

Agricultural uses.

Convenience eating and drinking establishment in a planned unit development.

Fuel sales and service station in a planned unit development.

Hotels/motels in a PUD.

Multi-family dwellings in a PUD.

Planned unit developments.

Produce sales in conjunction with a farm.

Public utilities.

Single-family dwelling.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height of 40 feet or less] (subject to a building permit).

Temporary real estate office within a subdivision.

Transportation of agricultural products to and from an agricultural operation.

Utilities, transmission lines and ancillary facilities within utility easements.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of forty feet (40') or less (subject to a building permit).

B. The uses in the R-1 district which require a conditional use permit are listed below:

Home based businesses (that comply with the conditional use permit criteria).

If the conditions for this permit cannot be met, a special use permit will be required.

C. The uses in the R-1 district which require a temporary use permit are listed below:
Living quarters for:
1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.
6. A property owner while building a single-family dwelling.

D. The uses in the R-1 district which require approval of a special use permit are listed below:
Accessory dwelling unit (approved administratively).

Bed and breakfast inn.

Childcare facilities.

Educational facilities, public and private.

Group care facility.

Home based businesses (that do not comply with conditional use permit criteria).

Manufactured/mobile home parks.

Pet grooming.

Recreation facilities, public/private, unless proposed as part of a subdivision or PUD.

Religious assembly (churches, synagogues, mosques and schools).

Second permanent dwelling unit (approved administratively).

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height greater than 40 feet].

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the R-1 district are listed below:
Adult entertainment.

Airports.

Animal pound.

Asphalt and concrete batch plant.

Automobile repair, commercial.

Boarding house.

Brothel, house of prostitution.

Cemeteries.

Chemical manufacturing.

Cluster development.

Commercial campground facilities.

Commercial renewable energy facilities.

Commercial stables/equestrian facility.

Convenience eating and drinking establishment, except in a PUD.

Exotic animal farm.

Extraction operations.

Fuel sales and service station, except in a PUD.

Full service eating and drinking establishment.

Funeral and interment services.

Game farm.

Highway maintenance facility.

Hotels/motels, except in a PUD.

Hunting/fishing lodges/guest ranches.

Junkyards, wrecking yards, salvage yards.

Laboratories.

Land application of domestic septage.

Manufacturing uses.

Ministorage/RV storage.

Multi-family dwelling except in a PUD.

Off site billboard/outdoor advertising.

Permanent housing for farm labor.

Power plants.

Private airstrip/landing strip.

Public and private clubs (golf, tennis, outdoor amphitheaters).

Public campgrounds.

Racetracks.

Recreational vehicle parks.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside a recreational vehicle park.

Recycling facilities.

Sanatorium.

Shooting ranges.

Trucking business.

Veterinary clinic.

Wastewater/sewage treatment facilities. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2006-B, 2006: Bill 2005-F § 2.2, 2005)

16.08.180: MULTI-FAMILY RESIDENTIAL DISTRICT (R-2):

The purpose of this district is to provide for higher density single-family and limited high density multi-family (minimum of 5,000 square foot lot area for single-family and 2,000 for multi-family) residential developments. This mix type of residential zoning is considered compatible with medium density residential.

A. The primary permitted uses in the R-2 district are this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter, it is determined that because of the impact, a special use permit is required:

Accessory structure, except accessory dwelling unit.

Agricultural uses.

Convenience eating and drinking establishment in a planned unit development.

Fuel sales and service station in a planned unit development.

Hotels/motels in a PUD.

Multi-family dwellings.

Planned unit developments.

Produce sales in conjunction with a farm.

Public utilities.

Single-family dwelling.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height of 40 feet or less] (subject to a building permit).

Temporary real estate office within a subdivision.

Transportation of agricultural products to and from an agricultural operation.

Utilities, transmission lines and ancillary facilities within utility easements.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of forty feet (40') or less (subject to a building permit).

B. The uses in the R-2 district which require a conditional use permit are listed below:

Home based businesses (that comply with the conditional use permit criteria).

If the conditions for this permit cannot be met, a special use permit will be required.

C. The uses in the R-2 district which require a temporary use permit are listed below:

Living quarters for:

1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.
6. A property owner while building a single-family dwelling.

D. The uses in the R-2 district which require approval of a special use permit are listed below:

Accessory dwelling unit (approved administratively).

Bed and breakfast inn.

Boarding houses.

Childcare facilities.

Education facilities, public and private.

Group care facility.

Home based businesses (that do not comply with conditional use permit criteria).

Kennel.

Manufactured/mobile home parks.

Pet grooming.

Recreation facilities, public/private, unless proposed as part of a subdivision or PUD.

Religious assembly (churches, synagogues, mosques and schools).

Second permanent dwelling unit (approved administratively).

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height greater than 40 feet].

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the R-2 district are listed below:

Adult entertainment.

Airports.

Animal pound.

Asphalt and concrete batch plant.

Automobile repair, commercial.

Brothel, house of prostitution.

Cemeteries.

Chemical manufacturing.

Cluster development.

Commercial campground facilities.

Commercial renewable energy facilities.

Commercial stable and equestrian facilities.

Convenience eating and drinking establishment, except in a PUD.

Exotic animal farm.

Extraction operations.

Fuel sales and service station, except in a PUD.

Full service eating and drinking establishment.

Funeral and interment services.

Game farm.

Highway maintenance facility.

Hotels/motel, except in a PUD.

Hunting/fishing lodges/guest ranches.

Junkyards, wrecking yards, salvage yards.

Laboratories.

Land application of domestic septage.

Manufacturing uses.

Ministorage/RV storage.

Off site billboard/outdoor advertising.

Permanent housing for farm labor.

Power plants.

Private airstrip/landing strip.

Public and private clubs (golf, tennis, outdoor amphitheaters).

Public campgrounds.

Racetracks.

Recreational vehicle parks.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Recycling facilities.

Sanatoriums.

Shooting ranges.

Trucking business.

Veterinary clinic.

Wastewater/sewage treatment facilities. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2006-B, 2006: Bill 2005-F § 2.2, 2005)

16.08.190: GENERAL COMMERCIAL DISTRICT (C-1):

The purpose of this district is to promote mixed use commercial and associated land uses including regional centers and transit oriented commercial development (primarily retail sales, wholesales of new and used goods, and service facilities).

A. The primary permitted uses in the C-1 district are this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter, it is determined that because of the impact, a special use permit is required:
Agricultural uses.

Automobile/truck/RV/ATV/motorcycle repair, including temporary storage of associated vehicles.

Automobile/truck/RV/ATV/motorcycle sales.

Bed and breakfast inns.

Cemeteries.

Construction associated support services (plumbers, electricians, etc.).

Convenience retail sales.

Eating and drinking establishments, convenience and full service.

Education facilities and services.

Financial services (banking).

Fuel sales and service stations.

Funeral and interment services.

Grooming and pet stores.

Laundromat.

Manufactured/modular/mobile home sales.

Multi-family dwelling as part of a PUD.

Nursery sales, retail and wholesale.

Offices.

Personal storage (ministorage)/RV storage.

Planned unit developments.

Professional services.

Public utilities.

Recreational facilities as part of a PUD.

Religious assembly (churches, synagogues, mosques, etc.).

Retail sales (food, merchandise, hardware, new/used motorized vehicles).

Shopping centers with retail sales.

Single-family dwellings constructed or placed as a primary, permanent residence or within the area of a tentative map approved by the commission and board prior to January 1, 1998, or that comply with subsection 16.16.020.7C of this title.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height of 40 feet or less] (subject to a building permit).

Specialty stores retail sales (antiques).

Temporary real estate office within a subdivision.

Utilities, transmission lines and ancillary facilities within utility easements.

Veterinary clinic.

Wastewater treatment facility in a PUD.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of forty feet (40') or less (subject to a building permit).

B. The uses in the C-1 district which require a conditional use permit are listed below:
Home based businesses (that comply with the conditional use permit criteria) where there is an existing legal residence.

If the conditions for this permit cannot be met, a special use permit may be required.

C. The uses in the C-1 district which require a temporary use permit are listed below:
Living quarters for:

1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.
6. A property owner while building a single-family dwelling.

D. The uses in the C-1 district which require approval of a special use permit are listed below:
Accessory dwelling unit on a parcel where a legal permanent dwelling exists (approved administratively).

Assisted living and convalescent services.

Body piercing (excluding earrings); tattoo, body and permanent makeup; and similar operations that include the purchase, storage, use and disposal of needles and the use of inks and dyes that cause breaching of the skin or body.

Casinos.

Childcare facilities.

Commercial campground facilities/RV park.

Fabricating.

Group care facilities.

Kennel.

Laboratory testing.

Light manufacturing.

Manufactured/mobile home parks.

Multi-family dwelling, except in a PUD.

Outdoor sales (flea market, swap meet, special events).

Public and private clubs (golf, tennis, outdoor amphitheaters, etc.).

Recreational facilities, indoor and outdoor, unless part of a PUD.

Recreational vehicle parks.

Single-family residence associated with a business.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building (detached system height greater than 40 feet).

Storage of operable vehicles (towing yards).

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the C-1 district are listed below:
Adult entertainment.

Airport.

Asphalt and concrete batch plants.

Brothel, house of prostitution.

Chemical manufacturing.

Commercial renewable energy facilities.

Commercial slaughtering.

Commercial stables/equestrian facilities.

Equipment services and storage.

Exotic animal farm.

Extraction operations.

Game farm.

Junkyards, wrecking yard, salvage yards, except for a storage yard associated with an auto body repair or auto repair shop.

Land application of domestic septage.

Manufacturing, processing, and assembly.

Meatpacking.

Off premises outside storage.

Power plants.

Private airstrip/landing strip.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Recycling facilities.

Shooting ranges.

Single-family residence not associated with a business or in a PUD.

Trucking services.

Wastewater treatment facilities not part of a PUD.

Wholesale storage and distribution. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.200: GENERAL HEAVY COMMERCIAL DISTRICT (C-2):

The purpose of this district is to provide for general heavy commercial and service enterprises for the community at large.

A. The primary permitted uses in the C-2 district are the uses permitted in the C-1 district plus this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter it is determined that because of the impact, a special use permit is required:
Equipment services and storage.

Light manufacturing.

Multi-family dwelling as part of a PUD.

Recreational facilities as part of a PUD.

Recycling facilities (all operations inside of a building).

Trucking services.

Utilities, transmission lines and ancillary facilities within utility easements.

Wastewater treatment facility in a PUD.

Wholesale storage and distribution, light and heavy.

B. The uses in the C-2 district which require a conditional use permit are listed below:
Home based businesses (that comply with the conditional use permit criteria) where there is an existing legal residence.

If the conditions for this permit cannot be met, a special use permit may be required.

C. The uses in the C-2 district which require a temporary use permit are listed below:
Living quarters for:

1. Elderly, invalid, or physically or mentally disabled person.

2. A caretaker for an elderly, invalid, or physically or mentally disabled person.

3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.

4. Farm labor on a bona fide ranching or farming operation.

5. A watchman for commercial operation.

6. A property owner while building a single-family dwelling.

D. The uses in the C-2 district which require approval of a special use permit are listed below:
Accessory dwelling unit on a parcel where a legal permanent dwelling exists (approved administratively).

Asphalt and concrete batch plants.

Assisted living and convalescent services.

Body piercing (excluding earrings); tattoo, body and permanent makeup; and similar operations that include the purchase, storage, use and disposal of needles and the use of inks and dyes that cause breaching of the skin or body.

Casinos.

Childcare facilities.

Commercial campground facilities/RV park.

Commercial slaughtering.

Fabricating.

Group care facilities.

Kennel.

Laboratory testing.

Manufactured/mobile home parks.

Manufacturing, processing, and assembly.

Meatpacking.

Multi-family dwelling, except in a PUD.

Outdoor sales (flea markets, swap meets, special events).

Public/private clubs (golf, tennis, etc.).

Recreational facilities, indoor and outdoor, unless part of a PUD.

Recreational vehicle parks.

Recycling facilities (any operations outside of a building).

Single-family residence associated with a business.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height greater than 40 feet].

Storage of operable vehicles (tow yard).

Tire retreading/rebuilding.

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the C-2 district are listed below:
Adult entertainment.

Airport.

Brothel, house of prostitution.

Chemical manufacturing.

Commercial renewable energy facilities.

Commercial stables, equestrian facilities.

Exotic animal farm.

Extraction operations.

Game farm.

Junkyards, wrecking yards, salvage yards, except for a storage yard associated with an auto body repair or auto repair shop.

Land application of domestic septage.

Off premises outside storage.

Power plants.

Private airstrip/landing strip.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Shooting ranges.

Single-family residence not associated with a business or in a PUD.

Wastewater treatment facilities not part of a PUD. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.210: INDUSTRIAL DISTRICT (I):

The purpose of this district is to provide for industrial activities and land uses that have the most potential for impacting adjacent land uses and infrastructure (e.g., heavy industrial). This type of zoning should be located in areas with good access to roadway and/or railway transportation systems.

A. The primary permitted uses in the I district are the uses permitted in the C-1 and C-2 districts unless they conflict with industrial operations plus this list plus other uses of a similar nature:
Manufacturing, processing, and assembly.

Multi-family dwelling as part of a PUD.

Recreational facilities, indoor and outdoor, as part of a PUD.

Wastewater treatment facility in a PUD.

B. The uses in the I district which require a conditional use permit are listed below:
Home based businesses (that comply with the conditional use permit criteria) where there is an existing legal residence.

If the conditions for this permit cannot be met, a special use permit may be required.

C. The uses in the I district which require a temporary use permit are listed below:
Living quarters for:
1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial or industrial operation.

D. The uses in the I district which require approval of a special use permit are listed below:
Accessory dwelling unit on a parcel where a legal permanent dwelling exists (approved administratively).

Adult entertainment.

Airport.

Asphalt and concrete batch plants.

Bed and breakfast inn.

Chemical manufacturing.

Childcare facilities.

Commercial campground facilities/RV park.

Commercial renewable energy facilities.

Commercial slaughtering.

Education facilities and services.

Extraction operations.

Group care facilities.

Junkyards, salvage yards, wrecking yards.

Kennel.

Laboratory testing.

Meatpacking.

Off premises outside storage.

Power plants, including injection, production or other wells associated with geothermal power plants.

Private airstrip/landing strip.

Recreation facilities outdoor, except in a PUD.

Recycling facilities (any operations outside of a building).

Shooting ranges.

Single-family residence associated with a business.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building (detached system height greater than 40 feet).

Storage of operable vehicles (tow yards).

Tire retreading/rebuilding.

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Veterinary clinic.

Wastewater treatment facility not included in a PUD.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

E. Specific prohibited uses in the I district are listed below:
Assisted living and convalescent services.

Body piercing (excluding earrings); tattoo, body and permanent makeup; and similar operations that include the purchase, storage, use and disposal of needles and the use of inks and dyes that cause breaching of the skin or body.

Brothel, house of prostitution.

Casinos.

Commercial stables/equestrian facilities.

Exotic animal farm.

Game farm.

Land application of domestic septage.

Manufactured/mobile home parks.

Multi-family dwelling, except in a PUD.

Outdoor sales (flea market, swap meet, special events).

Public and private clubs (golf, tennis, outdoor amphitheaters).

Recreational facilities, indoor (skating rink, bowling alleys, theaters, shooting, etc.), except in a PUD.

Recreational vehicle parks.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Single-family residence not associated with a business or in a PUD. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2005-F § 2.2, 2005)

16.08.220: RURAL RESOURCE DISTRICT (RR-20):

The purpose of this district is to protect and enhance all natural resources including historical and archeological sites by limiting, controlling and prohibiting certain use of lands.

A. The primary permitted uses in the RR-20 district are this list plus other uses of a similar nature unless, per subsection 16.08.080C of this chapter, it is determined that because of the impact, a special use permit is required:
Accessory structure, except accessory dwelling unit.

Agricultural uses.

Highway maintenance facility.

Produce sales in conjunction with a farm.

Public utilities.

Single-family dwelling.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height of 40 feet or less] (subject to a building permit).

Temporary real estate office within a subdivision.

Transportation of agricultural products to and from an agricultural operation.

Utilities, transmission lines and ancillary facilities within utility easements.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of forty feet (40') or less (subject to a building permit).

B. The uses in the RR-20 district which require a conditional use permit are listed below:
Home based businesses (that comply with the conditional use permit criteria).

If the conditions for this permit cannot be met, a special use permit will be required.

C. The uses in the RR-20 district which require a temporary use permit are listed below:
Living quarters for:

1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.
6. A property owner while building a single-family dwelling.

D. The uses in the RR-20 district which require approval of a special use permit are listed below:

Accessory dwelling unit (approved administratively).

Airport.

Animal pound.

Asphalt and concrete batch plants.

Automobile repair, commercial.

Bed and breakfast inn.

Brothel, house of prostitution.

Cemeteries.

Childcare facilities.

Commercial campground facilities.

Commercial renewable energy facilities.

Commercial stables/equestrian centers.

Convenience eating and drinking establishments.

Educational facilities, public and private.

Exotic animal farm.

Extraction operations.

Fuel sales and service stations.

Full service eating and drinking establishments.

Game farm.

Group care facility.

Home based businesses (that do not comply with conditional use permit criteria).

Hunting/fishing lodges/guest ranches.

Junkyards, wrecking yards, salvage yards.

Kennel.

Land application of domestic septage.

Ministorage/RV storage.

Off site billboard/outdoor advertising.

Permanent housing for farm labor.

Pet grooming.

Power plants, including injection, production or other wells associated with geothermal power plants.

Private airstrip/landing strip.

Public and private clubs (golf, tennis, outdoor amphitheaters).

Public campground.

Racetracks.

Recreation facilities, indoor and outdoor, public/private.

Recreational vehicle parks.

Recycling facilities.

Religious assembly (churches, synagogues, mosques, etc.).

Second permanent dwelling unit (approved administratively).

Shooting ranges.

Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from a building [detached system height greater than 40 feet].

Tire retreading/rebuilding.

Trucking businesses for agricultural products not produced on site.

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Veterinary clinic.

Wastewater/sewage treatment facility.

Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height greater than forty feet (40').

Such other uses determined by the commission to be similar and not more obnoxious or detrimental than uses already existing in that zone.

E. Specific prohibited uses in the RR-20 district are listed below:
Adult entertainment.

Boarding house.

Chemical manufacturing.

Cluster developments.

Funeral and interment services.

Hotels and motels.

Laboratories.

Manufactured/mobile home parks.

Manufacturing uses.

Multi-family dwellings except permanent housing for farm labor.

Planned unit development.

Recreational vehicles when used as permanent dwellings without a temporary use permit outside of a recreational vehicle park.

Sanatoriums. (Bill 2012-F, 2012: Bill 2010-G, 2010: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2006-B, 2006: Bill 2005-F § 2.2, 2005)

16.08.230: FALLON MUNICIPAL AIRPORT OVERLAY ZONE:

A. Applicability Of Provisions: Whenever the provisions of this section impose stricter requirements than those of other ordinances or underlying land use districts, the provisions of this section shall prevail. Whenever the provisions of other ordinances or underlying land use districts impose stricter requirements than those of this section, such stricter requirements shall prevail.

B. Hazards Designated: "Hazards" are determined to be any structure or object of natural growth located on or in the vicinity of the Fallon Municipal Airport or any use of land near Fallon Municipal Airport which obstructs the airspace required for the flight of aircraft in landing or takeoff at the airport or is otherwise hazardous to such landing and takeoff of aircraft.

C. Clear Zone Restrictions: No structures will be allowed in the clear zone as shown on the map entitled "Fallon Municipal Airport zoning regulations".

D. Height Limits; Visual Approach Zone: No structure or tree shall be erected, altered, allowed to grow or be maintained so as to penetrate through and be higher in elevation than the runway visual approach zone of the Fallon Municipal Airport; i.e., within an area which slopes upward (20 feet horizontally for each foot vertically) beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance, as shown on the map entitled "Fallon Municipal Airport zoning regulations", along the extended runway centerline. (Note: The primary surface is the surface centered on the runway. When the runway has a specially prepared hard surface, the primary surface extends 200 feet beyond each end of the runway.)

E. Height Limits; Horizontal Surface: The horizontal surface is a plane, circular in shape, with its height one hundred fifty feet (150') above the established airport elevation (Fallon airport elevation is 3,955 feet above sea level) and having a radius as shown on the map entitled "Fallon Municipal Airport zoning regulations". In any area that is within the same radius of the airport reference point as the radius of the horizontal surface, no object shall exceed a height of one hundred fifty feet (150') above the established elevation of the Fallon Municipal Airport. The maximum elevation permitted in horizontal surface is four thousand one hundred five feet (4,105') above sea level. (Note: Airport reference point is a point selected as the approximate geometric center of the airport landing area and is marked as "A.R.P." on the map entitled "Fallon Municipal Airport zoning regulations".)

F. Height Limits; Conical Surface: The conical surface extends upward and outward from the periphery of the horizontal surface with a slope of twenty to one (20:1) measured in a vertical plane passing through the airport reference point. No structure or tree shall be erected, altered, allowed to grow or be maintained so as to penetrate through and be higher in elevation than the conical surface described in this subsection.

G. Effect On Zoning Provisions: The visual approach zone, the horizontal surface and the conical surface are as shown on the map entitled "Fallon Municipal Airport zoning regulations", which is hereby made a part of this title and which overlays existing county land use districts.

H. Nonconforming Uses: Nothing contained in this section shall require any change in any structure, the construction or alteration of which was begun prior to August 5, 1975; provided, however, that all of the provisions of this section shall also apply. (Bill 2005-F § 2.2, 2005)

16.08.240: NAVAL AIR STATION FALLON AND ASSOCIATED RANGES NOTIFICATION AREA:

A. Applicability Of Other Code Provisions: Whenever the provisions of this section impose stricter requirements than those of other ordinances or underlying land use districts, the provisions of this section shall prevail. Whenever the provisions of other ordinances or underlying land use districts impose stricter requirements than those of this section, such stricter requirements shall prevail.

B. Definitions: As used in this section, unless the text otherwise requires:
AICUZ: Naval Air Station Fallon, Nevada, "Air Installation Compatible Use Zones 1999" detailing compatible use zones and suggested land use compatibility in accident potential zones.

AIRFIELD: Naval Air Station Fallon.

FLIGHT HAZARD: Any structure or tree or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off, at any airport, or is otherwise hazardous to such landing or taking off of aircraft.

NAS FALLON AIR STATION AND ASSOCIATED RANGES NOTIFICATION AREA MAP: A composite map on file at the office of the Churchill County planning department dated September 2006. Said map was developed from the updated interlocal agreement between Churchill County and NAS Fallon dated August 2006 and data contained in the "Air Installation Compatible Use Zones Program Update 1999" regarding jet aircraft accident potentials and noise levels.

C. Nonconforming Uses: The regulations prescribed in this section shall not be construed to require the removal, lowering, or other change or alteration of any structure or natural growth not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any nonconforming use.

D. Variances: Any person desiring to erect any structure or increase the height of any structure, or permit natural growth, or use his property, not in accordance with the regulations prescribed in this section, may apply to the planning commission for a variance therefrom. Such variance shall be allowed where a literal application or enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest and will be in accordance with the spirit of this section.

E. Future Uses: No change shall be made in the existing zoning or significant material use of any land, nor shall any development or construction be undertaken as of the date of enactment of this section, which increases the use occupancy or density of said land not in conformity with the zoning districts underlying the NAS Fallon naval air station notification area map without notice to and input from NAS Fallon.

F. Primary Permitted Uses: The primary permitted uses in the A-5 agricultural district, A-10 agricultural district and RR-20 rural resource district underlying the NAS Fallon and associated ranges notification area include:
Buildings for the sale and display of products grown and raised on the premises, provided the buildings are situated no closer than fifty feet (50') to any property classified in a residential district or closer than thirty feet (30') to any street or highway.

Farms for the raising or growing and marketing on a commercial scale of poultry, rabbits, livestock, tree and bush crops, field crops and dairies, including related uses, but not including commercial slaughtering.

Public utilities.

Single-family dwellings and accessory buildings and uses associated therewith.

Utility transmission lines and ancillary facilities within utility easements.

Veterinary clinic with no kennels.

Watershed protection, water storage reservoirs, pipelines, distribution lines, irrigation canals and ditches.

G. Temporary Use Permit: The uses in the A-5 and A-10 district underlying the NAS Fallon and associated bombing ranges notification area which require a temporary use permit are listed below:
Living quarters for:
1. Elderly, invalid, or physically or mentally disabled person.
2. A caretaker for an elderly, invalid, or physically or mentally disabled person.
3. A circumstance similar to the situations in subsections 1 and 2 of this use where an extenuating hardship can be demonstrated.
4. Farm labor on a bona fide ranching or farming operation.
5. A watchman for commercial operation approved under a special use permit.
6. A property owner while building a single-family dwelling.

H. Special Use Permit: The uses in the A-5 agricultural district, A-10 agricultural district and RR-20 rural resource district underlying the NAS Fallon and associated ranges notification area that require approval of a special use permit are listed below. Such permit may only be granted by the commission upon such findings, among others, as not to constitute a conflict with the NAS Fallon naval air station notification area map. Recommended land uses in accident potential zones are set forth in the most recent version of the NAS Fallon AICUZ document on file in the Churchill County planning department.

Accessory dwelling unit.

Animal pound.

Asphalt and concrete batch plants.

Bed and breakfast inn.

Cemeteries.

Childcare facility.

Cluster developments.

Commercial campground facilities/RV park.

Commercial stables/equestrian facilities.

Convenience eating and drinking establishments.

Educational facilities, public and private.

Extraction operations.

Fuel sales and service stations.

Full service eating and drinking establishments.

Funeral and interment services.

Game farm.

Group care facility.

Home based businesses (that do not comply with conditional use permit criteria).

Hotels and motels.

Hunting/fishing lodges/guest ranches.

Kennel.

Land application of domestic septage.

Ministorage/RV storage.

Off site billboard/outdoor advertising.

Permanent housing for farm labor.

Pet grooming.

Private airstrip/landing strip.

Public and private clubs (golf, tennis, outdoor amphitheaters).

Public campground.

Racetracks.

Recreation facilities, public/private.

Religious assembly (churches, synagogues, mosques, etc.).

Sanatoriums.

Second dwelling (approved administratively).

Solar and small wind energy systems for more than one residence or with a tower height greater than forty feet (40').

Solar and small wind energy systems for one residence with a tower height of forty feet (40') or less (subject to a building permit).

Transmission lines.

Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities.

Veterinary clinic.

Wastewater/sewage treatment facility.

Such other uses determined by the planning commission to be similar and not more obnoxious or detrimental than uses currently existing in that zone.

I. Prohibited Uses: Specific prohibited uses in the A-5 and A-10 districts underlying the NAS Fallon and associated bombing ranges notification area are listed below:
Airports.

Automotive repair.

Boarding house.

Chemical manufacturing (byproducts or experimental).

Junkyards, wrecking yards, salvage yards.

Laboratories, chemical manufacturing (byproducts or experimental).

Manufacturing use.

Multi-family dwelling except permanent housing for farm labor.

Planned unit development.

Power plants.

Recreational vehicles when used as permanent dwellings without a temporary use permit.

Shooting ranges.

Tire retreading/rebuilding.

J. Notification: The county shall notify NAS Fallon of any proposal for a structure greater than two hundred feet (200') in height between one mile and nine (9) miles from the NAS Fallon boundary. For any special use permit, or for any variance involving height of any structure of greater than ninety five feet (95') in height within one mile of the boundary of NAS Fallon, notice shall be sent by the planning department as provided for by Nevada Revised Statutes 155.010 to:

Commanding Officer
NAS Fallon
4755 Pasture Road
Fallon, NV 89406

The NAS Fallon commanding officer or his designee shall respond to the notice within thirty (30) days of receipt of said notice to:

Churchill County
Planning Department
155 N. Taylor St. Suite 194
Fallon, NV 89406

In the event the commanding officer or his designee fails to respond within thirty (30) days of receipt of said notice, the Churchill County planning department shall deem the lack of response as an indication in the affirmative that NAS Fallon has no objection or reservation with respect to the issuance of a permit.

K. Existing Uses: Existing uses and structures may only be replaced, substantially altered, repaired or rebuilt within any of the zoning districts underlying the NAS Fallon notification area, provided any replacement, alteration, or repair that may be undertaken would not create a hazard to air navigation or permit a nonconforming use or structure to be made or become significantly taller on the subject property than it was on the effective date hereof or than it was when the application for a permit was made. Except as indicated, all applications for a permit for replacement, remodel, or repair of existing use or structure shall be granted.

L. Hazard Marking: Any permit or variance granted under this section may, if such action is considered advisable to effectuate the purposes of this section and reasonable in the circumstances, be so conditioned as to require the owner of the structure in question to permit the Naval Air Station Fallon, at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to aircraft pilots the presence of a flight hazard. (Bill 2012-F, 2012: Bill 2007-I, 2007: Bill 2006-G, 2006: Bill 2006-B, 2006: Bill 2005-F § 2.2, 2005)

16.08.250: USE TABLE FOR RESIDENTIAL ZONING DISTRICTS:

Blank = Not allowed
P = Permitted (subject to building permit)
C = Conditional
S = Special use permit
T = Temporary use permit

Use	A-5	A-10	E-1	R-1	R-2	RR-20
Accessory dwelling unit (approved administratively)	S	S	S	S	S	S
Accessory structure, except accessory dwelling unit	P	P	P	P	P	P
Adult entertainment						
Agricultural uses	P	P	P	P	P	P
Airports						S
Animal pound	S	S				S
Asphalt and concrete batch plants	S	S				S
Automobile repair, commercial	S	S				S
Bed and breakfast inns	S	S	S	S	S	S
Boarding house		S			S	
Brothel, house of prostitution						S
Cemeteries	S	S				S
Chemical manufacturing, byproducts or experimental						
Childcare facilities	S	S	S	S	S	S
Cluster developments	P	P				
Commercial campground facilities	S	S				S
Commercial renewable energy facilities		S				S
Commercial stables/equestrian facilities	S	S	S			S
Convenience eating and drinking establishments	S	S				S
Convenience eating and drinking establishments in a planned unit development			P	P	P	
Convenience eating and drinking establishments in the U.S. 50, U.S. 50A or U.S. 95 highway corridors	S	S	S			S
Educational facilities, public and private	S	S	S	S	S	S
Exotic animal farm	S	S				S
Extraction operations	S	S				S

Use	A-5	A-10	E-1	R-1	R-2	RR-20
Fuel sales and service station in a planned unit development			P	P	P	
Fuel sales and service station in the U.S. 50, U.S. 50A or U.S. 95 highway corridors	S	S	S			S
Fuel sales and service stations	S	S				S
Full service eating and drinking establishment	S	S				S
Full service eating and drinking establishment in the U.S. 50, U.S. 50A or U.S. 95 highway corridors	S	S	S			S
Funeral and interment services	S	S				
Game farm	S	S				S
Group care facility	S	S	S	S	S	S
Highway maintenance facility	P	P				P
Home based businesses	C/S	C/S	C/S	C/S	C/S	C/S
Hotels and motels	S					
Hotels/motels in a PUD			P	P	P	
Hunting/fishing lodges/guest ranches	S	S				S
Junkyard, salvage yard, wrecking yard						S
Kennel	S	S	S	S	S	S
Laboratories (testing)						
Land application for domestic septage	S	S				S
Living quarters, temporary (hardship, elderly, disabled, watchmen, farm labor, or while building a single-family dwelling)	T	T	T	T	T	T
Manufactured/mobile home parks	S		S	S	S	
Manufacturing uses						
Ministorage/RV storage	S	S				S
Multi-family dwellings					P	
Multi-family dwellings as permanent housing for farm labor	S	S				S
Multi-family dwellings in a PUD			P	P	P	
Off site billboard, outdoor advertising	S	S				S
Permanent housing for farm labor	S	S	S			S
Pet grooming	S	S	S	S	S	S
Planned unit developments			P	P	P	

Use	A-5	A-10	E-1	R-1	R-2	RR-20
Power plants		S				S
Private airstrip/landing strip	S	S				S
Produce sales in conjunction with a farm	P	P	P	P	P	P
Public and private clubs (golf, tennis, outdoor amphitheaters)	S	S	S			S
Public campgrounds	S	S				S
Public Utilities	P	P	P	P	P	P
Racetracks	S	S				S
Recreation facilities, indoor and outdoor, public/private	S	S	S	S	S	S
Recreational Vehicle Parks	S					S
Recreational vehicles when used as Temporary dwelling outside of a recreational vehicle park	T	T	T	T	T	T
Recycling facilities						S
Religious assembly (churches, Synagogues, mosques, etc.)	S	S	S	S	S	S
Sanatoriums	S	S				
Second permanent dwelling (approved Administratively)	S	S	S	S	S	S
Shooting ranges		S				S
Single-family dwelling	P	P	P	P	P	P
Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from the building [detached system height of 40 feet or less] (subject to a building permit)	P	P	P	P	P	P
Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from the building [detached system height greater than 40 feet]	S	S	S	S	S	S
Temporary living quarters (hardship, elderly, disabled, watchmen, farm labor, or while building a single-family dwelling)	T	T	T	T	T	T
Temporary real estate office within a subdivision	P	P	P	P	P	P
Tire retreading/rebuilding						S
Transportation of agricultural products to and from an agricultural operation	P	P	P	P	P	P

Use	A-5	A-10	E-1	R-1	R-2	RR-20
Trucking business for agricultural products not produced on site	S	S	S	S	S	S
Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities	P	P	P	P	P	P
Veterinary clinic	S	S				S
Wastewater/sewage treatment facility	S	S				S
Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of 40 feet or less (subject to a building permit)	P	P	P	P	P	P
Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of 40 feet or less (subject to a building permit)	S	S	S	S	S	S

(Bill 2012-F)

16.08.260: USE TABLE FOR NONRESIDENTIAL ZONING DISTRICTS:

Blank = Not allowed P = Permitted (subject to building permit)
C = Conditional S = Special use permit
T = Temporary use permit

Use	C-1	C-2	I
Accessory dwelling unit on a parcel where a legal permanent dwelling exists (approved administratively)	S	S	S
Adult entertainment			S
Agricultural uses	P	P	P
Airport			S
Asphalt and concrete batch plants		S	S
Assisted living and convalescent services	S	S	
Automobile/truck/RV/ATV/motorcycle repair, including temporary storage of associated vehicles	P	P	P
Automobile/truck/RV/ATV/motorcycle sales	P	P	P
Bed and breakfast inns	P	P	S
Body piercing (excluding earrings); tattoo, body and permanent makeup; and similar operations that include the purchase, storage, use and disposal of needles and the use of inks and dyes that cause breaching of the skin or body	S	S	

Use	C-1	C-2	I
Brothel, house of prostitution			
Casinos	S	S	
Cemeteries	P	P	P
Chemical manufacturing			S
Childcare facilities	S	S	S
Commercial campground facilities/RV park	S	S	S
Commercial renewable energy facilities			S
Commercial slaughtering		S	S
Commercial stables/equestrian facilities			
Construction associated support services (plumbers, electricians, etc.)	P	P	P
Convenience retail sales	P	P	P
Eating and drinking establishments, convenience and full service	P	P	P
Educational facilities and services	P	P	S
Equipment services and storage		P	P
Exotic animal farm			
Extraction operations			S
Fabrication	S	S	P
Financial services (banking)	P	P	P
Fuel sales and service stations	P	P	P
Funeral and interment services	P	P	P
Game farm			
Grooming and pet stores	P	P	P
Group care facility	S	S	S
Home based businesses (that comply with conditional use permit criteria) where there is an existing legal residence	C	C	C
Junkyard, salvage yard, wrecking yard			S
Kennel	S	S	S
Laboratory testing	S	S	S
Land application for domestic septage			
Laundromat	P	P	P
Light manufacturing	S	P	P
Manufactured/mobile home parks	S	S	

Use	C-1	C-2	I
Multi-family dwelling	S	S	
Multi-family dwelling as part of a PUD	p	p	p
Nursery sales, retail and wholesale	p	p	p
Off premises outside storage			S
Offices	p	p	p
Outdoor sales (flea markets, swap meets, special events)	S	S	
Personal storage (ministorage)/RV storage	p	p	p
Planned unit developments	p	p	p
Power plants			S
Private airstrip/landing strip			S
Professional services	p	p	p
Public and private clubs (golf, tennis, outdoor amphitheaters, etc.)	S	S	
Public utilities	p	p	p
Recreational facilities as part of a PUD	p	p	p
Recreational facilities, indoor and outdoor	S	S	S
Recreational vehicle parks	S	S	S
Recreational vehicles when used as a temporary dwelling outside of a recreational vehicle park	T	T	T
Recycling facilities (all operations inside of a building)		p	p
Recycling facilities (any operations outside of a building)		S	S
Religious assembly (churches)	p	p	p
Retail sales (food, merchandise, hardware, new/used motorized vehicles excluding equipment)	p	p	p
Shooting ranges			S
Shopping centers with retail sales	p	p	p

Use	C-1	C-2	I
Single-family residence not associated with a business or PUD			
Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from the building [detached system height of 40 feet or less] (subject to a building permit)	P	P	P
Solar energy system (private use) providing electrical power to a lawful principal use including panels on the roof or detached from the building [detached system height greater than 40 feet]	S	S	S
Specialty stores retail sales (antiques)	P	P	P
Storage of operable vehicles (towing yards)	S	S	S
Temporary living quarters (hardship, elderly, disabled, watchmen)	T	T	T
Temporary real estate office within a subdivision	P	P	P
Tire retreading/rebuilding		S	S
Trucking services		P	P
Utilities, transmission lines and ancillary facilities incapable of containment within an easement or overburdening the scope of an existing easement, including wireless towers and accompanying facilities	S	S	S
Utilities, transmission lines and ancillary facilities within utility easements	P	P	P
Veterinary clinic	P	P	S
Wastewater/sewage treatment facility in a PUD	P	P	P
Wastewater/sewage treatment facility not included in a PUD			S
Wholesale storage and distribution (light and heavy)		P	P
Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of 40 feet or less (subject to a building permit)	P	P	P
Wind energy conversion system (private use) providing electrical power to a lawful principal use with a tower height of 40 feet or less (subject to a building permit)	S	S	S

(Bill 2012-F)